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TERRY E. BRANSTAD, Governor
RON J. CORBETT, Speaker of the House
MARY KRAMER, President of the Senate

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JOURNAL OF THE HOUSE

Eightieth Calendar Day - Fifty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 1, 1998

The House met pursuant to adjournment at 9:00 a.m., Speaker Corbett in the chair.

Prayer was offered by Chaplain Jack Mauldin, Iowa Veterans Home, Marshalltown.

The Journal of Tuesday, March 31, 1998 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Chapman of Linn, until her arrival, on request of Bernau of Story.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:05 a.m., until 10:30 a.m.

LATE MORNING SESSION

The House reconvened at 10:40 a.m., Speaker Corbett in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 31, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2135, a bill for an act relating to a mid-America port commission agreement and providing an effective date.

Also: That the Senate has on April 1, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2257, a bill for an act relating to the regulation of and motor vehicle operation on the roads and streets of this state by providing for the classification of the system of roads and streets, authorizing easements on state-controlled lands, providing for the admissibility of official records of the state department of transportation, regulating motor vehicles and motor vehicle dealers, authorizing maintenance vehicles to stop or park on the traveled way of the roadway, allowing single trucks a variance on their maximum length, administering of motor vehicle laws by the state department of transportation concerning motor vehicle dealer sales, multiyear vehicle and vehicle dealer licensing, requiring the payment of certain civil penalties before issuance of temporary restricted licenses, and modifying the compilation requirements for airport sufficiency ratings.

Also: That the Senate has on April 1, 1998, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2321, a bill for an act relating to the confidentiality of certain records and reports held by the labor commissioner.

MARY PAT GUNDERSON, Secretary

CONSIDERATION OF BILLS Unfinished Business Calendar

Senate File 2052, a bill for an act relating to programs involving government finance, by providing for the issuance of private activity bonds to administer programs by governmental entities, including the Iowa agricultural development authority and political subdivisions, and providing program assistance to beginning farmers, with report of committee recommending amendment and passage, was taken up for consideration.

Klemme of Plymouth asked and received unanimous consent that the committee amendment H-8360 be deferred.

Rants of Woodbury asked and received unanimous consent that amendment H-8126 and amendment H-8139 be deferred.

Warnstadt of Woodbury offered amendment H-8717 filed by Warnstadt, et al., as follows:

H-8717

- 1 Amend Senate File 2052, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 1, through page 2,
- 4 line 7, and inserting the following:
- 5 "Sec. ____ Section 7C.4A, Code 1997, is amended to
- 6 read as follows:
- 7 7C.4A ALLOCATION OF STATE CEILING.
- 8 ~~For each calendar year, the~~ The state ceiling shall
- 9 be allocated among bonds issued for various purposes
- 10 as follows:
- 11 1. For each calendar year, ninety-seven percent of
- 12 the first one hundred fifty million dollars of the
- 13 state ceiling shall be allocated as follows:
- 14 a. Thirty percent of the state ceiling amount
- 15 shall be allocated solely to the Iowa finance
- 16 authority for the following purposes:
- 17 a- (1) Issuing qualified mortgage bonds.
- 18 b- (2) Reallocating the amount, or any portion
- 19 thereof, to another qualified political subdivision
- 20 for the purpose of issuing qualified mortgage bonds;

21 or

22 e. (3) Exchanging the allocation, or any portion
23 thereof, for the authority to issue mortgage credit
24 certificates by election under section 25(c) of the
25 Internal Revenue Code.

26 However, at any time during the calendar year the
27 executive director of the Iowa finance authority may
28 determine that a lesser amount need be allocated to
29 the Iowa finance authority and on that date this
30 lesser amount shall be the amount allocated to the
31 authority and the excess shall be allocated under
32 subsection 6 3.

33 2. b. Twelve percent of the state ceiling amount
34 shall be allocated to bonds issued to carry out
35 programs established under chapters 260C, 260E, and
36 260F. However, at any time during the calendar year
37 the director of the Iowa department of economic
38 development may determine that a lesser amount need be
39 allocated and on that date this lesser amount shall be
40 the amount allocated for those programs and the excess
41 shall be allocated under subsection 6 3.

42 3. c. Sixteen percent of the state ceiling amount
43 shall be allocated to qualified student loan bonds.
44 However, at any time during the calendar year the
45 governor's designee, with the approval of the Iowa
46 student loan liquidity corporation, may determine that
47 a lesser amount need be allocated to qualified student
48 loan bonds and on that date the lesser amount shall be
49 the amount allocated for those bonds and the excess
50 shall be allocated under subsection 6 3.

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1 4. d. Sixteen ~~Twenty-one~~ percent of the state
2 ceiling amount shall be allocated to qualified small
3 issue bonds issued for first-time farmers. However,
4 at any time during the calendar year the governor's
5 designee, with the approval of the Iowa agricultural
6 development authority, may determine that a lesser
7 amount need be allocated to qualified small issue
8 bonds for first-time farmers and on that date this
9 lesser amount shall be the amount allocated for those
10 bonds and the excess shall be allocated under
11 subsection 6 3.

12 e. Eighteen percent of the amount shall be
13 allocated to bonds issued by political subdivisions to
14 finance a qualified industry or industries for the
15 manufacturing, processing, or assembly of agricultural
16 or manufactured products even though the processed
17 products may required further treatment before
18 delivery to the ultimate consumer.

19 5. 2. During the period of January 1 through
20 October 25 June 30, five three percent of the first

21 one hundred fifty million dollars of the state ceiling
22 shall be reserved for private activity bonds issued by
23 political subdivisions, the proceeds of which are used
24 by the issuing political subdivisions. During that
25 period, the reserved percentage shall not be allocated
26 for a purpose provided in subsection 1.

27 ~~6-3~~ a. The amount of the state ceiling which is
28 not otherwise allocated under subsections this
29 section, including any amount above the first one
30 hundred fifty million dollars of the state ceiling as
31 provided in this section, any amount under subsection
32 1 through 4 which is not allocated, and after ~~October~~
33 ~~25 June 30~~, the any amount of the state ceiling
34 reserved under subsection ~~5~~ and 2 which is not
35 allocated, shall be allocated to all bonds requiring
36 an allocation under section 146 of the Internal
37 Revenue Code without priority for any type of bond
38 over another, except as otherwise provided in sections
39 7C.5 and 7C.11.

40 b. The population of the state shall be determined
41 in accordance with the Internal Revenue Code.

42 Sec. ____ Section 7C.5, Code 1997, is amended to
43 read as follows:

44 7C.5 FORMULA FOR ALLOCATION.

45 Except as provided in section 7C.4A, subsections
46 subsection 1 through 4, the state ceiling shall be
47 allocated among all political subdivisions on a
48 statewide basis on the basis of the chronological
49 orders of receipt by the governor's designee of the
50 applications described in section 7C.6 with respect to

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1 a definitive issue of bonds, as determined by the day,
2 hour, and minute time-stamped on the application
3 immediately upon receipt by the governor's designee.
4 However, for the period January 1 through ~~October 25~~
5 June 30 of each year, allocations to bonds for which
6 an amount of the state ceiling has been reserved
7 pursuant to section 7C.4A, subsection ~~5~~ 2, shall be
8 made to the political subdivisions submitting the
9 applications first from the reserved amount until the
10 reserved amount has been fully allocated and then from
11 the amount specified in section 7C.4A, subsection ~~6~~ 3.

12 Sec. ____ Section 7C.6, unnumbered paragraph 1,
13 Code 1997, is amended to read as follows:

14 A political subdivision which proposes to issue
15 bonds for a particular project or purpose for which an
16 allocation of the state ceiling is required and has
17 not already been made under section 7C.4A, subsections
18 subsection 1 through 4, must make an application for
19 allocation before issuance of the bonds. The
20 application may be made by the political subdivision

21 or its representative, the beneficiary of the project
22 or purpose, or by a person acting on behalf of the
23 beneficiary. The application shall be submitted to
24 the governor's designee, in the form prescribed by the
25 governor's designee. The application shall contain,
26 where appropriate, the following information:

27 Sec. ____ Section 7C.7, subsection 1, Code 1997,
28 is amended to read as follows:

29 1. If the bonds are issued and delivered for the
30 purpose or project within the thirty-day period or the
31 forty-five day extension period provided in subsection
32 2, the political subdivision or its representative
33 shall within ten days following the issuance and
34 delivery of the bonds or not later than ~~October 25~~
35 June 30 of that year, if the bonds were issued and
36 delivered on or before that date, file with the
37 governor's designee, in the form or manner the
38 governor's designee may prescribe, a notification of
39 the date of issuance and the delivery of the bonds,
40 and the actual principal amount of bonds issued and
41 delivered. The filing of the notification shall be
42 done by actual delivery or by posting in a United
43 States post office depository with correct first class
44 postage paid. If the actual principal amount of bonds
45 issued and delivered is less than the amount of the
46 allocation, the amount of the allocation is
47 automatically reduced to the actual principal amount
48 of the bonds issued and delivered."

49 2. By renumbering as necessary.

Warnstadt of Woodbury offered the following amendment H-8766,
to amendment H-8717, filed by him and moved its adoption:

H-8766

1 Amend amendment H-8717, to Senate file 2052, as
2 amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 2, line 17, by striking the word
5 "required" and inserting the word "require".

Amendment H-8766 was adopted.

Warnstadt of Woodbury moved the adoption of amendment H-8717,
as amended.

Amendment H-8717, as amended, was adopted placing out of order
the following amendments:

Committee amendment H-8360 filed by the committee on agricul-
ture on March 12, 1998.

Amendment H-8609, to the committee amendment H-8360, filed by Klemme of Plymouth on March 24, 1998.

Amendment H-8530, to the committee amendment H-8360, filed by Warnstadt of Woodbury on March 20, 1998.

Amendment H-8126 filed by Rants of Woodbury on February 26, 1998.

Amendment H-8139 filed by Rants of Woodbury on February 27, 1998.

Klemme of Plymouth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2052)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Chapman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2052** be immediately messaged to the Senate.

Senate File 2399, a bill for an act providing for the merger of a limited partnership with other business entities, with report of committee recommending passage, was taken up for consideration.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2399)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foegen	Ford
Frevort	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Chapman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2001 WITHDRAWN

Thomas of Clayton asked and received unanimous consent to withdraw House File 2001 from further consideration by the House.

Ways and Means Calendar

Senate File 2364, a bill for an act relating to the sales, services, and use taxes exemption for the sales of food and beverages for human consumption by certain organizations, providing refunds, and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Greig of Emmet moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2364)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Cormack	Dinkla
Dix	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, 1:

Doderer

Absent or not voting, 2:

Chapman

Chiodo

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2399 and 2364.**

The House stood at ease at 11:08 a.m., until the fall of the gavel.

The House resumed session at 11:50 a.m., Speaker Corbett in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-seven members present, thirty-three absent.

Unfinished Business Calendar

Senate File 2277, a bill for an act providing for exceptions to municipal tort liability for skateboarding, with report of committee recommending passage, was taken up for consideration.

Fallon of Polk offered the following amendment H-8704 filed by Fallon, et al., and moved its adoption:

H-8704

- 1 Amend Senate File 2277, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "skateboarding" the following: "or in-line skating".
- 5 2. Page 1, line 14, by inserting after the word
- 6 "skateboarding" and inserting the following: "or in-
- 7 line skating".
- 8 3. Page 1, line 15, by striking the word
- 9 "skateboarding" and inserting the following: "the
- 10 skateboarding or in-line skating".
- 11 4. Title page, line 2, by inserting after the
- 12 word "skateboarding" the following: "and in-line
- 13 skating".

Amendment H-8704 was adopted.

Veenstra of Sioux in the chair at 12:00 p.m.

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 2277 be deferred and that the bill retain its place on the calendar.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:20 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:37 p.m., Speaker Corbett in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-two members present, forty-eight absent.

Senate File 2294, a bill for an act relating to the payment of snow-mobile and all-terrain vehicle title fees, with report of committee recommending passage, was taken up for consideration.

Rayhons of Hancock moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2294)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight

Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 3:

Chapman Richardson Weidman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 530, a bill for an act relating to the establishment of an E911 surcharge, providing for the distribution of the surcharge, and providing a pooling mechanism for the purchase of equipment necessary for an E911 system, with report of committee recommending amendment and passage, was taken up for consideration.

Metcalf of Polk offered amendment H-8492 filed by the committee on commerce and regulation as follows:

H-8492

- 1 Amend Senate File 530, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 16.161, Code 1997, is amended
- 6 to read as follows:
- 7 16.161 AUTHORITY TO ISSUE E911 PROGRAM BONDS AND
- 8 NOTES.
- 9 The authority shall assist the ~~department of public~~
- 10 ~~defense~~ administrator appointed pursuant to section
- 11 34A.2A or as provided in chapter 34A, subchapter II
- 12 and the authority shall have all of the powers
- 13 delegated to it by a joint E911 service board or the
- 14 department of public defense in a chapter 28E
- 15 agreement with respect to the issuance and securing of
- 16 bonds or notes and the carrying out of the purposes of
- 17 chapter 34A.
- 18 Sec. 2. Section 16.161, Code 1997, is amended by
- 19 adding the following new unnumbered paragraph:
- 20 NEW UNNUMBERED PARAGRAPH. The authority shall
- 21 provide a mechanism for the pooling of funds of two or
- 22 more joint E911 service boards to be used for the
- 23 joint purchasing of necessary equipment and
- 24 reimbursement of land-line and wireless service

25 providers' costs for upgrades necessary to provide
26 E911 service. When two or more joint E911 service
27 boards have agreed to pool funds for the purpose of
28 purchasing necessary equipment to be used in providing
29 E911 service, the authority shall issue bonds and
30 notes as provided in sections 34A.20 through 34A.22.

31 Sec. 3. Section 34A.2, subsection 2, Code 1997, is
32 amended to read as follows:

33 2. "Administrator" means the E911 administrator of
34 ~~the division of emergency management of the department~~
35 ~~of public defense appointed pursuant to section~~
36 34A.2A.

37 Sec. 4. Section 34A.2, subsection 3, Code 1997, is
38 amended by striking the subsection.

39 Sec. 5. NEW SECTION. 34A.2A ADMINISTRATOR -
40 APPOINTMENT - DUTIES.

41 The administrator of the division of emergency
42 management of the department of public defense shall
43 appoint an E911 administrator to administer this
44 chapter. The E911 administrator shall act under the
45 supervisory control of the administrator of the
46 division of emergency management of the department of
47 public defense, and in consultation with the E911
48 communications council, and perform the duties
49 specifically set forth in this chapter.

50 Sec. 6. Section 34A.3, subsection 1, Code 1997, is

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1 amended to read as follows:

2 1. JOINT 911 SERVICE BOARDS TO SUBMIT PLANS. The
3 board of supervisors of each county shall establish a
4 joint 911 service board not later than January 1,
5 1989. Each political subdivision of the state having
6 a public safety agency serving territory within the
7 county is entitled to voting membership on the joint
8 911 service board. Each private safety agency
9 operating within the area is entitled to nonvoting
10 membership on the board. A township which does not
11 operate its own public safety agency, but contracts
12 for the provision of public safety services, is not
13 entitled to membership on the joint 911 service board,
14 but its contractor is entitled to membership according
15 to the contractor's status as a public or private
16 safety agency. The joint 911 service board shall
17 develop an enhanced 911 service plan encompassing at
18 minimum the entire county, unless an exemption is
19 granted by the administrator permitting a smaller E911
20 service area. The administrator may grant a
21 discretionary exemption from the single county minimum
22 service area requirement based upon an E911 joint
23 service board's or other E911 service plan operating
24 authority's presentation of evidence which supports

25 the requested exemption if the administrator finds
26 that local conditions make adherence to the minimum
27 standard unreasonable or technically infeasible, and
28 that the purposes of this chapter would be furthered
29 by granting an exemption. The minimum size
30 requirement is intended to prevent unnecessary
31 duplication of public safety answering points and
32 minimize other administrative, personnel, and
33 equipment expenses. An E911 service area must
34 encompass a geographically contiguous area. No
35 exemption shall be granted from the contiguous area
36 requirement. The administrator may order the
37 inclusion of a specific territory in an adjoining E911
38 service plan area to avoid the creation by exclusion
39 of a territory smaller than a single county not
40 serviced by surrounding E911 service plan areas upon
41 request of the joint 911 service board representing
42 the territory. The E911 service plan operating
43 authority shall submit the plan on or before January
44 1, 1994, to all of the following:
45 a. The division administrator.
46 b. Public and private safety agencies in the
47 enhanced 911 service area.
48 c. Providers affected by the enhanced 911 service
49 plan.
50 An E911 joint service board that has a state-

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1 approved service plan in place prior to July 1, 1993,
2 is exempt from the provisions of this section. The
3 division administrator shall establish, by July 1,
4 1994, E911 service plans for those E911 joint service
5 boards which do not have a state-approved service plan
6 in place on or before January 1, 1994.
7 The division administrator shall prepare a summary
8 of the plans submitted and present the summary to the
9 legislature on or before August 1, 1994.
10 Sec. 7. Section 34A.6, subsection 3, Code 1997, is
11 amended to read as follows:
12 3. The secretary of state, in consultation with
13 the administrator ~~of the office of emergency~~
14 ~~management of the department of public defense~~, shall
15 adopt rules for the conduct of joint E911 service
16 referendums as required by and consistent with
17 subsections 1 and 2.
18 Sec. 8. Section 34A.7, subsection 6, Code 1997, is
19 amended to read as follows:
20 6. LIMITATION OF ACTIONS - PROVIDER NOT LIABLE ON
21 CAUSE OF ACTION RELATED TO PROVISION OF 911 SERVICES.
22 A claim or cause of action does not exist based upon
23 or arising out of an act or omission in connection
24 with a land-line or wireless provider's participation

25 in an E911 service plan or provision of 911 or local
26 exchange access service, unless the act or omission is
27 determined to be willful and wanton negligence.

28 Sec. 9. NEW SECTION. 34A.7A WIRELESS
29 COMMUNICATIONS SURCHARGE – FUND ESTABLISHED –
30 DISTRIBUTION AND PERMISSIBLE EXPENDITURES.

31 1. a. Notwithstanding section 34A.6, the
32 administrator shall adopt by rule a monthly surcharge
33 of up to fifty cents to be imposed on each wireless
34 communications service number provided in this state.
35 The surcharge shall be imposed uniformly on a
36 statewide basis and simultaneously on all wireless
37 communications service numbers as provided by rule of
38 the administrator.

39 b. The administrator shall provide no less than
40 one hundred days' notice of the surcharge to be
41 imposed to each wireless communications service
42 provider. The administrator, subject to the fifty
43 cent limit in paragraph "a", may adjust the amount of
44 the surcharge as necessary, but no more than once in
45 any calendar year.

46 c. The surcharge shall be collected as part of the
47 wireless communications service provider's periodic
48 billing to a subscriber. In compensation for the
49 costs of billing and collection, the provider may
50 retain one percent of the gross surcharges collected.

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1 The surcharges shall be remitted quarterly by the
2 provider to the administrator for deposit into the
3 fund established in subsection 2. A provider is not
4 liable for an uncollected surcharge for which the
5 provider has billed a subscriber but which has not
6 been paid. The surcharge shall appear as a single
7 line item on a subscriber's periodic billing
8 indicating that the surcharge is for E911 emergency
9 telephone service. The E911 service surcharge is not
10 subject to sales or use tax.

11 2. Moneys collected pursuant to subsection 1 shall
12 be deposited in a separate wireless E911 emergency
13 communications fund within the state treasury under
14 the control of the administrator. Section 8.33 shall
15 not apply to moneys in the fund. Moneys earned as
16 income, including as interest, from the fund shall
17 remain in the fund until expended as provided in this
18 section. Moneys in the fund shall be expended and
19 distributed annually as follows:

20 a. An amount necessary to be retained by the
21 administrator for implementation, support, and
22 maintenance of the functions of the administrator.

23 b. (1) The administrator shall retain funds
24 necessary to reimburse wireless carriers for their

25 costs to deliver E911 services. The administrator
26 shall assure that wireless carriers recover all
27 eligible costs associated with the implementation and
28 operation of E911 services, including but not limited
29 to hardware, software, and transport costs. The
30 administrator shall adopt rules defining eligible
31 costs which are consistent with federal law,
32 regulations, and any order of a federal agency.

33 (2) The administrator shall provide for the
34 reimbursement of wireless carriers on a quarterly
35 basis. If the total amount of moneys available in the
36 fund for the reimbursement of wireless carriers
37 pursuant to subparagraph (1) is insufficient to
38 reimburse all wireless carriers for such carriers'
39 eligible expenses, the administrator shall remit an
40 amount to each wireless carrier equal to the
41 percentage of such carrier's eligible expenses as
42 compared to the total of all eligible expenses for all
43 wireless carriers for the calendar quarter during
44 which such expenses were submitted.

45 c. (1) The remainder of the surcharge collected
46 shall be remitted to the administrator for
47 distribution to the joint E911 service boards and the
48 department of public safety pursuant to subparagraph
49 (2) to be used for the implementation of enhanced
50 wireless communications capabilities.

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1 (2) The administrator, in consultation with the
2 E911 communications council, shall adopt rules
3 pursuant to chapter 17A governing the distribution of
4 the surcharge collected and distributed pursuant to
5 this lettered paragraph. The rules shall include
6 provisions that all joint E911 service boards and the
7 department of public safety which answer or service
8 wireless E911 calls are eligible to receive an
9 equitable portion of the receipts.

10 A joint E911 service board or the department of
11 public safety, to receive funds from the E911
12 emergency communications fund, must submit a written
13 request for such funds to the administrator in a form
14 as approved by the administrator. A request shall be
15 for funding under an approved E911 service plan for
16 equipment which is directly related to the reception
17 and disposition of incoming wireless E911 calls. The
18 administrator may approve the distribution of funds
19 pursuant to such request if the administrator finds
20 that the requested funding is for equipment necessary
21 for the reception and disposition of such calls and
22 that sufficient funds are available for such
23 distribution.

24 If insufficient funds are available to fund all

25 requests, the administrator shall fund requests in an
26 order deemed appropriate by the administrator after
27 considering factors including, but not limited to, all
28 of the following:

29 (a) Documented volume of wireless E911 calls
30 received by each public safety answering point.

31 (b) The population served by each public safety
32 answering point.

33 (c) The number of wireless telephones in the
34 public safety answering point jurisdiction.

35 (d) The public safety of the citizens of this
36 state.

37 (e) Any other factor deemed appropriate by the
38 administrator, in consultation with the E911
39 communications council, and adopted by rule.

40 (3) The administrator shall submit an annual
41 report by January 15 of each year advising the general
42 assembly of the status of E911 implementation and
43 operations, including both land-line and wireless
44 services, and the distribution of surcharge receipts.

45 3. The amount collected from a wireless service
46 provider and deposited in the fund, pursuant to
47 section 22.7, subsection 6, information provided by a
48 wireless service provider to the administrator
49 consisting of trade secrets, pursuant to section 22.7,
50 subsection 3, and other financial or commercial

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1 operations information provided by a wireless service
2 provider to the administrator, shall be kept
3 confidential as provided under section 22.7. This
4 subsection does not prohibit the inclusion of
5 information in any report providing aggregate amounts
6 and information which does not identify numbers of
7 accounts or customers, revenues, or expenses
8 attributable to an individual wireless communications
9 service provider.

10 4. For purposes of this section, "wireless
11 communications service" means commercial mobile radio
12 service, as defined under sections 3(27) and 332(d) of
13 the federal Telecommunications Act of 1996, 47 U.S.C.
14 § 151 et seq.; federal communications commission
15 rules, and the Omnibus Budget Reconciliation Act of
16 1993. "Wireless communications service" includes any
17 wireless two-way communications used in cellular
18 telephone service, personal communications service, or
19 the functional or competitive equivalent of a radio-
20 telephone communications line used in cellular
21 telephone service, a personal communications service,
22 or a network access line. "Wireless communications
23 service" does not include services whose customers do
24 not have access to 911 or a 911-like service, a

25 communications channel utilized only for data
26 transmission, or a private telecommunications system.

27 Sec. 10. Section 34A.15, subsection 1, unnumbered
28 paragraph 1, Code 1997, is amended to read as follows:

29 An E911 communications council is established. The
30 council consists of the following eleven thirteen
31 members:

32 Sec. 11. Section 34A.15, subsection 1, Code 1997,
33 is amended by adding the following new paragraph:

34 NEW PARAGRAPH. k. Two persons appointed by the
35 Iowa wireless industry. One appointee shall represent
36 cellular companies and the other appointee shall
37 represent personal communications services companies.

38 Sec. 12. Section 34A.15, Code 1997, is amended by
39 adding the following new subsections:

40 NEW SUBSECTION. 2A. A member of the council shall
41 be reimbursed for actual and necessary expenses
42 incurred in the performance of the member's duties, if
43 such member is not otherwise reimbursed for such
44 expenses.

45 Sec. 13. Section 34A.20, subsection 2, Code 1997,
46 is amended to read as follows:

47 2. The authority shall cooperate with the
48 ~~department of public defense~~ administrator in the
49 creation, administration, and funding of the E911
50 program established in subchapter I.

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1 Sec. 14. TRANSITION PROVISIONS.

2 1. The E911 administrator appointed pursuant to
3 section 34A.2A, as enacted in this Act, shall be
4 appointed by no later than July 1, 1998. The E911
5 administrator shall determine and implement an initial
6 surcharge as soon as possible, but at a minimum such
7 surcharge shall be determined and implemented by no
8 later than January 1, 1999.

9 2. Notwithstanding the distribution formula in
10 section 34A.7A, as enacted in this Act, and prior to
11 any such distribution, of the initial surcharge moneys
12 received by the E911 administrator and deposited into
13 the wireless E911 emergency communications fund, for
14 the fiscal year beginning July 1, 1998, and ending
15 June 30, 1999, an amount shall be transferred to the
16 division of emergency management of the department of
17 public defense as necessary to reimburse the division
18 for amounts expended for the implementation, support,
19 and maintenance of the E911 administrator, including
20 the E911 administrator's salary.

21 3. a. Notwithstanding the distribution formula in
22 section 34A.7A, as enacted in this Act, and after the
23 distribution provided for in subsection 2 of this
24 section and prior to any other distribution pursuant

25 to section 34A.7A, of the surcharge moneys received by
26 the E911 administrator and deposited into the wireless
27 E911 emergency communications fund, for the fiscal
28 year beginning July 1, 1998, and ending June 30, 1999,
29 an amount not to exceed eighty thousand dollars shall
30 be transferred to the Iowa law enforcement academy to
31 be used for implementation, maintenance, and support
32 of telecommunicator training. For purposes of this
33 paragraph, the total amount transferred includes any
34 amounts transferred to the Iowa law enforcement
35 academy under paragraph "b".

36 b. The Iowa law enforcement academy shall begin as
37 soon as practicable the telecommunicator training as
38 provided in this subsection. If the academy expends
39 funds on or after July 1, 1998, for telecommunicator
40 training and prior to the imposition of the surcharge
41 under section 34A.7A, the E911 administrator, subject
42 to the limit of eighty thousand dollars in paragraph
43 "a", shall transfer from the wireless E911 emergency
44 communications fund to the Iowa law enforcement
45 academy an amount necessary to reimburse the academy
46 for such amounts expended by the academy. The E911
47 administrator and the Iowa law enforcement academy
48 shall provide a written report to the fiscal committee
49 of the legislative council and to the legislative
50 fiscal bureau regarding amounts expended by the

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1 academy and reimbursed by the E911 administrator
2 pursuant to this section.

3 c. The Iowa law enforcement academy, for
4 telecommunicator training for fiscal years beginning
5 on and after July 1, 1999, shall submit requests for
6 funding through the general assembly's appropriation
7 process in the same manner as the academy submits
8 requests for other general fund appropriations.

9 4. a. The department of public defense is
10 authorized two additional full-time equivalent
11 positions for the purpose of implementing the
12 amendments to chapter 34A in this Act. Included in
13 these two full-time equivalent positions is the E911
14 administrator appointed pursuant to section 34A.2A, as
15 enacted in this Act.

16 b. The Iowa law enforcement academy is authorized
17 one and one-half additional full-time equivalent
18 positions for the purpose of implementing
19 telecommunicator training as provided for in this Act.

20 Sec. 15. EFFECTIVE DATE. This Act, being deemed
21 of immediate importance, takes effect upon enactment."

22 2. Title page, line 4, by inserting after the
23 word "system" the following: ", and providing an
24 effective date".

Metcalf of Polk offered the following amendment H-8792, to the committee amendment H-8492, filed by her and Larson of Linn and moved its adoption:

H-8792

- 1 Amend the Committee amendment, H-8492, to Senate
- 2 File 530, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 4, by striking line 20 and inserting the
- 5 following:
- 6 "a. An amount as appropriated by the general
- 7 assembly to the".
- 8 2. Page 7, by striking line 9 and inserting the
- 9 following:
- 10 "2. a. There is appropriated from surcharge
- 11 moneys received by the E911 administrator and
- 12 deposited into the wireless E911 emergency
- 13 communications fund, for the fiscal year beginning
- 14 July 1, 1998, and ending June 30, 1999, an amount not
- 15 to exceed two hundred thousand dollars to be used for
- 16 the implementation, support, and maintenance of the
- 17 functions of the E911 administrator. The amount
- 18 appropriated in this paragraph includes any amounts
- 19 necessary to reimburse the division of emergency
- 20 management of the department of public defense
- 21 pursuant to paragraph "b".
- 22 b. Notwithstanding the distribution formula in".
- 23 3. By renumbering as necessary.

Amendment H-8792 was adopted.

Metcalf of Polk offered the following amendment H-8579, to the committee amendment H-8492, filed by her and moved its adoption:

H-8579

- 1 Amend the amendment, H-8492, to Senate File 530, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 6, by inserting after line 37 the
- 5 following:
- 6 "Sec. ____ Section 34A.15, subsection 2, Code
- 7 1997, is amended by striking the subsection and
- 8 inserting in lieu thereof the following:
- 9 2. The council shall advise and make
- 10 recommendations to the administrator regarding the
- 11 implementation of this chapter. Such advice and
- 12 recommendations shall be provided on issues at the
- 13 request of the administrator or as deemed necessary by
- 14 the council."
- 15 2. By renumbering as necessary.

Amendment H-8579 was adopted.

Metcalf of Polk moved the adoption of the committee amendment H-8492, as amended.

The committee amendment H-8492, as amended, was adopted.

Metcalf of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 530)

The ayes were, 82:

Arnold	Bell	Bernau	Blodgett
Boggess	Bradley	Brand	Brauns
Bukta	Burnett	Carroll	Cataldo
Chiodo	Churchill	Cohoon	Connors
Dinkla	Doderer	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Jacobs	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Larkin
Lord	Martin	Mascher	May
Mertz	Metcalf	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Scherrman	Schrader	Shoultz	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Whitead
Wise	Witt		

The nays were, 16:

Barry	Boddicker	Brunkhorst	Cormack
Dix	Dolecheck	Huser	Jenkins
Lamberti	Larson	Meyer	Millage
Siegrist	Van Fossen	Welter	Mr. Speaker Corbett

Absent or not voting, 2:

Chapman Richardson

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: Senate Files 2294 and 530.

SENATE AMENDMENT CONSIDERED

Larson of Linn called up for consideration House File 721, a bill for an act relating to an insurance premium tax credit for eligible businesses under the new jobs and income program, amended by the Senate, and moved that the House concur in the following Senate amendment H-8564:

H-8564

- 1 Amend House File 721, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 2, by striking the word "CREDIT",
- 4 and inserting the following: "CREDITS".
- 5 2. Page 1, by striking line 3 and inserting the
- 6 following:
- 7 "1. An eligible business may claim an insurance
- 8 premium tax".
- 9 3. Page 1, by inserting after line 20 the
- 10 following:
- 11 "2. An eligible business which has entered into an
- 12 agreement under chapter 260E and which has increased
- 13 its base employment level by at least ten percent
- 14 within the time set in the agreement or, in the case
- 15 of a business without a base employment level, adds
- 16 new jobs within the time set in the agreement is
- 17 entitled to a new jobs insurance premium tax credit
- 18 for the tax year selected by the business. In
- 19 determining if the business has increased its base
- 20 employment level by ten percent or added new jobs,
- 21 only the new jobs directly resulting from the project
- 22 covered by the agreement and the new jobs directly
- 23 related to those new jobs shall be counted. The
- 24 amount of the credit is equal to the product of six
- 25 percent of the taxable wages upon which an employer is
- 26 required to contribute to the state unemployment
- 27 compensation fund, as defined in section 96.19,
- 28 subsection 37, times the number of new jobs existing
- 29 in the tax year that directly result from the project
- 30 covered by the agreement or new jobs that directly
- 31 result from those new jobs. The tax year chosen by
- 32 the business shall either begin or end during the
- 33 period beginning with the date by which the project is
- 34 to be completed under the agreement. Any credit in
- 35 excess of the tax liability for the tax year may be

36 credited to the tax liability for the following seven
 37 years or until depleted, whichever occurs earlier.
 38 For purposes of this subsection, "agreement", "new
 39 job", and "project" mean the same as defined in
 40 section 260E.2 and "base employment level" means the
 41 number of full-time jobs a business employs at the
 42 site which is covered by an agreement under chapter
 43 260E on the date of that agreement."

The motion prevailed and the House concurred in the Senate amendment H-8564.

Larson of Linn moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 721)

The ayes were, 79:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Carroll
Cataldo	Chiodo	Churchill	Cohoon
Connors	Cormack	Dinkla	Dix
Dolecheck	Dotzler	Drake	Eddie
Foege	Ford	Frevert	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Huser	Jacobs
Jenkins	Kinzer	Klemme	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	May	Mertz
Metcalf	Meyer	Millage	Mundie
Murphy	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Siegrist
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Mr. Speaker	
		Corbett	

The nays were, 17:

Bernau	Burnett	Doderer	Drees
Fallon	Garman	Holveck	Jochum
Koenigs	Mascher	Moreland	Myers
Scherrman	Schrader	Shoultz	Whitead
Witt			

Absent or not voting, 4:

Chapman	Falck	Richardson	Sukup
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 721** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **House File 2498**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, previously deferred and retained on the calendar.

Murphy of Dubuque offered amendment H-8686 filed by him as follows:

H-8686

- 1 Amend House File 2498 as follows:
- 2 1. Page 1, line 9, by striking the figure
- 3 "1,426,124" and inserting the following: "1,416,575".
- 4 2. Page 2, line 6, by striking the figure
- 5 "484,502" and inserting the following: "484,176".
- 6 3. Page 2, line 17, by striking the figure
- 7 "1,033,788" and inserting the following: "1,033,683".
- 8 4. Page 3, line 5, by striking the figure
- 9 "1,541,982" and inserting the following: "1,540,841".
- 10 5. Page 3, line 11, by striking the figure
- 11 "5,670,073" and inserting the following: "5,660,538".
- 12 6. Page 3, line 17, by striking the figure
- 13 "1,104,001" and inserting the following: "1,101,391".
- 14 7. Page 3, line 23, by striking the figure
- 15 "3,710,765" and inserting the following: "3,697,801".
- 16 8. Page 4, line 15, by striking the figure
- 17 "869,304" and inserting the following: "866,348".
- 18 9. Page 4, line 21, by striking the figure
- 19 "5,689,831" and inserting the following: "5,686,524".
- 20 10. Page 5, line 30, by striking the figure
- 21 "1,834,878" and inserting the following: "1,834,131".
- 22 11. Page 6, line 6, by striking the figure
- 23 "2,000" and inserting the following: "1,964".
- 24 12. Page 6, line 25, by striking the figure
- 25 "210,494" and inserting the following: "210,410".
- 26 13. Page 8, line 18, by striking the figure
- 27 "1,282,348" and inserting the following: "1,280,883".
- 28 14. Page 9, line 22, by striking the figure
- 29 "536,695" and inserting the following: "536,638".
- 30 15. Page 9, line 28, by striking the figure

- 31 "509,419" and inserting the following: "508,065".
32 16. Page 9, line 34, by striking the figure
33 "250,428" and inserting the following: "249,674".
34 17. Page 10, line 5, by striking the figure
35 "951,855" and inserting the following: "949,923".
36 18. Page 10, line 20, by striking the figure
37 "617,150" and inserting the following: "616,203".
38 19. Page 10, line 35, by striking the figure
39 "34,398" and inserting the following: "34,189".
40 20. Page 11, line 15, by striking the figure
41 "573,811" and inserting the following: "644,498".
42 21. Page 11, line 32, by striking the figure
43 "2,067,328" and inserting the following: "2,066,481".
44 22. Page 12, line 19, by striking the figure
45 "1,317,060" and inserting the following: "1,316,130".
46 23. Page 13, line 21, by striking the figure
47 "1,987,450" and inserting the following: "1,986,541".
48 24. Page 15, line 11, by striking the figure
49 "1,382,290" and inserting the following: "1,378,221".
50 25. Page 18, line 25, by striking the figure

Page 2

- 1 "10,585,161" and inserting the following:
2 "10,577,624".
3 26. Page 18, line 29, by striking the figure
4 "10,980,931" and inserting the following:
5 "10,978,944".
6 27. Page 20, line 17, by striking the figure
7 "677,121" and inserting the following: "676,808".
8 28. Page 20, line 27, by striking the figure
9 "1,805,201" and inserting the following: "1,804,988".
10 29. Page 21, line 9, by striking the figure
11 "255,658" and inserting the following: "255,045".
12 30. Page 21, line 19, by striking the figure
13 "971,483" and inserting the following: "971,048".
14 31. Page 21, by inserting after line 22 the
15 following:
16 "Sec. ____ . TRAVEL BUDGET REDUCTION. It is the
17 intent of the general assembly that the travel budget
18 of the state department, agency, or office receiving
19 state general fund appropriations under this Act,
20 except the health facilities division and state foster
21 care review board of the department of inspections and
22 appeals, the property management division of the
23 department of general services, and the internal
24 management division of the department of revenue and
25 finance, shall be reduced by three percent and this
26 three percent has been subtracted in determining the
27 appropriations made in this Act to those state
28 departments, agencies, or offices which have travel
29 budgets."

Murphy of Dubuque offered the following amendment H-8843, to amendment H-8686, filed by him from the floor and moved its adoption:

H-8843

- 1 Amend the amendment, H-8686, to House File 2498, as
- 2 follows:
- 3 1. Page 2, line 29, by inserting after the word
- 4 "budgets." the following: "If a state agency incurs
- 5 travel expense when performing duties for another
- 6 state agency, the state agency incurring the travel
- 7 expense may be reimbursed for the travel expense by
- 8 the other state agency."

Amendment H-8843 was adopted.

Murphy of Dubuque moved the adoption of amendment H-8686, as amended.

Roll call was requested by Murphy of Dubuque and Brunkhorst of Bremer.

On the question "Shall amendment H-8686, as amended, be adopted?" (H.F. 2498)

The ayes were, 46:

Bell	Bernau	Brand	Brauns
Bukta	Burnett	Cataldo	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Scherrman
Schrader	Shoultz	Taylor	Thomas
Vande Hoef	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 50:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brunkhorst	Carroll
Churchill	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Metcalf	Meyer

Millage	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Veenstra	Weidman
Welter	Mr. Speaker		
	Corbett		

Absent or not voting, 4:

Chapman	Houser	Nelson	Richardson
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Amendment H-8686 lost.

Brunkhorst of Bremer offered amendment H-8463 filed by Brunkhorst, et al., as follows:

H-8463

1 Amend House File 2498 as follows:
 2 1. Page 6, line 1, by striking the figure
 3 "4,413,534" and inserting the following: "4,425,534".
 4 2. Page 6, by inserting after line 2 the
 5 following:
 6 "Of the moneys appropriated in this subsection,
 7 \$12,000 shall be used for establishing a horticulture
 8 internship program with the Des Moines area community
 9 college to provide training, an educational
 10 horticulture program, and to enhance the overall
 11 beauty of the capitol complex grounds and facilities."
 12 3. Page 10, line 14, by striking the figure
 13 "2,050,961" and inserting the following: "2,055,961".
 14 4. Page 10, by inserting after line 15 the
 15 following:
 16 "Of the moneys appropriated in this subsection,
 17 \$5,000 shall be used by the department of inspections
 18 and appeals to develop criteria for, and implement, a
 19 statewide education program for care review committee
 20 members. The department of inspections and appeals
 21 shall consult with the department of elder affairs to
 22 develop a program designed to educate nursing facility
 23 care review committee members regarding their roles
 24 and responsibilities in the inspections process,
 25 conflict resolution, and elder care."
 26 5. Page 14, line 19, by striking the figure
 27 "80,031" and inserting the following: "81,585".
 28 6. Page 15, line 23, by striking the figure
 29 "1,632,761" and inserting the following: "1,672,761".
 30 7. Page 15, line 24, by striking the figure
 31 "33.80" and inserting the following: "34.80".
 32 8. Page 18, line 33, by striking the figure
 33 "6,366,632" and inserting the following: "6,814,435".
 34 9. Page 22, by inserting after line 13 the
 35 following:

36 "Sec. ____ Elected State Executive Officers -
37 Employee Turnover Savings.

38 If unencumbered or unobligated balances will result
39 from the appropriations made for the salaries and
40 related benefits of employees of the elected state
41 executive officers due to employee turnover during the
42 fiscal year beginning July 1, 1998, and ending June
43 30, 1999, the balances shall be transferred to the
44 health facilities division of the department of
45 inspections and appeals not later than March 1, 1999,
46 and shall be used to pay the salary, support, and
47 miscellaneous expenses of a building inspector
48 position."

Murphy of Dubuque offered the following amendment H-8737, to amendment H-8463, filed by him and Cataldo of Polk and moved its adoption:

H-8737

1 Amend the amendment, H-8463, to House File 2498 as
2 follows:

3 1. Page 1, by inserting after line 25 the
4 following:

5 "____ Page 11, line 15, by striking the figure
6 "573,811" and inserting the following: "1,021,614"."

7 2. Page 1, by striking lines 32 and 33.

Rants of Woodbury in the chair at 2:43 p.m.

Amendment H-8737 lost.

Brunkhorst of Bremer moved the adoption of amendment H-8463.

Amendment H-8463 was adopted.

Brunkhorst of Bremer offered the following amendment H-8382 filed by him and Brauns of Muscatine and moved its adoption:

H-8382

1 Amend House file 2498 as follows:

2 1. Page 6, by inserting after line 2 the
3 following:

4 "Notwithstanding the provisions of section 8.57,
5 subsection 5, the department shall allocate the salary
6 and support costs from fiscal year 1998-1999 rebuild
7 Iowa infrastructure fund appropriations for facilities
8 engineering services rendered. The total amount of
9 the allocation shall not exceed \$125,000 for the
10 salaries and support for 2.00 FTEs."

Amendment H-8382 lost.

Siegrist of Pottawattamie asked and received unanimous consent that House File 2498 be deferred and that the bill retain its place on the calendar.

ADOPTION OF HOUSE RESOLUTION 103

Siegrist of Pottawattamie called up for consideration House Resolution 103, a resolution congratulating the Drake Bulldogs, Iowa State Cyclones, and Iowa Hawkeyes Women's Basketball Teams, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 3:20 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2498 at 3:22 p.m., Speaker Corbett in the chair.

Brunkhorst of Bremer offered the following amendment H-8672 filed by Brunkhorst, et al., and moved its adoption:

H-8672

- 1 Amend House File 2498 as follows:
- 2 1. Page 6, by inserting after line 2 the
- 3 following:
- 4 "When a lease or a new building is requested by a
- 5 state agency, the department of general services shall
- 6 consider, to the extent possible, whether or not the
- 7 requesting state agency could relocate to an area of
- 8 the state without a state employment center or with a
- 9 high rate of unemployment."

Amendment H-8672 was adopted.

Whitead of Woodbury offered the following amendment H-8700 filed by Whitead, et al., and moved its adoption:

H-8700

- 1 Amend House File 2498 as follows:
- 2 1. Page 6, by inserting after line 26 the
- 3 following:
- 4 "Except as otherwise provided in subsection 5, any
- 5 unencumbered or unobligated funds remaining on June
- 6 30, 1999, of the appropriations made to the department
- 7 of general services pursuant to this section, shall be
- 8 used to establish and maintain a toll-free telephone
- 9 service to facilitate communication between elected
- 10 members of the general assembly and the citizens of
- 11 this state. The service shall be made available

12 during the time that the general assembly is in
13 session, including an extraordinary session."

Amendment H-8700 lost.

Speaker pro tempore Van Maanen of Marion in the chair at 3:30 p.m.

Brunkhorst of Bremer offered amendment H-8471 filed by him and Cataldo of Polk as follows:

H-8471

1 Amend House File 2498 as follows:
2 1. Page 10, by inserting after line 15 the
3 following:
4 "The department of inspections and appeals may
5 conduct, contract for, or permit health facilities to
6 contract for the performance of health facility
7 construction inspections as required under chapter
8 135C. The department shall review all proposed plans
9 and specifications, and shall conduct the final on-
10 site review and approval of all alterations,
11 additions, or new construction prior to occupancy.
12 The director shall adopt rules pursuant to chapter 17A
13 to implement this paragraph."

Cataldo of Polk offered the following amendment H-8830, to amend-
ment H-8471, filed by him and Richardson of Warren and moved its
adoption:

H-8830

1 Amend the amendment, H-8471, to House File 2498 as
2 follows:
3 1. Page 1, line 8, by inserting after the figure
4 "135C." the following: "The department may authorize
5 local government building officials to conduct health
6 facility construction inspections except the final
7 inspection and any costs incurred conducting the
8 inspections by a local government shall be paid by the
9 facility or the contractor."

Amendment H-8830 was adopted.

Brunkhorst of Bremer moved the adoption of amendment H-8471,
as amended.

Amendment H-8471, as amended, was adopted.

The following amendments were withdrawn by unanimous con-
sent, placing amendment H-8846 filed by Lamberti of Polk and Huser
of Polk from the floor, out of order:

H-8327 filed by Chiodo of Polk on March 11, 1998.
H-8393 filed by Murphy of Dubuque on March 12, 1998.
H-8470 filed by Chiodo of Polk on March 17, 1998.
H-8567 filed by Murphy of Dubuque on March 23, 1998.
H-8655 filed by Chiodo of Polk on March 24, 1998.
H-8736 filed by Murphy of Dubuque on March 26, 1998.
H-8745 filed by Chiodo of Polk on March 26, 1998.
H-8762 filed by Murphy of Dubuque on March 30, 1998.

Mundie of Webster offered amendment H-8699 filed by him and Richardson of Warren as follows:

H-8699

1 Amend House File 2498 as follows:

2 1. Page 19, by inserting after line 13 the
3 following:

4 "c. Of the full-time equivalent positions
5 authorized pursuant to this section, 1.00 FTE shall be
6 designated to administer the rebuild our cities and
7 counties program established pursuant to section
8 405A.10."

9 2. Page 22, by inserting after line 13 the
10 following:

11 "Sec. . NEW SECTION. 405A.11 REBUILD OUR
12 CITIES AND COUNTIES PROGRAM.

13 1. A rebuild our cities and counties (ROCC) fund
14 is created in the state treasury. The director of
15 revenue and finance shall credit the rebuild our
16 cities and counties fund with the moneys appropriated
17 to the fund as provided in this section. For purposes
18 of this section, "revenues generated by the sales tax"
19 means the estimated revenue from the gross receipts
20 taxed by the state pursuant to chapter 422, division
21 IV, as estimated by the revenue estimating conference
22 pursuant to section 8.22A in December preceding the
23 fiscal year for which the appropriation provided for
24 in this subsection shall be made. The moneys credited
25 to the ROCC fund shall be apportioned to each city and
26 county in the state on a per capita basis with an
27 equal share allocated to each person residing within
28 or without the boundaries of a city. The population
29 of each city and county shall be determined by the
30 latest federal census. There is appropriated from the
31 general fund of the state to the ROCC fund annually
32 the following amounts for the designated fiscal years:

33 a. For the fiscal year beginning July 1, 1999, an
34 amount equal to two percent of the revenues generated
35 by the sales tax.

36 b. For the fiscal year beginning July 1, 2000, an
37 amount equal to two percent of the revenues generated

38 by the sales tax plus an additional two percent of the
39 revenues generated by the sales tax if the
40 requirements of subsection 2 are met.
41 c. For the fiscal year beginning July 1, 2001, an
42 amount equal to a percent of the revenues generated by
43 the sales tax, which percent equals the percentage
44 used under paragraph "b", plus an additional two
45 percent of the revenues generated by the sales tax, if
46 the requirements of subsection 2 are met.
47 d. For each fiscal year in the period beginning
48 July 1, 2002, and ending June 30, 2007, an amount
49 equal to a percent of the revenues generated by the
50 sales tax, which percent equals the percentage used

Page 2

1 for the previous fiscal year, plus an additional two
2 percent of the revenues generated by the sales tax, if
3 the requirements of subsection 2 are met. However,
4 the amount appropriated for a fiscal year shall not
5 exceed a total of twenty percent of revenues generated
6 by the sales tax.
7 2. The additional two percent of revenues
8 generated by the sales tax, as specified in subsection
9 1, shall be appropriated in a fiscal year only if the
10 December revenue estimate for the general fund of the
11 state for the next succeeding fiscal year exceeds the
12 revenue estimate for the general fund of the state for
13 the previous fiscal year by at least four percent.
14 3. During the budgeting process for each city and
15 county, the governing body of the city or county shall
16 request public comment, at a public hearing, on the
17 expenditure of the moneys received from the rebuild
18 our cities and counties fund. After public comment,
19 the governing body shall specify the amount of funds
20 which will be used for tax relief, including how the
21 tax relief will be accomplished and the amount of
22 funds which will be appropriated for specific
23 programs."

Blodgett of Cerro Gordo rose on a point of order that amendment H-8699 was not germane.

The Speaker ruled the point well taken and amendment H-8699 not germane.

Brunkhorst of Bremer offered amendment H-8381 filed by him and Millage of Scott as follows:

H-8381

- 1 Amend House File 2498 as follows:
- 2 1. Page 19, by inserting after line 31 the

3 following:

4 "Of the lottery revenues received during the fiscal
5 year beginning July 1, 1994, which remain in the
6 lottery fund following transfers made pursuant to 1995
7 Iowa Acts, chapter 220, section 16, and 1996 Iowa
8 Acts, chapter 1219, section 14, and the appropriations
9 made pursuant to 1997 Iowa Acts, chapter 209, section
10 10, any unobligated or unencumbered balance shall
11 revert to the general fund of the state on July 1,
12 1998."

Thomas of Clayton asked and received unanimous consent to withdraw amendment H-8444, to amendment H-8381, filed by him or March 16, 1998.

Brunkhorst of Bremer asked and received unanimous consent to withdraw amendment H-8381 filed by him and Millage of Scott on March 12, 1998.

Brunkhorst of Bremer offered the following amendment H-8383 filed by Brunkhorst, et al., and moved its adoption:

H-8383

1 Amend House File 2498 as follows:

2 1. Page 19, by inserting after line 31 the
3 following:

4 "It is the intent of the general assembly that
5 lottery advertising shall not focus on children, shall
6 inform the public on the uses of the lottery proceeds,
7 shall place more emphasis on the entertainment aspect
8 of playing lottery games and less emphasis on the
9 promise of winning, and shall provide the gambling
10 assistance toll-free telephone number on printed
11 material including instant tickets and on-line
12 tickets."

Amendment H-8383 was adopted.

Wise of Lee offered the following amendment H-8163 filed by him and Brand of Tama and moved its adoption:

H-8163

1 Amend House File 2498 as follows:

2 1. Page 20, by striking lines 33 and 34.

Amendment H-8163 was adopted.

Weigel of Chickasaw offered the following amendment H-8425 filed by him and Brunkhorst of Bremer and moved its adoption:

H-8425

1 Amend House File 2498 as follows:
2 1. Page 22, by inserting after line 13 the
3 following:
4 "Sec. 101. COMMUNITY HEALTH INFORMATION SYSTEM
5 REPORT. Any unobligated or unencumbered funds
6 appropriated pursuant to 1997 Iowa Acts, chapter 209,
7 section 10, subsection 5, remaining on the effective
8 date of this Act may be used in developing a
9 transition plan for the community health management
10 information system and, if any funds remain after
11 completion of the plan, for a study of the uninsured
12 population of this state pursuant to section 505.21
13 and related health data needs. Not later than
14 December 1, 1998, the division of insurance and the
15 board of directors of the community health management
16 information system shall submit a report to the
17 chairpersons and ranking members of the joint
18 appropriations subcommittee on administration and
19 regulation and the legislative fiscal bureau on the
20 use and collection of health information for the
21 purpose of health policy and planning decisions.
22 Sec. ____ . EFFECTIVE DATE. Section 101 of this
23 Act, being deemed of immediate importance, takes
24 effect upon enactment."

Amendment H-8425 was adopted.

Brunkhorst of Bremer asked and received unanimous consent to withdraw amendment H-8568 filed by Brunkhorst, et al., on March 23, 1998.

Jacobs of Polk offered amendment H-8729 filed by Jacobs, et al., as follows:

H-8729

1 Amend House File 2498 as follows:
2 1. Page 22, by inserting after line 13 the
3 following:
4 "Sec. ____ . Section 18.12, Code 1997, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 19A. Determine and recommend to
7 the governor and the general assembly a reimbursement
8 amount to the city of Des Moines for police and fire
9 protection provided by the city for state-owned
10 buildings and facilities located in the city. The
11 recommendation shall be based on current state
12 practices in other Iowa cities with state-owned
13 facilities and shall be applicable for inclusion in
14 the budget for the fiscal year 2000 and subsequent
15 fiscal years."

Rants of Woodbury asked and received unanimous consent to withdraw amendment H-8804, to amendment H-8729, filed by him on March 31, 1998.

Jacobs of Polk offered the following amendment H-8803, to amendment H-8729, filed by her and moved its adoption:

H-8803

- 1 Amend the amendment, H-8729, to House File 2498 as
- 2 follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "be" the following: "a cost benefit analysis".

Amendment H-8803 was adopted.

Jacobs of Polk moved the adoption of amendment H-8729, as amended.

Amendment H-8729, as amended, was adopted.

Martin of Scott offered the following amendment H-8831 filed by Martin, et al., and moved its adoption:

H-8831

- 1 Amend House File 2498 as follows:
- 2 1. Page 22, by inserting after line 13 the
- 3 following:
- 4 "Sec. ____ SINGLE CONTACT REPOSITORY — DEPARTMENT
- 5 OF INSPECTIONS AND APPEALS.
- 6 1. It is the intent of the general assembly that
- 7 the department of inspections and appeals shall
- 8 implement a single contact repository for criminal
- 9 history, child abuse, adult abuse, and sex offender
- 10 registries, and nurse aide and other health
- 11 professional certification and licensing information.
- 12 2. For the purposes of this section, "facility" or
- 13 "facility licensed under chapter 135C" includes all of
- 14 the following:
- 15 a. An elder group home certified under chapter
- 16 231B.
- 17 b. An assisted living facility certified or
- 18 voluntarily accredited under chapter 231C.
- 19 c. A provider of homemaker, home-health aide,
- 20 home-care aide, or adult day care services.
- 21 d. A hospice.
- 22 e. A provider of services under a federal medical
- 23 assistance home and community-based services waiver.
- 24 3. The department of inspections and appeals, in
- 25 conjunction with other departments and agencies of
- 26 state government involved with criminal history, child

27 abuse, adult abuse, and sex offender registries, and
 28 nurse aide and other health professional certification
 29 and licensing information, shall establish a single
 30 contact repository for facilities licensed under
 31 chapter 135C to have electronic access to data to
 32 perform background checks for purposes of employment.
 33 4. The department shall provide information for
 34 purposes of the single contact repository established
 35 pursuant to this section, in accordance with rules
 36 adopted by the department."

Amendment H-8831 was adopted.

Brunkhorst of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2498)

The ayes were, 62:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brauns
Brunkhorst	Carroll	Cataldo	Chiodo
Churchill	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Dotzler
Drake	Eddie	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Huser	Jacobs
Jenkins	Kinzer	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen,		
	Presiding		

The nays were, 35:

Bernau	Bukta	Burnett	Chapman
Cohoon	Doderer	Drees	Falck
Fallon	Foege	Ford	Frevert
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Scherrman
Shultz	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

Absent or not voting, 3:

Brand Richardson Schrader

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2498** be immediately messaged to the Senate.

House File 2440, a bill for an act relating to the powers and duties of county treasurers and including an applicability date provision, was taken up for consideration.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-8138 filed by him on February 27, 1998.

Dix of Butler offered the following amendment H-8532 filed by him and moved its adoption:

H-8532

- 1 Amend House File 2440 as follows:
- 2 1. Page 6, by striking lines 3 through 10 and
- 3 inserting the following:
- 4 "Sec. 100. Section 335.30A, Code Supplement 1997,
- 5 is amended to read as follows:
- 6 335.30A LAND-LEASED COMMUNITIES.
- 7 A county shall not adopt or enforce zoning or
- 8 subdivision regulations or other ordinances which
- 9 disallow or make infeasible the plans and
- 10 specifications of land-leased communities ~~solely~~
- 11 ~~because the housing within the land-leased community~~
- 12 ~~will be modular or manufactured housing.~~
- 13 "Land-leased community" means any site, lot, field,
- 14 or tract of land under common ownership upon which ten
- 15 or more occupied manufactured homes ~~or modular homes~~
- 16 are harbored, either free of charge or for revenue
- 17 purposes, and shall include any building, structure,
- 18 or enclosure used or intended for use as part of the
- 19 equipment of the land-leased community. The term
- 20 "land-leased community" shall not be construed to
- 21 include homes, buildings, or other structures
- 22 temporarily maintained by any individual, educational
- 23 institution, or company on their own premises and used
- 24 exclusively to house their own labor or students."
- 25 2. Page 7, by inserting after line 28 the
- 26 following:
- 27 "Sec. 101. Section 414.28A, Code Supplement 1997,
- 28 is amended to read as follows:

29 414.28A LAND-LEASED COMMUNITIES.

30 A city shall not adopt or enforce zoning or
31 subdivision regulations or other ordinances which
32 disallow or make infeasible the plans and
33 specifications of land-leased communities solely
34 because the housing within the land-leased community
35 will be modular or manufactured housing.

36 "Land-leased community" means any site, lot, field,
37 or tract of land under common ownership upon which ten
38 or more occupied manufactured homes or modular homes
39 are harbored, either free of charge or for revenue
40 purposes, and shall include any building, structure,
41 or enclosure used or intended for use as part of the
42 equipment of the land-leased community. The term
43 "land-leased community" shall not be construed to
44 include homes, buildings, or other structures
45 temporarily maintained by any individual, educational
46 institution, or company on their own premises and used
47 exclusively to house their own labor or students.

48 Sec. 102. Section 435.1, subsection 4, Code
49 Supplement 1997, is amended to read as follows:

50 4. "Mobile home park" means a site, lot, field, or

Page 2

1 tract of land upon which three or more mobile homes,
2 or manufactured homes, or modular homes, or a
3 combination of any of these homes are placed on
4 developed spaces and operated as a for-profit
5 enterprise with water, sewer or septic, and electrical
6 services available.

7 Sec. 103. Section 435.22, unnumbered paragraph 1,
8 Code 1997, is amended to read as follows:

9 The owner of each mobile home, or manufactured
10 home, or modular home, located within a mobile home
11 park shall pay to the county treasurer an annual tax.
12 However, when the owner is any educational institution
13 and the home is used solely for student housing or
14 when the owner is the state of Iowa or a subdivision
15 of the state, the owner shall be exempt from the tax.

16 The annual tax shall be computed as follows:

17 Sec. 104. Section 435.26, subsection 1, paragraph
18 a, Code 1997, is amended to read as follows:

19 a. A mobile home, modular home, or manufactured
20 home which is located outside a mobile home park shall
21 be converted to real estate by being placed on a
22 permanent foundation and shall be assessed for real
23 estate taxes. A home, after conversion to real
24 estate, is eligible for the homestead tax credit and
25 the military tax exemption as provided in sections
26 425.2 and 427.3."

27 3. Page 8, by inserting before line 1 the
28 following:

29 "Sec. 105. Section 435.27, subsection 1, Code
30 1997, is amended to read as follows:

31 1. A mobile home, or manufactured home, ~~or modular~~
32 ~~home~~ converted to real estate under section 435.26 may
33 be reconverted to a home as provided in this section
34 when it is moved to a mobile home park or a dealer's
35 inventory. When the home is located within a mobile
36 home park, the home shall be taxed pursuant to section
37 435.22, subsection 1.

38 Sec. 106. Section 435.29, Code 1997, is amended to
39 read as follows:

40 435.29 CIVIL PENALTY.

41 The person who moves the mobile home, or
42 ~~manufactured home, or modular home~~ without having
43 obtained a tax clearance statement as provided in
44 section 435.24 shall pay a civil penalty of one
45 hundred dollars. The penalty money shall be credited
46 to the general fund of the county.

47 Sec. 107. NEW SECTION. 435.34 MODULAR HOME
48 EXEMPTION.

49 For the purposes of this chapter a modular home
50 shall not be construed to be a mobile home and shall

Page 3

1 be exempt from the provisions of this chapter.

2 However, this section shall not prohibit the location
3 of a modular home within a mobile home park.

4 This section does not apply to mobile home parks in
5 existence on or before January 1, 1998. If a modular
6 home is placed in a mobile home park which was in
7 existence on or before January 1, 1998, that modular
8 home shall be subject to property tax pursuant to
9 section 435.22.

10 Sec. 108. Section 435.35, Code 1997, is amended to
11 read as follows:

12 435.35 EXISTING HOME OUTSIDE OF MOBILE HOME PARK
13 — EXEMPTION.

14 A taxable mobile home, or manufactured home, ~~or~~
15 ~~modular home~~ which is not located in a mobile home
16 park as of January 1, 1995, shall be assessed and
17 taxed as real estate. The home is also exempt from
18 the permanent foundation requirements of this chapter
19 until the home is relocated."

20 4. Page 10, by inserting after line 11 the
21 following:

22 "Sec. 111. RETROACTIVE APPLICABILITY. Sections
23 100, 101, 102, 103, 104, 105, 106, 107, and 108 of
24 this Act apply retroactively to the assessment year
25 beginning January 1, 1998, and all subsequent
26 assessment years."

27 5. By renumbering as necessary.

Amendment H-8532 was adopted.

SENATE FILE 2400 SUBSTITUTED FOR HOUSE FILE 2440

Dix of Butler asked and received unanimous consent to substitute Senate File 2400 for House File 2440.

Senate File 2400, a bill for an act relating to the powers and duties of county treasurers and including an applicability date provision, was taken up for consideration.

Dix of Butler offered the following amendment H-8660 filed by him and moved its adoption:

H-8660

- 1 Amend Senate File 2400, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 5, line 8, through page 6,
- 4 line 2.
- 5 2. Page 12, by striking lines 31 through 33.
- 6 3. By renumbering as necessary.

Amendment H-8660 was adopted.

Dix of Butler offered the following amendment H-8662 filed by him and moved its adoption:

H-8662

- 1 Amend Senate File 2400, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, by striking lines 9 and 10 and
- 4 inserting the following: "communities solely because
- 5 the housing within the land-leased community will be
- 6 ~~modular or~~ manufactured housing."
- 7 2. Page 6, line 21, by inserting after the word
- 8 "students." the following: "A manufactured home
- 9 located in a land-leased community shall be taxed
- 10 under section 435.22 as if the manufactured home were
- 11 located in a mobile home park."
- 12 3. Page 8, by striking lines 11 and 12 and
- 13 inserting the following: "communities solely because
- 14 the housing within the land-leased community will be
- 15 ~~modular or~~ manufactured housing."
- 16 4. Page 8, line 23, by inserting after the word
- 17 "students." the following: "A manufactured home
- 18 located in a land-leased community shall be taxed
- 19 under section 435.22 as if the manufactured home were
- 20 located in a mobile home park."
- 21 5. Page 8, by inserting after line 23 the
- 22 following:

- 23 "Sec. ____ . Section 435.1, subsection 1, Code
24 Supplement 1997, is amended to read as follows:
25 1. "Home" means a mobile home, or a manufactured
26 home, ~~or a modular home.~~
27 6. By renumbering as necessary.

Amendment H-8662 was adopted.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-8559 filed by him on March 23, 1998.

Dix of Butler offered the following amendment H-8663 filed by him and moved its adoption:

H-8663

- 1 Amend Senate File 2400, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 12, by striking lines 18 and 19 and
4 inserting the following: "by both regular mail and
5 certified mail to the person's last known address and
6 such notice is deemed completed when the notice by
7 certified mail is deposited in the".

Amendment H-8663 was adopted.

Vande Hoef of Osceola offered amendment H-8623 filed by him as follows:

H-8623

- 1 Amend Senate File 2400, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 12, by inserting after line 30 the
4 following:
5 "Sec. ____ . NEW SECTION. 648.6 DELAYED VACATION
6 - NOTICE TO LIEN HOLDERS.
7 In cases covered by chapter 562B, a plaintiff may
8 preserve the option of consenting to delayed vacation
9 of a premises as provided in section 648.22A, by
10 sending a copy of the petition, prior to the date set
11 for hearing, by certified or restricted certified mail
12 to the county treasurer and to each lienholder whose
13 name and address are of record in the office of the
14 county treasurer of the county where the mobile home
15 or manufactured home is located.
16 Sec. ____ . NEW SECTION. 648.22A EXECUTIONS
17 INVOLVING MOBILE HOMES AND MANUFACTURED HOMES.
18 1. In cases covered by chapter 562B, upon
19 expiration of three days from the date the judgment is
20 entered pursuant to section 648.22, the defendant may
21 elect to leave a mobile home or manufactured home and
22 its contents in the mobile home park for up to thirty

23 days provided all of the following occur:

24 a. The plaintiff consents and the plaintiff has
25 complied with the provisions of section 648.6.

26 b. All utilities to the mobile home or
27 manufactured home are disconnected prior to expiration
28 of three days from the entry of judgment. Payment of
29 any reasonable costs incurred in disconnecting
30 utilities is the responsibility of the defendant.

31 2. During the thirty-day period the defendant may
32 have reasonable access to the home site to show the
33 home to prospective purchasers, prepare the home for
34 removal, or remove the home, provided that the
35 defendant gives the plaintiff and sheriff at least
36 twenty-four hours notice prior to each exercise of the
37 defendant's right of access.

38 3. During the thirty-day period the defendant
39 shall not occupy the home or be present on the
40 premises between the hours of seven p.m. and seven
41 a.m. A violation of this subsection shall be
42 punishable as contempt.

43 4. If the defendant finds a purchaser of the home,
44 who is a prospective tenant of the mobile home park,
45 the provisions of section 562B.19, subsection 3,
46 paragraph "c", shall apply.

47 5. If, within the thirty-day period, the home is
48 not sold to an approved purchaser or removed from the
49 mobile home park, all of the following shall occur:

50 a. The home, its contents, and any other property

Page 2

1 of the defendant remaining on the premises shall
2 become the property of the plaintiff free and clear of
3 all rights of the defendant to the property and of all
4 liens, claims, or encumbrances of third parties, and
5 any tax levied pursuant to chapter 435 shall be deemed
6 abated.

7 b. Any money judgment against the defendant and in
8 favor of the plaintiff relating to the previous
9 tenancy shall be deemed satisfied.

10 c. The county treasurer, upon receipt of a fee
11 equal to the fee specified in section 321.42 for
12 replacement of certificates of title for motor
13 vehicles, and upon receipt of an affidavit submitted
14 by the plaintiff verifying that the home was not sold
15 to an approved purchaser or removed within the time
16 specified in this subsection, shall issue to the
17 plaintiff a new title for the home.

18 6. A purchaser of the home shall be liable for any
19 unpaid sums due the plaintiff, sheriff, or county
20 treasurer. For the purposes of this section,
21 "purchaser" includes a lienholder or other claimant
22 acquiring title to the home in whole or in part by

23 reason of a lien or other claim.

24 7. A mobile home or manufactured home shall not be
25 removed without the prior payment to the plaintiff of
26 all sums owing at the time of entry of judgment,
27 interest accrued on such sums as provided by law, and
28 per diem rent for that portion of the thirty-day
29 period which has expired prior to removal, and payment
30 of any taxes due on the home which are not abated
31 pursuant to subsection 5."

32 2. Title page, line 1, by inserting after the
33 word "treasurers" the following: ", removal or sale
34 of a mobile home or manufactured home,".

35 3. By renumbering as necessary.

Vande Hoef of Osceola offered the following amendment H-8706, to amendment H-8623, filed by him and moved its adoption:

H-8706

1 Amend the amendment, H-8623, to Senate File 2400,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by striking lines 5 and 6 and
5 inserting the following: "any tax levied pursuant to
6 chapter 435 may be abated by the board of
7 supervisors."

Amendment H-8706 was adopted.

Vande Hoef of Osceola moved the adoption of amendment H-8623, as amended.

Amendment H-8623, as amended, was adopted.

Dix of Butler offered the following amendment H-8536 filed by him and moved its adoption:

H-8536

1 Amend Senate File 2400, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 12, by striking lines 34 and 35 and
4 inserting the following:
5 "Sec. 33. RETROACTIVE APPLICABILITY. Sections 12,
6 18 through 21, and 23 through 26 of this Act apply
7 retroactively".

8 2. Title page, line 2, by striking the words "an
9 applicability" and inserting the following: "a
10 retroactive applicability".

Amendment H-8536 was adopted.

Dix of Butler moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2400)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, 1:

Fallon

Absent or not voting, 2:

Cataldo

Schrader

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 2440 WITHDRAWN

Dix of Butler asked and received unanimous consent to withdraw House File 2440 from further consideration by the House.

Senate File 347, a bill for an act relating to the disposal of public nuisances seized by the department of natural resources, with report of committee recommending amendment and passage, was taken up for consideration.

Huseman of Cherokee offered the following amendment H-8507 filed by the committee on natural resources and moved its adoption:

H-8507

- 1 Amend Senate File 347 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 30, by striking the word "shall"
- 4 and inserting the following: "may".
- 5 2. Page 2, line 2, by striking the word "claim"
- 6 and inserting the following: "notice".
- 7 3. Page 2, by striking lines 6 through 8 and
- 8 inserting the following:
- 9 "c. The state shall give notice of condemnation to
- 10 the person from whom the property was seized and any
- 11 person identified as an owner or lien holder, by
- 12 certified mail, personal service, or publication."
- 13 4. Page 3, line 22, by inserting after the word
- 14 "order" the following: "and shall be conducted in the
- 15 same manner as an appeal in a small claims action".

The committee amendment H-8507 was adopted.

Huseman of Cherokee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 347)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carrroll	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin

Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Cataldo	Eddie	Schrader
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2400 and 347.**

Senate File 2066, a bill for an act relating to child support for a child completing high school graduation or equivalency requirements, with report of committee recommending amendment and passage, was taken up for consideration.

Moreland of Wapello offered the following amendment H-8510 filed by the committee on human resources and moved its adoption:

H-8510

- 1 Amend Senate File 2066, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word "or" and
- 4 inserting the following: "or,"
- 5 2. Page 1, line 9, by inserting after the word
- 6 "requirements" the following: "or a child through
- 7 twenty-two years of age who has not yet graduated from
- 8 high school due to academic reasons, illness,
- 9 disability, or other circumstances, but who is engaged
- 10 full-time in completing high school graduation or
- 11 equivalency requirements".
- 12 3. Page 1, by inserting after line 9 the
- 13 following:
- 14 "Sec. ____ Section 252H.22, subsection 2, Code

- 15 Supplement 1997, is amended to read as follows:
 16 2. The support order provides for the ongoing
 17 support of at least one child under the age of
 18 eighteen, or a child ~~between the ages of eighteen and~~
 19 through nineteen years of age who has not yet
 20 graduated from high school but who is reasonably
 21 expected to graduate from engaged full-time in
 22 completing high school before attaining the age of
 23 nineteen graduation or equivalency requirements, or a
 24 child through twenty-two years of age who has not yet
 25 graduated from high school due to academic reasons,
 26 illness, disability, or other circumstances, but who
 27 is engaged full-time in completing high school
 28 graduation or equivalency requirements.”
 29 4. Page 1, line 25, by inserting after the word
 30 “age;” the following: “or a child through twenty-two
 31 years of age who has not yet graduated from high
 32 school due to academic reasons, illness, disability,
 33 or other circumstances, but who is engaged full-time
 34 in completing high school graduation or equivalency
 35 requirements.”
 36 5. By renumbering as necessary.

The committee amendment H-8510 was adopted.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 2066)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cphoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Siegrist

Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, 1:

Shoultz

Absent or not voting, 2:

Cataldo Schrader

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2330, a bill for an act relating to the filing of civil litigation by prisoners and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Larson of Linn offered the following amendment H-8512 filed by the committee on judiciary and moved its adoption:

H-8512

- 1 Amend Senate File 2330, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 21 through 31 and
- 4 inserting the following:
- 5 "b. If the inmate or prisoner has no good conduct
- 6 time credits to deduct, the order of the court or the
- 7 disciplinary hearing may deduct up to fifty percent of
- 8 the average".
- 9 2. Page 4, by striking lines 3 and 4.
- 10 3. By renumbering as necessary.

The committee amendment H-8512 was adopted.

Larson of Linn offered the following amendment H-8845 filed by him from the floor and moved its adoption:

H-8845

- 1 Amend Senate File 2330, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 21, by striking the word "shall"
- 4 and inserting the following: "may".

Amendment H-8845 was adopted.

Larson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2330)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Cataldo Schrader

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2066 and 2330.**

House File 2479, a bill for an act relating to real estate titles involving bankruptcy, was taken up for consideration.

SENATE FILE 2378 SUBSTITUTED FOR HOUSE FILE 2479

Garman of Story asked and received unanimous consent to substitute Senate File 2378 for House File 2479.

Senate File 2378, a bill for an act relating to real estate titles involving bankruptcy, was taken up for consideration.

Garman of Story offered the following amendment H-8607 filed by her and moved its adoption:

H-8607

1 Amend Senate File 2378, as passed by the Senate, as
2 follows:

3 1. Page 1, line 26, by striking the word
4 "Promptly" and inserting the following: "Within three
5 business days".

6 2. Page 1, by striking line 35 and inserting the
7 following:

8 "1. If the real estate owner files an application
9 for stay within twenty days of the date of mailing the
10 notice of filing the bankruptcy transcript by the
11 clerk with the district court in which".

12 3. Page 2, by inserting after line 6 the
13 following:

14 "2. The district court for the county in which the
15 bankruptcy transcript is filed has no jurisdiction to
16 stay the effects of the bankruptcy transcript either
17 as initially filed or as amended if the transcript
18 contains a certificate by the clerk of the bankruptcy
19 court of any of the following:

20 a. The order affecting real estate has not been
21 appealed and the time for filing an appeal has
22 expired.

23 b. The order affecting real estate has been
24 appealed and the order has been affirmed on appeal and
25 is not further appealable.

26 c. An appeal from the order affecting real estate
27 has been filed and no stay from that order has been
28 granted by the bankruptcy court to the appealing
29 party.

30 3. An amendment to the bankruptcy transcript
31 demonstrating the finality of the bankruptcy court
32 proceedings shall terminate any jurisdiction of the
33 district court to stay the effects of the bankruptcy
34 transcript."

Amendment H-8607 was adopted.

Garman of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2378)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Boggess	Cataldo	Lord	Schrader
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2479 WITHDRAWN

Garman of Story asked and received unanimous consent to withdraw House File 2479 from further consideration by the House.

Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualifications of electors, with report of committee recommending amendment and passage, was taken up for consideration.

Jochum of Dubuque offered the following amendment H-8357 filed by the committee on state government and moved its adoption:

H-8357

- 1 Amend Senate Joint Resolution 9, as amended,
- 2 passed, and reprinted by the Senate, as follows:
- 3 1. Page 1, line 6, by striking the words "to
- 4 vote".

The committee amendment H-8357 was adopted.

Jochum of Dubuque moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the joint resolution was read a last time.

Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualifications of electors.

Be It Resolved By The General Assembly Of The State Of Iowa:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Section 5 of Article II of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

DISQUALIFIED PERSONS. Sec. 5. A person adjudged mentally incompetent to vote or convicted of any felony shall not be entitled to the privilege of an elector.

Sec. 2. The foregoing amendment to the Constitution of the State of Iowa is referred to the General Assembly to be chosen at the next general election for members of the General Assembly, and the Secretary of State is directed to cause the same to be published for three consecutive months previous to the date of that election as provided by law.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 9)

The yeas were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Falck	Fallon	Foege	Ford
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser

Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Shoultz
Siegrist	Sukup	Taylor	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Cataldo	Eddie	Frevert	Lord
Moreland	Schrader	Teig	

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate File 2378** and **Senate Joint Resolution 9**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 1, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2049, a bill for an act relating to redemption by a county of certain parcels sold at property tax sale.

Also: That the Senate has on April 1, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2136, a bill for an act relating to agricultural drainage wells, by extending the date for complying with certain requirements.

Also: That the Senate has on April 1, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2487, a bill for an act relating to the fines and penalties and other requirements applicable to the sale of alcohol and providing an effective date.

Also: That the Senate has on April 1, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2495, a bill for an act relating to the conduct of elections in the state.

Also: That the Senate has on April 1, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2335, a bill for an act relating to the prohibition of sex acts between juveniles and employees and agents at juvenile placement facilities and providing a penalty.

Also: That the Senate has on April 1, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2338, a bill for an act relating to the entities responsible for assisting in international adoptions.

Also: That the Senate has on April 1, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2415, a bill for an act relating to agricultural finance and providing an appropriation and taxation exemption, and providing an effective date.

MARY PAT GUNDERSON, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 1, 1998. Had I been present, I would have voted "aye" on Senate File 2294 and "nay" on House File 2498.

RICHARDSON of Warren

On Wednesday, April 1, 1998, I inadvertently voted "nay" on Senate File 2066. I meant to vote "aye."

SHOULTZ of Black Hawk

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 1, 1998, he approved and transmitted to the Secretary of State the following bills:

Senate File 2119, an act relating to the corn promotion board, by increasing the ceiling on the state assessment of corn subject to a special referendum and authorizing the receipt of rents, royalties, and license fees by the board.

Senate File 2162, an act relating to the definition of the federal Truth in Lending Act in the Iowa consumer credit code.

Senate File 2174, an act relating to agriculture by amending and eliminating provisions to reflect current practices, and transferring provisions.

Senate File 2189, an act relating to the number of bank offices which may be established by a bank within a municipal corporation or urban complex.

Senate File 2192, an act relating to motor vehicle damage disclosure statements.

Senate File 2267, an act concerning the release of information by the department of transportation to governmental employees.

Senate File 2301, an act relating to the operation and regulation of banks and making technical corrections.

Senate File 2319, an act revising the definition of the practice of land surveying.

Senate File 2340, an act relating to the Iowa egg council and to an assessment on the sale of eggs for the support of the council.

Senate File 2350, an act establishing a state employee deferred compensation trust fund.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-nine 4th grade students from Murray Elementary, Murray, accompanied by Karen Stroud. By Arnold of Lucas.

Twenty Government class students from Waco High School, Wayland, accompanied by John Satre and Dianne Miller. By Heaton of Henry.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

1998\384 Norma and Calvin Way, Volga – For celebrating their 50th wedding anniversary.

1998\385 Richard and Neola Sukkel, Monroe – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENT

Senate File 2368

Ways and Means: Weigel, Chair; Dinkla and Hansen.

RESOLUTIONS FILED

HR 104, by Fallon, Barry, Falck, Boddicker, Doderer, Veenstra, Carroll, and Lord, a resolution regarding the intent of the House of

tives that interest groups form an advisory committee to develop recommendations to reduce the frequency of abortions and unplanned pregnancies in the state.

Laid over under **Rule 25.**

HCR 116, by Larson, Sukup, Hahn, Barry, Thomson, Van Fossen, Martin, Wise, Falck, Bell, Mertz, and Thomas, a concurrent resolution recognizing and commending the efforts of organizers of the Iowa Summit on Volunteerism.

Laid over under **Rule 25.**

AMENDMENTS FILED

H—8842	S.F.	2321	Senate Amendment
H—8844	S.F.	2259	Larson of Linn
			Lamberti of Polk
			Rants of Woodbury
			Dolecheck of Ringgold
			Kremer of Buchanan
			Dix of Butler
			Vande Hoef of Osceola
			Heaton of Henry
			Welter of Jones
			Holmes of Scott
			Lord of Dallas
			Hahn of Muscatine
			Mertz of Kossuth
			Richardson of Warren
			Arnold of Lucas
			Barry of Harrison
			Drees of Carroll
			Warnstadt of Woodbury
			Metcalf of Polk
H—8847	H.F.	2506	Hahn of Muscatine
			Thomas of Clayton
H—8848	H.F.	2513	Shoultz of Black Hawk
			Dotzler of Black Hawk
			Reynolds-Knight of Van Buren
			Bernau of Story
			Mascher of Johnson
			Bukta of Clinton
			Warnstadt of Woodbury
			Osterhaus of Jackson
			Teig of Hamilton
			Gipp of Winneshiek
			Brauns of Muscatine
			Houser of Pottawattamie
			Carroll of Poweshiek
			Drake of Pottawattamie
			Mundie of Webster
			Klemme of Plymouth
			Veenstra of Sioux
			Gries of Crawford
			Rayhons of Hancock
			Van Fossen of Scott
			Hansen of Pottawattamie
			Cormack of Webster
			Bell of Jasper
			Garman of Story
			Tyrrell of Iowa
			Whitead of Woodbury

	Koenigs of Mitchell		Wise of Lee
	Cohoon of Des Moines		Bell of Jasper
	Myers of Johnson		O'Brien of Boone
	Mundie of Webster		Scherrman of Dubuque
	Jochum of Dubuque		Taylor of Linn
	Weigel of Chickasaw		
H-8849	H.F.	2513	Weigel of Chickasaw
H-8850	S.F.	58	Gries of Crawford
H-8851	S.F.	58	Gries of Crawford
H-8852	S.F.	2296	Holveck of Polk
			Dotzler of Black Hawk
			Reynolds-Knight of Van Buren
			Wise of Lee
H-8853	S.F.	2380	Osterhaus of Jackson
H-8854	S.F.	2387	Lamberti of Polk
H-8855	H.F.	2290	Dotzler of Black Hawk
H-8856	S.F.	2380	Brand of Tama
H-8857	S.F.	2380	Brand of Tama
H-8858	S.F.	2380	Brand of Tama
H-8859	S.F.	58	Dotzler of Black Hawk
			Foege of Linn
H-8860	S.F.	2296	Dotzler of Black Hawk
	Holveck of Polk		Reynolds-Knight of Van Buren
	Wise of Lee		Witt of Black Hawk
	Thomas of Clayton		Huser of Polk
	Kinzer of Scott		Falck of Fayette
	Shoultz of Black Hawk		Myers of Johnson
	Cohoon of Des Moines		Whitead of Woodbury
	Moreland of Wapello		Taylor of Linn
	Koenigs of Mitchell		Kreiman of Davis
	Fallon of Polk		Connors of Polk
	Bell of Jasper		Brand of Tama
	Jochum of Dubuque		Doderer of Johnson
	Foege of Linn		Burnett of Story
	Mascher of Johnson		Scherrman of Dubuque
	Larkin of Lee		Mertz of Kossuth
	Warnstadt of Woodbury		Murphy of Dubuque
	Cataldo of Polk		Chiodo of Polk
	Ford of Polk		Bernau of Story
	Osterhaus of Jackson		
H-8861	S.F.	2296	Dotzler of Black Hawk
	Holveck of Polk		Reynolds-Knight of Van Buren
	Wise of Lee		Chiodo of Polk

Huser of Polk			Osterhaus of Jackson
Fallon of Polk			Falck of Fayette
Shoultz of Black Hawk			Myers of Johnson
Cohoon of Des Moines			Whitead of Woodbury
Moreland of Wapello			Taylor of Linn
Koenigs of Mitchell			Kreiman of Davis
Connors of Polk			Bell of Jasper
Brand of Tama			Jochum of Dubuque
Doderer of Johnson			Foege of Linn
Burnett of Story			Mascher of Johnson
Scherrman of Dubuque			Larkin of Lee
Mertz of Kossuth			Warnstadt of Woodbury
Murphy of Dubuque			Cataldo of Polk
Ford of Polk			Bernau of Story
Frevert of Palo Alto			Witt of Black Hawk
Thomas of Clayton			Kinzer of Scott
H—8862	S.F.	2296	Reynolds-Knight of Van Buren
Dotzler of Black Hawk			Holveck of Polk
Wise of Lee			Warnstadt of Woodbury
Drees of Carroll			Brand of Tama
Bukta of Clinton			Kreiman of Davis
Osterhaus of Jackson			O'Brien of Boone
Chapman of Linn			Moreland of Wapello
Fallon of Polk			Falck of Fayette
Kinzer of Scott			Witt of Black Hawk
Shoultz of Black Hawk			Koenigs of Mitchell
Murphy of Dubuque			Connors of Polk
Doderer of Johnson			Jochum of Dubuque
Mascher of Johnson			Burnett of Story
Foege of Linn			Taylor of Linn
Huser of Polk			Cataldo of Polk
Chiodo of Polk			Ford of Polk
Mertz of Kossuth			Mundie of Webster
Larkin of Lee			Whitead of Woodbury
Myers of Johnson			Schrader of Marion
Weigel of Chickasaw			Bernau of Story
Scherrman of Dubuque			Cohoon of Des Moines
H—8863	H.F.	2487	Senate Amendment
H—8864	H.F.	2049	Senate Amendment
H—8865	H.F.	2513	Jochum of Dubuque
Witt of Black Hawk			Dotzler of Black Hawk
Mertz of Kossuth			Reynolds-Knight of Van Buren

Falck of Fayette	Murphy of Dubuque
Kinzer of Scott	Whitead of Woodbury
Burnett of Story	Thomas of Clayton
Foege of Linn	Scherrman of Dubuque
Myers of Johnson	Ford of Polk
Cataldo of Polk	O'Brien of Boone
Larkin of Lee	Mundie of Webster
Cphoon of Des Moines	Osterhaus of Jackson
Taylor of Linn	Frevert of Palo Alto
Warnstadt of Woodbury	Bernau of Story
Weigel of Chickasaw	

H—8866	H.F.	2543	Dinkla of Guthrie
H—8867	S.F.	2345	Boddicker of Cedar Moreland of Wapello

On motion by Siegrist of Pottawattamie, the House adjourned at 5:30 p.m., until 8:45 a.m., Thursday, April 2, 1998.

JOURNAL OF THE HOUSE

Eighty-first Calendar Day - Fifty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 2, 1998

The House met pursuant to adjournment at 8:50 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Lindsay Watkins, Trinity Lutheran Church, Boone.

The Journal of Wednesday, April 1, 1998 was approved.

SENATE MESSAGE CONSIDERED

Senate File 2415, by committee on appropriations, a bill for an act relating to agricultural finance, providing an appropriation, and providing an effective date.

Read first time and referred to committee on **appropriations**.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 2541, a bill for an act relating to the use tax exemption for vehicles used substantially in interstate commerce, was taken up for consideration.

Lamberti of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2541)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum

Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker Corbett			

The nays were, none.

Absent or not voting, 3:

Boddicker	Ford	Holveck
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2542, a bill for an act regulating bulk dry animal nutrient products, providing for fees and an appropriation, providing penalties, and providing for an effective date, was taken up for consideration.

Drake of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2542)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foegel	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher

May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Boddicker Ford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

Senate File 2170, a bill for an act relating to licensing sanctions against individuals who default on debt owed to or collected by the college student aid commission, with report of committee recommending passage, was taken up for consideration.

Nelson of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2170)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage

Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, 1:

Doderer

Absent or not voting, 2:

Boddicker Ford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2441 WITHDRAWN

Drake of Pottawattamie asked and received unanimous consent to withdraw House File 2441 from further consideration by the House.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2541, 2542 and Senate File 2170.**

Senate File 2186, a bill for an act relating to the validity and enforceability in Iowa of an advance directive document executed by a veteran of the armed forces, with report of committee recommending passage, was taken up for consideration.

Kremer of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2186)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Brauns	Brunckhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohon	Connors	Cormack

Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Frevert
Garman	Gipp	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Boddicker	Ford	Greig	Osterhaus
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2329, a bill for an act expanding the compensation available from the crime victim compensation program to victims of crime and their families, with report of committee recommending passage, was taken up for consideration.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-8722 filed by him on March 25, 1998.

Veenstra of Sioux offered the following amendment H-8738 filed by him and Holveck of Polk and moved its adoption:

H-8738

1 Amend Senate File 2329, as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 24, the
4 following:

5 "Sec. ____ PREVAILING AMENDMENTS AND CODE EDITOR
6 DIRECTIVE.

7 1. Any amendments to section 232A.4, section
8 232.28, subsections 10 and 11, sections 232.28A,
9 709.10, and 709.17, section 904.108, subsection 6, and

10 chapters 709B, 910A, and 912, Code and Code
 11 Supplement, enacted in any Acts of the Seventy-seventh
 12 General Assembly, 1998 Session, shall prevail over the
 13 repeal of those provisions in 1998 Iowa Acts, House
 14 File 2527, as the reenactment of those provisions in
 15 new Code chapter 915 in that Act is intended to be a
 16 continuation of the prior statutes but is not intended
 17 to preclude further amendment of those provisions.

18 2. The Code editor is therefore directed to apply
 19 and harmonize any amendments enacted during the 1998
 20 Session of the Seventy-seventh General Assembly to
 21 section 232A.4, section 232.28, subsections 10 and 11,
 22 sections 232.28A, 709.10, and 709.17, section 904.108,
 23 subsection 6, and chapters 709B, 910A, and 912, Code
 24 and Code Supplement, to the appropriate corresponding
 25 provisions of new Code chapter 915, as enacted in 1998
 26 Iowa Acts, House File 2527.

27 3. If amendments in other 1998 Iowa Acts to any of
 28 the repealed sections and chapters or partially
 29 stricken sections cannot easily be applied and
 30 harmonized to corresponding provisions in new Code
 31 chapter 915, the amendments may be included in a Code
 32 editor's bill to be submitted to the general assembly
 33 which convenes in January 1999.

34 4. Notwithstanding subsection 1, the repeal of
 35 section 232.28A in section 81 of 1998 Iowa Acts, House
 36 File 2527, is intended to prevail over the amendment
 37 of section 232.28A in section 62 of that Act."

38 2. Title page, line 1, by inserting after the
 39 word "Act" the following: "relating to crime victims,
 40 by".

41 3. Title page, line 2, by inserting after the
 42 word "families" the following: "and providing a Code
 43 editor directive".

44 4. By renumbering as necessary.

Amendment H-8738 was adopted.

Veenstra of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2329)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie

Falck	Fallon	Foege	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Lord	Martin	Mascher	May
Mertz	Metcalf	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Boddicker	Ford	Larson	Meyer
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 2353, a bill for an act relating to an allocation of state aid for purposes of school-based youth services programs, with report of committee recommending amendment and passage, was taken up for consideration.

Grundberg of Polk offered the following amendment H-8503 filed by the committee on education and moved its adoption:

H-8503

- 1 Amend Senate File 2353, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by striking the figure "2002"
- 4 and inserting the following: "2000".
- 5 2. Page 1, line 9, by striking the figure "2002"
- 6 and inserting the following: "2000".
- 7 3. Page 1, line 21, by striking the figure "2002"
- 8 and inserting the following: "2000".

The committee amendment H-8503 was adopted.

Brand of Tama offered the following amendment H-8639 filed by Brand, et al., and moved its adoption:

H-8639

- 1 Amend Senate File 2353, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 279.51, subsection 1,
 6 unnumbered paragraph 1, Code Supplement 1997, is
 7 amended to read as follows:
 8 There is appropriated from the general fund of the
 9 state to the department of education for the fiscal
 10 year beginning July 1, 1997, and each succeeding
 11 fiscal year, the sum of ~~fifteen~~ eighteen million ~~one~~
 12 ~~hundred~~ seventy thousand dollars."
 13 2. Page 1, line 4, by striking the word "two" and
 14 inserting the following: "~~two~~ five".
 15 3. Page 1, line 5, by striking the word "eight"
 16 and inserting the following: "~~eight~~ seven".

Roll call was requested by Brand of Tama and Grundberg of Polk.

On the question "Shall amendment H-8639 be adopted?" (S.F. 2353)

The ayes were, 45:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 52:

Arnold	Barry	Blodgett	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Dinkla	Dix
Drake	Eddie	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Metcalf	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

Absent or not voting, 3:

Boddicker

Dolecheck

Ford

Amendment H-8639 lost.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8598 filed by her on March 23, 1998.

Huser of Polk offered the following amendment H-8871 filed by her from the floor and moved its adoption:

H-8871

- 1 Amend Senate File 2353, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 and 2 and
- 4 inserting the following:
- 5 "Sec. ____ Section 279.51, subsection 1, paragraph
- 6 c, Code Supplement 1997, is amended to read as
- 7 follows."
- 8 2. Page 1, by striking lines 13 through 15 and
- 9 inserting the following: "organizations and agencies.
- 10 ~~A school that received a grant during the fiscal year~~
- 11 ~~beginning July 1, 1993, is ineligible to receive a~~
- 12 ~~grant under this paragraph."~~
- 13 3. Page 1, by striking lines 19 through 27 and
- 14 inserting the following:
- 15 "Sec. ____ Section 279.51, subsection 1, paragraph
- 16 e, Code Supplement 1997, is amended by striking the
- 17 paragraph."
- 18 4. By renumbering as necessary.

Amendment H-8871 lost.

Grundberg of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2353)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boggett	Brand	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Gipp	Greig	Greiner	Gries

Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 2:

Garman	Huser
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Absent or not voting, 3:

Boddicker	Bradley	Meyer
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2186, 2329 and 2353.**

Senate File 2201, a bill for an act relating to security for damages arising from the abandonment of natural gas pipelines, with report of committee recommending passage, was taken up for consideration.

Dix of Butler moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2201)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck

Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker Corbett	

The nays were, none.

Absent or not voting, 1:

Boddicker

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2201** be immediately messaged to the Senate.

Ways and Means Calendar

House File 2513, a bill for an act relating to the individual income tax by eliminating the taxation of certain capital gains and providing special treatment of gains from the sales of businesses to descendants, increasing the amount of pension income excluded, increasing certain personal exemption tax credits, and increasing and expanding the tuition and textbook tax credit, exempting sales and services to certain nonprofit hospitals from the sales, services, and use taxes, and relating to the income eligibility requirements for the homestead property tax credit, mobile home tax credit, or reimbursement for rent constituting property taxes paid, and including effective and prospective and retroactive applicability date provisions, was taken up for consideration.

The House stood at ease at 10:30 a.m., until the fall of the gavel.

The House resumed session at 12:25 p.m., Veenstra of Sioux in the chair.

Brunkhorst of Bremer asked and received unanimous consent that House File 2513 be deferred and that the bill retain its place on the calendar.

On motion by Brunkhorst of Bremer, the House was recessed at 12:25 p.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened at 1:30 p.m., Speaker Corbett in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-eight members present, thirty-two absent.

RULE 4 SUSPENDED

Schrader of Marion asked and received unanimous consent to suspend Rule 4 for the temporary filming of an IP-TV documentary.

The House stood at ease at 1:42 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2513 (previously deferred) at 1:50 p.m., Speaker Corbett in the chair.

Shoultz of Black Hawk offered the following amendment H-8411 filed by Shoultz, et al., and moved its adoption:

H-8411 .

- 1 Amend House File 2513 as follows:
- 2 1. By striking page 1, line 2, through page 2,
- 3 line 8, and inserting the following:
- 4 "DEPENDENT CREDIT
- 5 Section 1. Section 422.12, subsection 1, paragraph
- 6 c, Code 1997, is amended to read as follows:
- 7 c. For each dependent, an additional ~~forty~~ seventy
- 8 dollars. As used in this section, the term
- 9 "dependent" has the same meaning as provided by the
- 10 Internal Revenue Code."
- 11 2. Title page, by striking lines 1 through 3 and
- 12 inserting the following: "An Act relating to the
- 13 individual income tax by increasing the dependent
- 14 credit,".
- 15 3. Title page, line 4, by striking the word
- 16 "descendants,".

Roll call was requested by Shoultz of Black Hawk and Siegrist of Pottawattamie.

On the question "Shall amendment H-8411 be adopted?" (H.F. 2513)

The ayes were, 27:

Bernau	Brand	Bukta	Burnett
Cataldo	Chapman	Chiodo	Connors
Doderer	Dotzler	Fallon	Foege
Holveck	Jochum	Kinzer	Koenigs
Mascher	Moreland	Murphy	Myers
Osterhaus	Richardson	Schrader	Shoultz
Taylor	Warnstadt	Whitead	

The nays were, 72:

Arnold	Barry	Bell	Blodgett
Boddicker	Boguess	Bradley	Brauns
Brunkhorst	Carroll	Churchill	Cohoon
Cormack	Dinkla	Dix	Dolecheck
Drake	Drees	Eddie	Falck
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Huser	Jacobs	Jenkins
Klemme	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
May	Mertz	Metcalf	Meyer
Millage	Mundie	Nelson	O'Brien
Rants	Rayhons	Reynolds-Knight	Scherrman
Siegrist	Sukup	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

Absent or not voting, 1:

Ford

Amendment H-8411 lost.

Bernau of Story asked and received unanimous consent that amendment H-8879 be deferred.

Weigel of Chickasaw offered the following amendment H-8849 filed by him and moved its adoption:

H-8849

1 Amend House File 2513 as follows:

2 1. By striking page 2, line 17, through page 3,
3 line 8, and inserting the following:
4 "34. For a person who is disabled, or is fifty-
5 five years of age or older, or is the surviving spouse
6 of an individual or a survivor having an insurable
7 interest in an individual who would have qualified for
8 the exemption under this subsection for the tax year,
9 subtract, to the extent included, the total amount of
10 a governmental or other pension or retirement pay,
11 including, but not limited to, defined benefit or
12 defined contribution plans, annuities, individual
13 retirement accounts, plans maintained or contributed
14 to by an employer, or maintained or contributed to by
15 a self-employed person as an employer, and deferred
16 compensation plans or any earnings attributable to the
17 deferred compensation plans, up to a maximum of ~~three~~
18 five thousand five hundred dollars for a person who
19 files a separate state income tax return and up to a
20 maximum of ~~six~~ eleven thousand dollars for a husband
21 and wife who file a joint state income tax return.
22 However, a surviving spouse who is not disabled or
23 fifty-five years of age or older can only exclude the
24 amount of pension or retirement pay received as a
25 result of the death of the other spouse."

A non-record roll call was requested.

The ayes were 29, nays 45.

Carroll of Poweshiek in the chair at 2:35 p.m.

Amendment H-8849 lost.

Jenkins of Black Hawk asked and received unanimous consent to withdraw amendment H-8211 filed by him and Greig of Emmet on March 4, 1998.

Richardson of Warren offered the following amendment H-8384 filed by him and Fallon of Polk and moved its adoption:

H-8384

1 Amend House File 2513 as follows:
2 1. Page 3, line 28, by striking the words "ten
3 twenty-five" and inserting the following: "ten".

A non-record roll call was requested.

The ayes were 19, nays 58.

Amendment H-8384 lost.

Richardson of Warren asked and received unanimous consent to withdraw amendment H-8486 filed by him on March 18, 1998.

Grundberg of Polk offered the following amendment H-8875 filed by her from the floor and moved its adoption:

H-8875

- 1 Amend House File 2513 as follows:
- 2 1. Page 4, line 29, by striking the word
- 3 "However."
- 4 2. Page 4, by striking lines 30 through 32.

Amendment H-8875 was adopted.

Richardson of Warren offered amendment H-8385 filed by him as follows:

H-8385

- 1 Amend House File 2513 as follows:
- 2 1. Page 4, by striking lines 1 through 29 and
- 3 inserting the following: "216. As used in this
- 4 subsection, "textbooks" means books, necessary school
- 5 supplies, and other instructional materials, eye and
- 6 ear protective devices, and equipment used in
- 7 elementary and secondary schools, including summer
- 8 school, in teaching only those subjects legally and
- 9 commonly taught in public elementary and secondary
- 10 schools, including drivers education, in this state
- 11 and does not include instructional books and materials
- 12 used in the teaching of religious tenets, doctrines,
- 13 or worship, the purpose of which is to inculcate those
- 14 tenets, doctrines, or worship, and does not include
- 15 books or materials for extracurricular activities
- 16 including sporting events, musical or dramatic events,
- 17 speech activities, ~~driver's education~~, or programs of
- 18 a similar nature. Notwithstanding any other
- 19 provision, all other credits allowed under this
- 20 section and section 422.12B shall be deducted before
- 21 the tuition credit under this subsection. The
- 22 department, when conducting an audit of a taxpayer's
- 23 return, shall also audit the tuition tax credit
- 24 portion of the tax return.
- 25 As used in this subsection, "tuition" means any
- 26 charges for the expenses of personnel, buildings,
- 27 equipment and materials other than textbooks, summer
- 28 school tuition, drivers education instructional fees,
- 29 necessary school supplies, eye and ear protective
- 30 devices, transportation costs pursuant to section
- 31 285.5, and other expenses of elementary or secondary
- 32 schools which relate to the teaching only of those
- 33 subjects legally and commonly taught in public
- 34 elementary and secondary schools in this state and
- 35 which do not relate to the teaching of religious

36 tenets, doctrines, or worship, the purpose of which is
37 to inculcate those tenets, doctrines, or worship, and
38 which do not relate to extracurricular activities
39 including sporting events, musical or dramatic events,
40 speech activities, ~~driver's education~~, or programs of
41 a similar nature. However."

Grundberg of Polk offered the following amendment H-8877, to amendment H-8385, filed by her from the floor and moved its adoption:

H-8877

- 1 Amend the amendment, H-8385, to House File 2513, as
- 2 follows:
- 3 1. Page 1, line 2, by striking the figure "29"
- 4 and inserting the following: "32".
- 5 2. Page 1, line 41, by striking the word
- 6 "However."

Amendment H-8877 was adopted.

Richardson of Warren moved the adoption of amendment H-8385, as amended.

Amendment H-8385 lost.

Doderer of Johnson offered amendment H-8293 filed by Doderer, et al., as follows:

H-8293

- 1 Amend House File 2513 as follows:
- 2 1. Page 5, line 2, by inserting after the word
- 3 "HOSPITALS" the following: "AND MASSAGE THERAPISTS".
- 4 2. Page 5, by inserting after line 2 the
- 5 following:
- 6 "Sec. ____ Section 422.43, subsection 11,
- 7 unnumbered paragraph 1, Code Supplement 1997, is
- 8 amended to read as follows:
- 9 The following enumerated services are subject to
- 10 the tax imposed on gross taxable services: alteration
- 11 and garment repair; armored car; vehicle repair;
- 12 battery, tire, and allied; investment counseling;
- 13 service charges of all financial institutions; barber
- 14 and beauty; boat repair; vehicle wash and wax;
- 15 carpentry; roof, shingle, and glass repair; dance
- 16 schools and dance studios; dating services; dry
- 17 cleaning, pressing, dyeing, and laundering; electrical
- 18 and electronic repair and installation; rental of
- 19 tangible personal property, except mobile homes which
- 20 are tangible personal property; excavating and
- 21 grading; farm implement repair of all kinds; flying
- 22 service; furniture, rug, upholstery repair and

23 cleaning; fur storage and repair; golf and country
 24 clubs and all commercial recreation; house and
 25 building moving; household appliance, television, and
 26 radio repair; jewelry and watch repair; limousine
 27 service, including driver; machine operator; machine
 28 repair of all kinds; motor repair; motorcycle,
 29 scooter, and bicycle repair; oilers and lubricators;
 30 office and business machine repair; painting,
 31 papering, and interior decorating; parking facilities;
 32 pipe fitting and plumbing; wood preparation; licensed
 33 executive search agencies; private employment
 34 agencies, excluding services for placing a person in
 35 employment where the principal place of employment of
 36 that person is to be located outside of the state;
 37 sewage services for nonresidential commercial
 38 operations; sewing and stitching; shoe repair and
 39 shoeshine; sign construction and installation; storage
 40 of household goods, mini-storage, and warehousing of
 41 raw agricultural products; swimming pool cleaning and
 42 maintenance; taxidermy services; telephone answering
 43 service; test laboratories, including mobile testing
 44 laboratories and field testing by testing
 45 laboratories, and excluding tests on humans or
 46 animals; termite, bug, roach, and pest eradicators;
 47 tin and sheet metal repair; turkish baths, massage,
 48 and reducing salons, excluding services provided by
 49 massage therapists licensed under chapter 152C;
 50 weighing; welding; well drilling; wrapping, packing,

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1 and packaging of merchandise other than processed
 2 meat, fish, fowl and vegetables; wrecking service;
 3 wrecker and towing; pay television; campgrounds;
 4 carpet and upholstery cleaning; gun and camera repair;
 5 janitorial and building maintenance or cleaning; lawn
 6 care, landscaping and tree trimming and removal; pet
 7 grooming; reflexology; security and detective
 8 services; tanning beds or salons; and water
 9 conditioning and softening."
 10 3. Title page, line 7, by inserting after the
 11 word "hospitals" the following: "and services
 12 provided by licensed massage therapists".
 13 4. By renumbering as necessary.

Chapman of Linn offered the following amendment H-8876, to amendment H-8293, filed by her and Doderer of Johnson from the floor and moved its adoption:

H-8876

1 Amend the amendment, H-8293, to House File 2513 as

2 follows:

- 3 1. Page 1, line 49, by inserting after the figure
4 "152C" the following: "if such services are
5 prescribed by a licensed physician".

Amendment H-8876 was adopted.

Doderer of Johnson moved the adoption of amendment H-8293, as amended.

A non-record roll call was requested.

The ayes were 46, nays 47.

Amendment H-8293 lost.

Jochum of Dubuque offered the following amendment H-8292 filed by Jochum, et al., and moved its adoption:

H-8292

- 1 Amend House File 2513 as follows;
2 1. Page 5, line 9, by inserting after the word
3 "hospital" the following: "or to a nonprofit nursing
4 facility licensed pursuant to chapter 135C to be used
5 in the operation of the nursing facility".
6 2. Title page, line 7, by inserting after the
7 word "hospitals" the following: "and nursing
8 facilities".

A non-record roll call was requested.

The ayes were 43, nays 52.

Amendment H-8292 lost.

Osterhaus of Jackson asked and received unanimous consent to withdraw amendment H-8376 and amendment H-8375 filed by him on March 12, 1998.

Myers of Johnson offered amendment H-8814 filed by him as follows:

H-8814

- 1 Amend House File 2513 as follows:
2 1. Page 5, by inserting after line 9 the
3 following:
4 "DIVISION ____
5 HAGGE REFUND
6 Sec. ____ Section 422.73, Code 1997, is amended by
7 adding the following new subsection:
8 NEW SUBSECTION. 3. Notwithstanding subsection 2,

9 a claim for refund of individual income tax paid for
10 any tax year beginning on or after January 1, 1985,
11 and before January 1, 1989, is considered timely if
12 filed with the department on or before October 31,
13 1998, if the taxpayer's claim is the result of the
14 unconstitutional taxation of federal pension benefits
15 based upon the decision in *Davis v. Michigan*
16 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
17 (1989).

18 A taxpayer entitled to a refund of tax paid under
19 this subsection shall receive an amount equal to one
20 hundred percent of the refund without interest. The
21 claim for refund shall be filed separate from any
22 income tax return and shall not be allowed as a credit
23 for income taxes owed. A claim shall be filed between
24 the effective date of this division of this Act and
25 October 31, 1998. An extension for filing shall not
26 be allowed and claims disallowed on the basis of
27 timeliness shall not be allowed upon appeal to any
28 other state agency notwithstanding any other provision
29 of law.

30 The claim for refund shall be made on claim forms
31 to be made available by the department. In order for
32 a taxpayer to have a valid refund claim, the taxpayer
33 must supply legible copies of documents the director
34 deems necessary to show entitlement to the refund,
35 including but not limited to income tax forms and W-2P
36 forms, which will establish the state income tax that
37 was paid on the federal pension benefits for the tax
38 years in question. The burden of proof is on the
39 taxpayer to show that the claim for refund is valid.
40 Estates are not entitled to file a claim for refund
41 under this subsection, except a spouse of a deceased
42 taxpayer who was the spouse of the taxpayer when the
43 unconstitutional tax was imposed may file a claim for
44 refund without reopening the deceased taxpayer's
45 estate. If a taxpayer has filed a claim under this
46 subsection and subsequently dies before receipt of the
47 refund, the taxpayer's estate is entitled to receipt
48 of any valid refund claim.

49 The department shall make a reasonable attempt to
50 notify individuals who are entitled to a refund under

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1 this subsection.

2 Sec. ____ EFFECTIVE DATE. This division of this
3 Act, being deemed of immediate importance, takes
4 effect upon enactment."

5 2. Title page, line 5, by inserting after the
6 word "credits," the following: "allowing certain tax
7 refunds for income tax paid on federal pension
8 benefits,".

Blodgett of Cerro Gordo rose on a point of order that amendment H-8814 was not germane.

The Speaker ruled the point well taken and amendment H-8814 not germane.

Myers of Johnson moved to suspend the rules to consider amendment H-8814.

Roll call was requested by Myers of Johnson and Schrader of Marion.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-8814?" (H.F. 2513)

The ayes were, 49:

Arnold	Bell	Bernau	Brand
Bukta	Burnett	Cataldo	Chapman
Chiodo	Cohoon	Connors	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevert	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Lamberti	Larkin	Mascher
May	Mertz	Moreland	Mundie
Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomas	Van Fossen
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 49:

Barry	Blodgett	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Churchill
Corbett, Spkr.	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Larson
Lord	Martin	Metcalf	Meyer
Millage	Rants	Rayhons	Siegrist
Sukup	Teig	Tyrrell	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Carroll, Presiding			

Absent or not voting, 2:

Nelson

Thomson

The motion to suspend the rules lost.

Shoultz of Black Hawk offered amendment H-8848 filed by Shoultz, et al., as follows:

H-8848

- 1 Amend House File 2513 as follows:
- 2 1. Page 8, by inserting after line 32 the
- 3 following:
- 4 "Sec. ____ Section 425.40, Code Supplement 1997,
- 5 is amended by striking the section and inserting in
- 6 lieu thereof the following:
- 7 425.40 LOW-INCOME FUND CREATED — APPROPRIATION.
- 8 The low-income tax credit and reimbursement fund is
- 9 created. There is appropriated annually from the
- 10 general fund of the state to the department of revenue
- 11 and finance to be credited to the low-income tax
- 12 credit and reimbursement fund, from funds not
- 13 otherwise appropriated, an amount sufficient to
- 14 implement this division for claimants described in
- 15 section 425.17, subsection 2, paragraph "b".

Blodgett of Cerro Gordo rose on a point of order that amendment H-8848 was not germane.

The Speaker ruled the point well taken and amendment H-8848 not germane.

Schrader of Marion moved to suspend the rules to consider amendment H-8848.

Roll call was requested by Schrader of Marion and Myers of Johnson.

On the question "Shall the rules be suspended to consider amendment H-8848?" (H.F. 2513)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Carroll, Presiding			

Absent or not voting, 1:

Nelson

The motion to suspend the rules lost.

Schrader of Marion asked and received unanimous consent that amendment H-8397 be deferred.

Doderer of Johnson offered amendment H-8516 filed by Doderer, et al., as follows:

H-8516

- 1 Amend House File 2513 as follows:
- 2 1. Page 9, by inserting after line 35 the
- 3 following:
- 4 "DIVISION ____
- 5 NET INCOME EXCLUSION AND CIGARETTE
- 6 TAX INCREASE
- 7 Sec. 100. Section 422.5, subsections 2 and 8, Code
- 8 Supplement 1997, are amended to read as follows:
- 9 2. However, the tax shall not be imposed on a
- 10 resident or nonresident whose net income, as defined
- 11 in section 422.7, is ~~thirteen~~ sixteen thousand ~~five~~
- 12 eight hundred seventy-five dollars or less in the case
- 13 of married persons filing jointly or filing separately
- 14 on a combined return, unmarried heads of household,
- 15 and surviving spouses or ~~nine~~ eleven thousand ~~two~~
- 16 hundred fifty dollars or less in the case of all other
- 17 persons; but in the event that the payment of tax
- 18 under this division would reduce the net income to
- 19 less than ~~thirteen~~ sixteen thousand ~~five~~ eight hundred
- 20 seventy-five dollars or ~~nine~~ eleven thousand ~~two~~
- 21 hundred fifty dollars as applicable, then the tax

22 shall be reduced to that amount which would result in
23 allowing the taxpayer to retain a net income of
24 ~~thirteen sixteen~~ thousand ~~five eight~~ hundred ~~seventy-~~
25 ~~five~~ dollars or ~~nine eleven~~ thousand ~~two hundred fifty~~
26 dollars as applicable. The preceding sentence does
27 not apply to estates or trusts. For the purpose of
28 this subsection, the entire net income, including any
29 part of the net income not allocated to Iowa, shall be
30 taken into account. For purposes of this subsection,
31 net income includes all amounts of pensions or other
32 retirement income received from any source which is
33 not taxable under this division as a result of the
34 government pension exclusions in section 422.7, or any
35 other state law. If the combined net income of a
36 husband and wife exceeds ~~thirteen sixteen~~ thousand
37 ~~five eight~~ hundred ~~seventy-five~~ dollars, neither of
38 them shall receive the benefit of this subsection, and
39 it is immaterial whether they file a joint return or
40 separate returns. However, if a husband and wife file
41 separate returns and have a combined net income of
42 ~~thirteen sixteen~~ thousand ~~five eight~~ hundred ~~seventy-~~
43 ~~five~~ dollars or less, neither spouse shall receive the
44 benefit of this paragraph, if one spouse has a net
45 operating loss and elects to carry back or carry
46 forward the loss as provided in section 422.9,
47 subsection 3. A person who is claimed as a dependent
48 by another person as defined in section 422.12 shall
49 not receive the benefit of this subsection if the
50 person claiming the dependent has net income exceeding

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1 ~~thirteen sixteen~~ thousand ~~five eight~~ hundred ~~seventy-~~
2 ~~five~~ dollars or ~~nine eleven~~ thousand ~~two hundred fifty~~
3 dollars as applicable or the person claiming the
4 dependent and the person's spouse have combined net
5 income exceeding ~~thirteen sixteen~~ thousand ~~five eight~~
6 hundred ~~seventy-five~~ dollars or ~~nine eleven~~ thousand
7 ~~two hundred fifty~~ dollars as applicable.

8 In addition, if the married persons', filing
9 jointly or filing separately on a combined return,
10 unmarried head of household's, or surviving spouse's
11 net income exceeds ~~thirteen sixteen~~ thousand ~~five~~
12 ~~eight~~ hundred ~~seventy-five~~ dollars, the regular tax
13 imposed under this division shall be the lesser of the
14 maximum state individual income tax rate times the
15 portion of the net income in excess of ~~thirteen~~
16 ~~sixteen~~ thousand ~~five eight~~ hundred ~~seventy-five~~
17 dollars or the regular tax liability computed without
18 regard to this sentence. Taxpayers electing to file
19 separately shall compute the alternate tax described
20 in this paragraph using the total net income of the
21 husband and wife. The alternate tax described in this

22 paragraph does not apply if one spouse elects to carry
 23 back or carry forward the loss as provided in section
 24 422.9, subsection 3.

25 8. In addition to the other taxes imposed by this
 26 section, a tax is imposed on the amount of a lump sum
 27 distribution for which the taxpayer has elected under
 28 section 402(e) of the Internal Revenue Code to be
 29 separately taxed for federal income tax purposes for
 30 the tax year. The rate of tax is equal to twenty-five
 31 percent of the separate federal tax imposed on the
 32 amount of the lump sum distribution. A nonresident is
 33 liable for this tax only on that portion of the lump
 34 sum distribution allocable to Iowa. The total amount
 35 of the lump sum distribution subject to separate
 36 federal tax shall be included in net income for
 37 purposes of determining eligibility under the ~~thirteen~~
 38 sixteen thousand five ~~eight~~ hundred ~~seventy-five~~
 39 dollar or less or ~~nine~~ eleven thousand two hundred
 40 fifty dollar or less exclusion, as applicable.

41 Sec. ____ Section 453A.6, subsection 1, Code 1997,
 42 is amended to read as follows:

43 1. There is imposed, and shall be collected and
 44 paid to the department, the following taxes on all
 45 cigarettes used or otherwise disposed of in this state
 46 for any purpose whatsoever:

47 CLASS A. On cigarettes weighing not more than
 48 three pounds per thousand, ~~eighteen-mills~~ three cents
 49 on each such cigarette.

50 CLASS B. On cigarettes weighing more than three

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1 pounds per thousand, ~~eighteen-mills~~ three cents on
 2 each such cigarette.

3 Sec. ____ APPLICABILITY. Section 100 of this
 4 division applies retroactively to January 1, 1998, for
 5 tax years beginning on or after that date."

6 2. Title page, line 5, by inserting after the
 7 word "credits," the following: "increasing the net
 8 income exclusion amount,".

9 3. Title page, line 8, by inserting after the
 10 word "taxes," the following: "relating to an increase
 11 in the cigarette tax rate,".

Greig of Emmet rose on a point of order that amendment H-8516 was not germane.

The Speaker ruled the point well taken and amendment H-8516 not germane.

Jochum of Dubuque offered amendment H-8865 filed by Jochum, et al., as follows:

H-8865

1 Amend House File 2513 as follows:

2 1. Page 9, by inserting after line 35 the
3 following:

4 "DIVISION ____
5 MILITARY TAX EXEMPTION

6 Sec. ____ Section 25B.7, subsection 2, paragraph
7 c, Code Supplement 1997, is amended to read as
8 follows:

9 c. Military service property tax credit and
10 exemption pursuant to chapter 426A and sections 427.3
11 through 427.7, ~~to the extent of six dollars and~~
12 ~~seventy five cents per thousand dollars of assessed~~
13 ~~value of the exempt property.~~

14 Sec. ____ Section 426A.2, Code 1997, is amended to
15 read as follows:

16 426A.2 MILITARY SERVICE TAX CREDIT.

17 The moneys shall be apportioned each year so as to
18 replace all ~~or a portion~~ of the tax which would be due
19 on property eligible for military service tax
20 exemption in the state, if the property were subject
21 to taxation, ~~the amount of the credit to be not more~~
22 ~~than six dollars and seventy five cents per thousand~~
23 ~~dollars of assessed value of property which would be~~
24 ~~subject to the tax, except for the military service~~
25 ~~tax exemption.~~

26 Sec. ____ Section 426A.5, Code 1997, is amended to
27 read as follows:

28 426A.5 PROPORTIONATE SHARES TO DISTRICTS.

29 The amount of credits received under this chapter
30 shall then be apportioned by each county treasurer to
31 the several taxing districts in the same manner as
32 though the amount of the credit had been paid by the
33 owner of the property receiving the credit. Each
34 taxing district shall receive its proportionate share
35 of the military service tax credit allowed on each and
36 every tax exemption allowed in such the taxing
37 district, ~~in the proportion that the levy made by such~~
38 ~~taxing district upon general property bears to the~~
39 ~~total levy upon all property subject to general~~
40 ~~property taxation by all taxing districts imposing a~~
41 ~~general property tax in such taxing district based~~
42 upon the amount of property taxes which would be due
43 on the property receiving the credit, if the property
44 were subject to taxation.

45 Sec. ____ This division of this Act, being deemed
46 of immediate importance, takes effect upon enactment
47 and applies to the military service property tax
48 exemption allowed for property taxes due and payable
49 during fiscal years beginning on or after July 1,
50 1998."

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1 2. Page 10, by inserting before line 1 the
2 following:

3 "DIVISION ____
4 DEFINITION OF VETERAN FOR PROPERTY TAX EXEMPTION

5 Sec. ____ Section 427.3, subsections 1 and 2, Code
6 1997, are amended to read as follows:

7 1. The property, not to exceed two thousand seven
8 hundred seventy-eight dollars in taxable value of any
9 ~~honorably discharged soldier, sailor, marine, or nurse~~
10 veteran, as defined in subsection 3, of the first
11 World War.

12 2. The property, not to exceed one thousand eight
13 hundred fifty-two dollars in taxable value of an
14 honorably separated, retired, furloughed to a reserve,
15 placed on inactive status, or discharged ~~soldier,~~
16 ~~sailor, marine, or nurse of the second World War from~~
17 ~~December 7, 1941, to December 31, 1946, army of~~
18 ~~occupation in Germany from November 12, 1918, to July~~
19 ~~11, 1923, American expeditionary forces in Siberia~~
20 ~~from November 12, 1918, to April 30, 1920, second~~
21 ~~Nicaraguan campaign with the navy or marines in~~
22 ~~Nicaragua or on combatant ships 1926-1933, second~~
23 ~~Haitian suppression of insurrections 1919-1920, navy~~
24 ~~and marine operations in China 1937-1939 and Yangtze~~
25 ~~service with navy and marines in Shanghai or in the~~
26 ~~Yangtze Valley 1926-1927 and 1930-1932 or of the~~
27 ~~Korean Conflict at any time between June 25, 1950, and~~
28 ~~January 31, 1955, both dates inclusive, or those who~~
29 ~~served on active duty during the Vietnam Conflict~~
30 ~~beginning December 22, 1961, and ending May 7, 1975,~~
31 ~~both dates inclusive, or those who served on active~~
32 ~~duty during the Persian Gulf Conflict at any time~~
33 ~~between August 2, 1990, and the date the president or~~
34 ~~the Congress of the United States declares a permanent~~
35 ~~cessation of hostilities, both dates inclusive~~
36 veteran, as defined in subsection 3. However, if
37 Congress enacts a date different from August 2, 1990,
38 as the beginning of the Persian Gulf Conflict for
39 purposes of determining whether a veteran is entitled
40 to receive military benefits as a veteran of the
41 Persian Gulf Conflict, that date shall be substituted
42 for August 2, 1990. For the purposes of this section,
43 "active duty" means full time duty in the armed forces
44 of the United States, excluding active duty for
45 training purposes only and excluding any period a
46 person was assigned by the armed forces to a civilian
47 institution for a course of education or training
48 which was substantially the same as established
49 courses offered to civilians, or as a cadet or
50 midshipman, however enrolled, at one of the service

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1 academies.

2 Sec. ____ Section 427.3, subsection 3, Code 1997,
3 is amended by striking the subsection and inserting
4 the following:

5 As used in sections 427.3 through 427.7, "veteran"
6 means a resident of this state who served in the armed
7 forces of the United States and who was discharged
8 under honorable conditions. "Veteran" includes the
9 following persons:

10 a. Former members of the reserve forces of the
11 United States who served at least twenty years in the
12 reserve forces after January 28, 1973, and who were
13 discharged under honorable conditions. However, a
14 member of the reserve forces of the United States who
15 completed a minimum aggregate of ninety days of active
16 federal service, other than training, and was
17 discharged under honorable conditions, or was retired
18 under Title X of the United States Code shall be
19 included as a veteran.

20 b. Former members of the Iowa national guard who
21 served at least twenty years in the Iowa national
22 guard after January 28, 1973, and who were discharged
23 under honorable conditions. However, a member of the
24 Iowa national guard who was activated for federal
25 duty, other than training, for a minimum aggregate of
26 ninety days, and was discharged under honorable
27 conditions or was retired under Title X of the United
28 States Code shall be included as a veteran.

29 c. Former members of the active, oceangoing
30 merchant marines who served during World War II at any
31 time between December 7, 1941, and December 31, 1946,
32 both dates inclusive, who were discharged under
33 honorable conditions.

34 d. Former members of the women's air force service
35 pilots and other persons who have been conferred
36 veterans status based on their civilian duties during
37 World War II in accordance with federal Pub. L. No.
38 95-202, 38 U.S.C. § 106.

39 Sec. ____ Section 427.4, Code 1997, is amended to
40 read as follows:

41 427.4 EXEMPTIONS TO RELATIVES.

42 In case any person in the foregoing classifications
43 does not claim ~~any such~~ the exemption from taxation,
44 it shall be allowed in the name of ~~such~~ the person to
45 the same extent on the property of any one of the
46 following persons in the order named:

47 1. The spouse, or surviving spouse remaining
48 unmarried, of ~~any such soldier, sailor, marine, or~~
49 nurse as defined in section 427.3, where
50 they are living together or were living together at

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1 the time of the death of ~~such person~~ the veteran.
2 2. The parent whose spouse is deceased and who
3 remains unmarried, of ~~any such soldier, sailor,~~
4 ~~marine, or nurse~~ a veteran, as defined in section
5 427.3, whether living or deceased, where ~~such the~~
6 parent is, or was at the time of death of the ~~soldier,~~
7 ~~sailor, marine, or nurse~~ veteran, dependent on ~~such~~
8 ~~person~~ the veteran for support.

9 3. The minor child, or children owning property as
10 tenants in common, of ~~any such a~~ deceased soldier,
11 ~~sailor, marine, or nurse~~ veteran, as defined in
12 section 427.3.

13 No more than one tax exemption shall be allowed
14 under this section or section 427.3 in the name of ~~any~~
15 ~~honorably discharged soldier, sailor, marine, or nurse~~
16 a veteran, as defined in section 427.3.

17 Sec. ____ This division of this Act, being deemed
18 of immediate importance, takes effect upon enactment
19 and applies to the military service property tax
20 exemption allowed for property taxes due and payable
21 during fiscal years beginning on or after July 1,
22 1998."

23 3. Title page, line 11, by inserting after the
24 word "paid," the following: "and increasing state
25 reimbursement for the military tax exemption,".

26 4. Title page, line 11, by inserting before the
27 words "and including" the following: "and expanding
28 the definition of veteran for purposes of the military
29 tax exemption,".

Greig of Emmet rose on a point of order that amendment H-8865 was not germane.

The Speaker ruled the point well taken and amendment H-8865 not germane.

Jochum of Dubuque asked for unanimous consent to suspend the rules to consider amendment H-8865.

Objection was raised.

Jochum of Dubuque moved to suspend the rules to consider amendment H-8865.

Roll call was requested by Jochum of Dubuque and Schrader of Marion.

On the question "Shall the rules be suspended to consider amendment H-8865?" (H.F. 2513)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevort	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 51:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Larson	Lord	Martin	Metcalf
Meyer	Millage	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Carroll, Presiding	

Absent or not voting, 3:

Lamberti	Nelson	Van Fossen
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The motion to suspend the rules lost.

Witt of Black Hawk offered the following amendment H-8880 filed by him from the floor and moved its adoption:

H-8880

- 1 Amend House File 2513 as follows:
- 2 1. Page 1, line 27, by striking the words ""c"
- 3 and "d"" and inserting the following: "and "c"".
- 4 2. Page 1, by inserting after line 35 the
- 5 following:
- 6 "Sec. ____ Section 422.7, subsection 21, paragraph
- 7 d, Code Supplement 1997, is amended by striking the
- 8 paragraph."

Amendment H-8880 lost.

Bernau of Story offered the following amendment H-8879 filed by him from the floor previously deferred, and moved its adoption:

H-8879

- 1 Amend House File 2513 as follows:
- 2 1. Page 2, line 17, by inserting before the word
- 3 "For" the following: "a."
- 4 2. Page 2, line 29, by striking the words "~~three~~
- 5 five" and inserting the following: "three".
- 6 3. Page 2, line 31, by striking the words "~~six~~
- 7 ten" and inserting the following: "six".
- 8 4. Page 2, line 33, by striking the words
- 9 "However, a" and inserting the following: "However, a
- 10 the maximum amount specified in this paragraph may be
- 11 increased as provided in paragraph "b". A".
- 12 5. Page 3, by inserting after line 8 the
- 13 following:
- 14 "b. For purposes of this paragraph, "net income"
- 15 means the net income computed under this section prior
- 16 to any deduction under this subsection. The maximum
- 17 amount specified in paragraph "a" may be increased by
- 18 three thousand dollars for single filers and six
- 19 thousand dollars for joint filers. Single filers with
- 20 net incomes of thirty-four thousand dollars or less
- 21 and joint filers with forty-four thousand dollars or
- 22 less may receive one hundred percent of the three
- 23 thousand dollar increase or six thousand dollar
- 24 increase, respectively. For each additional one
- 25 thousand dollars, or portion thereof, of net income,
- 26 the percentage of the appropriate dollar increase
- 27 specified in this paragraph allowed as a deduction
- 28 shall be reduced by five percent."

Roll call was requested by Bernau of Story and Murphy of Dubuque.

On the question "Shall amendment H-8879 be adopted?" (H.F. 2513)

The ayes were, 48:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Martin	Mascher	May
Mertz	Millage	Moreland	Mundie
Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomas	Warnstadt
Weigel	Whitead	Wise	Witt

The nays were, 51:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Metcalf
Meyer	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Carroll,	
		Presiding	

Absent or not voting, 1:

Nelson

Amendment H-8879 lost.

Richardson of Warren asked and received unanimous consent to withdraw amendment H-8397 filed by him on March 12, 1998.

Greig of Emmet moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2513)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Cataldo	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson

Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Carroll, Presiding		

The nays were, 5:

Chapman	Doderer	Fallon	Mascher
Myers			

Absent or not voting, 1:

Nelson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2513** be immediately messaged to the Senate.

INTRODUCTION OF BILLS

House File 2544, by committee on appropriations, a bill for an act relating to the protection of and provision of safe living environments for certain individuals including providing safe assisted living facilities.

Read first time and placed on the **appropriations calendar**.

House File 2545, by committee on appropriations, a bill for an act relating to county mental health, mental retardation, and developmental disabilities service funding, allocating an appropriation, and providing effective dates.

Read first time and placed on the **appropriations calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2168, a bill for an act relating to the sale of stock or ownership interest of any corporation formed under the Iowa business development finance Act.

Also: That the Senate has on April 2, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2175, a bill for an act relating to the creation of, and annexation of property to, a sanitary sewer district.

Also: That the Senate has on April 2, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2281, a bill for an act providing for the mandatory recording of certain residential real estate installment sales contracts, providing a penalty, and providing for the Act's applicability.

Also: That the Senate has on April 2, 1998, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2001, a joint resolution relating to the interior renovation of the state capitol and requiring that certain portions be accessible to persons with disabilities, consistent with federal requirements by the year 2002.

Also: That the Senate has on April 2, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2023, a bill for an act relating to the issuance of ex-prisoner of war motor vehicle registration plates to surviving spouses.

Also: That the Senate has on April 2, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2085, a bill for an act relating to the responsibilities of the department of transportation, including vehicle equipment and parking regulation, postings of highway weight restrictions, and receipt of plans for city street construction.

Also: That the Senate has on March 30, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2410, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care, and providing effective dates and an applicability provision.

Also: That the Senate has on April 2, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2411, a bill for an act to legalize the transfer of certain property by the joint county system of Black Hawk and Buchanan counties to the Independence community school district, and providing an effective date.

MARY PAT GUNDERSON, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on the afternoon of April 1, 1998. Had I been present, I would have voted "aye" on Senate Files 347, 2066, 2330, 2378 and 2400.

CATALDO of Polk

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills and resolution have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 2nd day of April, 1998: House Joint Resolution 2003 and House Files 2392, 2402, 2443, 2465 and 2478.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 2, 1998, he approved and transmitted to the Secretary of State the following bills:

House File 530, an act concerning assistive devices by requiring a warranty, and providing for replacement of assistive devices and consumer remedies.

House File 2292, an act relating to permits for aquifer storage and recovery and making penalties applicable.

House File 2429, an act relating to the regulation of physical exercise clubs.

House File 2435, an act relating to the entrepreneurs with disabilities program.

House File 2438, an act relating to the regulation of commercial feed.

House File 2456, an act changing the designation of the judiciary in the Code from the judicial department to the judicial branch.

House File 2492, an act relating to drainage districts, by extending the period for financing repairs and improvements.

House File 2502, an act relating to the statewide notification center and providing for alternative staff and the information requirements associated with the notice of an excavation.

House File 2516, an act providing for mandatory licensure for marital and family therapists and mental health counselors, establishing transition provisions, removing frequency requirements regarding board of behavioral science examiners' meetings, and providing an effective date.

Senate File 2324, an act relating to the allocation of cost-share moneys as financial incentives to encourage summer construction of permanent soil and water conservation practices.

Senate File 2341, an act relating to hepatitis type B immunizations of children and providing an applicability provision and an effective date.

PROOF OF PUBLICATION
(Senate File 2411)

Published copy of Senate File 2411 and verified proof of publication of said bill in The Independence Bulletin Journal, a bi-weekly newspaper printed and published in Buchanan County, Iowa on March 25, 1998, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty-two 5th grade students from Cody Elementary, Pleasant Valley, accompanied by Sonia Vogel, Dave Langtimm and Todd Hawley. By Bradley of Clinton.

Forty students from Manning High School, Manning, accompanied by Kevin Litterer. By Drees of Carroll.

Forty 8th grade students from River Valley Middle School, Quimby, accompanied by Mike Nugent. By Huseman of Cherokee.

Twenty-five students from Maquoketa Valley, Delhi, accompanied by Kathy Jurgens, Claudia Keith and Marty Tumeay. By Scherrman of Dubuque.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

COLLEGE STUDENT AID COMMISSION

The 1996-1997 Annual Report, pursuant to Chapter 7A.4(7), Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

1998\386 Dr. Robert Larson, Indianola – For receiving the Iowa Arts Award for his work with the Des Moines Metro Opera.

1998\387 Ray and Alta Vander Linden, Monroe – For celebrating their 50th wedding anniversary.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2280, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the governor's alliance on substance abuse, and the commission of veterans affairs, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8881** April 1, 1998.

Senate File 2332, a bill for an act relating to agriculture, regulating the sale of agricultural products advertised as organic, providing for fees and appropriations, and providing penalties and an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8882** April 1, 1998.

Committee Bill (Formerly House File 2459), relating to the creation of a certified school to career program, providing refunds for certain wages paid to and amounts held in trust for individuals in the program, making an appropriation and including an effective and applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 2, 1998.

Committee Bill (Formerly House File 2511), relating to waste tires and tire-derived fuels.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 2, 1998.

Committee Bill (Formerly House File 2519), relating to county mental health, mental retardation, and developmental disabilities service funding, allocating an appropriation, and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 1998.

Committee Bill (Formerly House File 2524), establishing the lowAccess system and providing for an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 2, 1998.

Committee Bill (Formerly House File 2525), relating to the protection of and provision of safe living environments for certain individuals including providing safe assisted living facilities, establishing dependent adult abuse assessment pilot projects, defining terms related to dependent adult abuse, providing a civil penalty for elder dependent adult abuse, and establishing a dependent adult emergency services fund.

Fiscal Note is not required.

Recommended Amend and Do Pass April 1, 1998.

AMENDMENTS FILED

H—8868	H.F.	2136	Senate Amendment
H—8869	S.F.	187	Klemme of Plymouth
H—8870	S.F.	2296	Churchill of Polk
H—8872	S.F.	2296	Cormack of Webster
H—8873	S.F.	58	Fallon of Polk
H—8874	S.F.	187	Dotzler of Black Hawk
H—8878	S.F.	58	Dotzler of Black Hawk Foegel of Linn
H—8881	S.F.	2280	Committee on Appropriations
H—8882	S.F.	2332	Committee on Appropriations
H—8883	S.F.	2296	Dix of Butler Heaton of Henry
H—8884	S.F.	58	Fallon of Polk
H—8885	S.F.	187	Klemme of Plymouth
H—8886	S.F.	2277	Fallon of Polk Vande Hoef of Osceola
			Lamberti of Polk Reynolds-Knight of Van Buren
			Huser of Polk Cormack of Webster
			Dotzler of Black Hawk Vande Hoef of Osceola
H—8887	S.F.	2404	Vande Hoef of Osceola Brunkhorst of Bremer Meyer of Sac
H—8888	H.F.	2175	Senate Amendment
H—8889	S.F.	2380	Bernau of Story
H—8890	S.F.	2380	Brand of Tama
H—8891	S.F.	2380	Brand of Tama
H—8892	H.F.	2515	Lamberti of Polk Taylor of Linn
H—8893	S.F.	2380	Osterhaus of Jackson
H—8894	S.F.	2380	Bernau of Story

On motion by Siegrist of Pottawattamie, the House adjourned at 7:28 p.m., until 8:45 a.m., Friday, April 3, 1998.

JOURNAL OF THE HOUSE

Eighty-second Calendar Day - Fifty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 3, 1998

The House met pursuant to adjournment at 8:55 a.m., Speaker Corbett in the chair.

Prayer was offered by the Honorable Rosemary Thomson, state representative from Linn County.

The Journal of Thursday, April 2, 1998 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huser of Polk on request of Moreland of Wapello; Garman of Story on request of Siegrist of Pottawattamie; Falck of Fayette, until his arrival, on request of Dotzler of Black Hawk; Koenigs of Mitchell on request of Weigel of Chickasaw.

INTRODUCTION OF BILLS

House File 2546, by committee on appropriations, a bill for an act relating to waste tires and tire-derived fuels.

Read first time and placed on the **appropriations calendar**.

House File 2547, by committee on appropriations, a bill for an act establishing the IowAccess system and providing for an appropriation.

Read first time and placed on the **appropriations calendar**.

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 2001, by Jensen, a joint resolution relating to the interior renovation of the state capitol and requiring that certain portions be accessible to persons with disabilities, consistent with federal requirements by the year 2002.

Read first time and referred to committee on **appropriations**.

Senate File 2410, by committee on appropriations, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care, and providing effective dates and an applicability provision.

Read first time and referred to committee on **appropriations**.

The House stood at ease at 9:02 a.m., until the fall of the gavel.

The House resumed session at 10:02 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

CONSIDERATION OF BILLS Unfinished Business Calendar

Senate File 2254, a bill for an act relating to charges for room and board by certain prisoners, with report of committee recommending passage, was taken up for consideration.

Fallon of Polk offered the following amendment H-8679 filed by him and moved its adoption:

H-8679

- 1 Amend Senate File 2254, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 19, by inserting after the figure
- 4 "356.35" the following: "or to prisoners without
- 5 financial resources to pay the fees or that if the
- 6 fees are paid, the payment will cause a serious
- 7 financial hardship upon dependent family members".

A non-record roll call was requested.

The ayes were 23, nays 48.

Amendment H-8679 lost.

Huseman of Cherokee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2254)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Foege	Ford	Frevert
Gipp	Greig	Greiner	Gries
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Jacobs
Jenkins	Jochum	Kinzer	Klemme

Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, 2:

Chapman Fallon

Absent or not voting, 5:

Cataldo Garman Grundberg Huser
Koenigs

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2208, a bill for an act relating to debt collection by excluding a financial institution and its employees from the definition of debt collector, with report of committee recommending passage, was taken up for consideration.

Bradley of Clinton offered the following amendment H-8268 filed by him and moved its adoption:

H-8268

- 1 Amend House File 2208 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 537.7103, subsection 4,
- 5 paragraph b, Code Supplement 1997, is amended to read
- 6 as follows:
- 7 b. The failure to disclose in the initial written
- 8 communication with the debtor and, in addition, if the
- 9 initial communication with the debtor is oral, in that
- 10 initial oral communication, that the debt collector is
- 11 attempting to collect a debt and that information
- 12 obtained will be used for that purpose, and the
- 13 failure to disclose in subsequent communications that
- 14 the communication is from a debt collector, except
- 15 that this paragraph does not apply to a either of the
- 16 following:

17 (1) A formal pleading made in connection with a
18 legal action.

19 (2) Communications issued directly by a state bank
20 as defined in section 524.103, a state bank chartered
21 under the laws of any other state, a national banking
22 association, a trust company, a federally chartered
23 savings and loan association or savings bank, an out-
24 of-state chartered savings and loan association or
25 savings bank, a financial institution chartered by the
26 federal home loan bank board, an association
27 incorporated or authorized to do business under
28 chapter 534, or a state or federally chartered credit
29 union, provided the communication does not deceptively
30 conceal its origin or its purpose."

31 2. Title page, line 1, by striking the words
32 "collection by excluding a financial" and inserting
33 the following: "collection."

34 3. Title page, by striking lines 2 and 3.

Amendment H-8268 was adopted.

SENATE FILE 2188 SUBSTITUTED FOR HOUSE FILE 2208

Bradley of Clinton asked and received unanimous consent to substitute Senate File 2188 for House File 2208.

Senate File 2188, a bill for an act relating to debt collection, was taken up for consideration.

Bradley of Clinton offered the following amendment H-8269 filed by him and moved its adoption:

H-8269

1 Amend Senate File 2188, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking line 22 and inserting the
4 following: "a state or federally chartered credit
5 union, or a company or association organized or
6 authorized to do business under chapter 515, 518,
7 518A, or 520, or an officer, employee, or agent of
8 such company or association, provided the".

Amendment H-8269 was adopted.

Bradley of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2188)

The ayes were, 94:

Boddicker	Boguess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holveck	Houser
Huseman	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, 1:

Bernau

Absent or not voting, 5:

Garman
Meyer

Holmes

Huser

Koenigs

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2208 WITHDRAWN

Bradley of Clinton asked and received unanimous consent to withdraw House File 2208 from further consideration by the House.

Ways and Means Calendar

House File 2535, a bill for an act relating to the extension of the reduced excise tax imposed on motor fuel containing ethanol, was taken up for consideration.

SENATE FILE 2407 SUBSTITUTED FOR HOUSE FILE 2535

Drake of Pottawattamie asked and received unanimous consent to substitute Senate File 2407 for House File 2535.

Unfinished Business Calendar

Senate File 2407, a bill for an act relating to the extension of the reduced excise tax imposed on motor fuel containing ethanol, was taken up for consideration.

Drake of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2407)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Gipp
Greig	Greiner	Gries	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Mascher	May	Mertz
Metcalf	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Garman	Grundberg	Huser	Koenigs
Martin	Meyer	Shoultz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2535 WITHDRAWN

Drake of Pottawattamie asked and received unanimous consent to withdraw House File 2535 from further consideration by the House.

House File 2467, a bill for an act relating to the standard uniforms of sheriffs and deputy sheriffs, was taken up for consideration.

SENATE FILE 2372 SUBSTITUTED FOR HOUSE FILE 2467

Welter of Jones asked and received unanimous consent to substitute Senate File 2372 for House File 2467.

Senate File 2372, a bill for an act relating to the standard uniforms of sheriffs and deputy sheriffs, was taken up for consideration.

Welter of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2372)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Dolecheck	Garman	Holveck	Huser
Koenigs	Meyer	Witt	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2467 WITHDRAWN

Welter of Jones asked and received unanimous consent to withdraw House File 2467 from further consideration by the House.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2254, 2188, 2407 and 2372.**

Senate File 2261, a bill for an act relating to the criteria for the awarding of grandparent and great-grandparent visitation rights, with report of committee recommending passage, was taken up for consideration.

Kremer of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2261)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman

Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Garman	Huser	Koenigs	Meyer
Vande Hoef			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2185, a bill for an act providing for the purchase of biodegradable hydraulic fluids manufactured from soybeans by state agencies, with report of committee recommending passage, was taken up for consideration.

Jenkins of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2185)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chiodo
Churchill	Cohon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt

Weidman
Wise

Weigel
Witt

Welter
Van Maanen,
Presiding

Whitead

The nays were, none.

Absent or not voting, 5:

Chapman
Meyer

Garman

Huser

Koenigs

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2311, a bill for an act relating to partnerships by replacing the existing law with a uniform partnership law and providing penalties and an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Larson of Linn offered the following amendment H-8544 filed by the committee on judiciary and moved its adoption:

H-8544

- 1 Amend Senate File 2311, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 48, line 17, by striking the figure "100"
- 4 and inserting the following: "50".

The committee amendment H-8544 was adopted.

Larson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2311)

The ayes were, 96:

Arnold
Blodgett
Brand
Burnett
Chiodo
Corbett, Spkr.
Doderer
Drees
Foege
Greig
Hahn
Holveck
Jenkins

Barry
Boddicker
Brauns
Carroll
Churchill
Cormack
Dolecheck
Eddie
Ford
Greiner
Hansen
Houser
Jochum

Bell
Boggett
Brunkhorst
Cataldo
Cohoon
Dinkla
Dotzler
Falck
Frevort
Gries
Heaton
Huseman
Kinzer

Bernau
Bradley
Bukta
Chapman
Connors
Dix
Drake
Fallon
Gipp
Grundberg
Holmes
Jacobs
Klemme

Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Garman	Huser	Koenigs	Meyer
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2261, 2185 and 2311.**

SENATE AMENDMENT CONSIDERED

Rants of Woodbury called up for consideration **House File 2169**, a bill for an act raising the limit on the amount of assets subject to a conservatorship in cases where a private nonprofit corporation serves as conservator, amended by the Senate, and moved that the House concur in the following Senate amendment H-8601:

H-8601

1 Amend House File 2169, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting after line 11 the
 4 following:
 5 "Sec. ____ Section 633.681, Code 1997, is amended
 6 to read as follows:
 7 633.681 ASSETS OF MINOR WARD EXHAUSTED.
 8 When the assets of a minor ward's conservatorship
 9 are exhausted or consist of personal property only of
 10 an aggregate value not in excess of ~~four~~ ten thousand
 11 dollars, the court, upon application or upon its own
 12 motion, may terminate the conservatorship and The
 13 order for termination shall direct the conservator to
 14 deliver the any property remaining after the payment

- 15 of allowed claims and expenses of administration to
 16 the parent or other person entitled to the custody of
 17 the minor ward, for the use of the ward, after payment
 18 of allowed claims and expenses of administration a
 19 custodian under any uniform transfers to minors Act.
 20 Such delivery shall have the same force and effect as
 21 if delivery had been made to the ward after attaining
 22 majority.”
 23 2. Title page, line 3, by inserting after the
 24 word “conservator” the following: “and providing for
 25 an increase in the amount of assets in a minor ward’s
 26 conservatorship eligible for an order for termination
 27 of the conservatorship and for delivery of the
 28 conservatorship assets to certain custodians”.
 29 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8601.

Rants of Woodbury moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 2169)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Dolecheck
Meyer

Garman

Huser

Koenigs

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

SENATE AMENDMENT CONSIDERED

Veenstra of Sioux called up for consideration **House File 2262**, a bill for an act to permit out-of-state peace officers to act within this state pursuant to agreements between state or local authorities, amended by the Senate, and moved that the House concur in the following Senate amendment H-8599:

H-8599

- 1 Amend House File 2262, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "located." the following: "Notwithstanding section
- 5 804.7A, for purposes of this section "out-of-state
- 6 peace officer" also means a person employed full-time
- 7 by the United States government who is empowered to
- 8 effect an arrest with or without a warrant for a
- 9 violation of the United States Code and who is
- 10 authorized to carry a firearm in the performance of
- 11 the person's duties as a federal law enforcement
- 12 officer."
- 13 2. Title page, line 2, by striking the word
- 14 "between" and inserting the following: "with".

The motion prevailed and the House concurred in the Senate amendment H-8599.

Veenstra of Sioux moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2262)

The ayes were, 95:

Arnold
Blodgett
Brand
Burnett
Chiodo

Barry
Boddicker
Brauns
Carroll
Churchill

Bell
Boggess
Brunkhorst
Cataldo
Cohoon

Bernau
Bradley
Bukta
Chapman
Connors

Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Millage
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Garman	Huser	Koenigs	Meyer
Nelson			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

SENATE AMENDMENT CONSIDERED

Vande Hoef of Osceola called up for consideration **House File 2211**, a bill for an act relating to the liability for and payment of medical costs and other expenses incurred by certain prisoners and escapees, amended by the Senate, and moved that the House concur in the following Senate amendment H-8826:

H-8826

- 1 Amend House File 2211, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 669.2, subsection 4,
- 6 unnumbered paragraph 1, Code Supplement 1997, is
- 7 amended to read as follows:
- 8 "Employee of the state" includes any one or more
- 9 officers, agents, or employees of the state or any
- 10 state agency, including members of the general

11 assembly, and persons acting on behalf of the state or
12 any state agency in any official capacity, temporarily
13 or permanently in the service of the state of Iowa,
14 whether with or without compensation, but does not
15 include a contractor doing business with the state.
16 Professional personnel, including physicians,
17 osteopathic physicians and surgeons, osteopathic
18 physicians, optometrists, dentists, nurses, physician
19 assistants, and other medical personnel, who render
20 services to patients or inmates of state institutions
21 under the jurisdiction of the department of human
22 services or the Iowa department of corrections, and
23 employees of the commission of veterans affairs, are
24 to be considered employees of the state, whether the
25 personnel are employed on a full-time basis or render
26 services on a part-time basis on a fee schedule or
27 other arrangement. Criminal defendants while
28 performing unpaid community service ordered by the
29 district court, board of parole, or judicial district
30 department of correctional services, or an inmate
31 providing services pursuant to a chapter 28E agreement
32 entered into pursuant to section 904.703, and persons
33 supervising those inmates under and according to the
34 terms of the chapter 28E agreement, are to be
35 considered employees of the state.

36 Sec. ____ Section 669.21, Code 1997, is amended to
37 read as follows:

38 669.21 EMPLOYEES DEFENDED AND INDEMNIFIED.

39 The state shall defend any employee, and shall
40 indemnify and hold harmless an employee against any
41 claim as defined in section 669.2, subsection 3,
42 paragraph "b", including claims arising under the
43 Constitution, statutes, or rules of the United States
44 or of any state. The duty to indemnify and hold
45 harmless shall not apply and the state shall be
46 entitled to restitution from an employee if the
47 employee fails to cooperate in the investigation or
48 defense of the claim, as defined in this section, or,
49 if, in an action commenced by the state against the
50 employee, it is determined that the conduct of the

Page 2

1 employee upon which a tort claim or demand was based
2 constituted a willful and wanton act or omission or
3 malfeasance in office.

4 Sec. ____ Section 669.22, Code 1997, is amended to
5 read as follows:

6 669.22 ACTIONS IN FEDERAL COURT.

7 The state shall defend any employee, and shall
8 indemnify and hold harmless an employee of the state
9 in any action commenced in federal court under section
10 1983, Title 42, United States Code, against the

11 employee for acts of the employee while acting in the
 12 scope of employment. The duty to indemnify and hold
 13 harmless shall not apply and the state shall be
 14 entitled to restitution from an employee if the
 15 employee fails to cooperate in the investigation or
 16 defense of the claim or demand, or if, in an action
 17 commenced by the state against the employee, it is
 18 determined that the conduct of the employee upon which
 19 the claim or demand was based constituted a willful
 20 and wanton act or omission or malfeasance in office."

21 2. Page 1, by inserting after line 22 the
 22 following:

23 "Sec. ____ Section 904.703, unnumbered paragraph
 24 3, Code 1997, is amended to read as follows:

25 The director may enter into a chapter 28E agreement
 26 with a county board of supervisors or county
 27 conservation board to provide inmate services for
 28 environmental maintenance including but not limited to
 29 brush and weed cutting, tree planting, and erosion
 30 control. ~~The board of supervisors or conservation~~
 31 ~~board shall reimburse the department of corrections~~
 32 ~~for the allowance paid the inmates by the director.~~
 33 ~~The supervision, security, and transportation of~~
 34 ~~inmates used pursuant to the chapter 28E agreement~~
 35 ~~shall be provided by the department of corrections."~~

36 3. Title page, line 1, by striking the word
 37 "medical" and inserting the following: "certain".

38 4. Title page, line 2, by striking the words
 39 "incurred by certain prisoners" and inserting the
 40 following: "relating to certain inmates, prisoners,".

The motion prevailed and the House concurred in the Senate amend-
 ment H-8826.

Vande Hoef of Osceola moved that the bill, as amended by the Sen-
 ate and concurred in by the House, be read a last time now and placed
 upon its passage which motion prevailed and the bill was read a last
 time.

On the question "Shall the bill pass?" (H.F. 2211)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Gipp

Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Garman	Huser	Koenigs	Meyer
Van Fossen			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2169, 2262 and 2211.**

Appropriations Calendar

Senate File 2296, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision, with report of committee recommending amendment and passage, was taken up for consideration.

Churchill of Polk offered amendment H-8711 filed by the committee on appropriations as follows:

H-8711

- 1 Amend Senate File 2296, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 14, line 16, by striking the words and
- 4 figures "by July 1, 1998".

5 2. Page 16, by inserting after line 24 the
 6 following:
 7 "Sec. 13A. IOWA HOUSING CORPORATION. There is
 8 appropriated from the strategic investment fund to the
 9 Iowa housing corporation for the fiscal year beginning
 10 July 1, 1998, and ending June 30, 1999, the following
 11 amount, or so much thereof as is necessary, to be used
 12 for the purposes designated:

13 For assisting in the payment of per diem expenses
 14 for board members attending the bimonthly board
 15 meetings:

16 \$ 7,350

17 Sec. 13B. AUDITOR OF STATE. There is appropriated
 18 from the strategic investment fund to the auditor of
 19 state for the fiscal year beginning July 1, 1998, and
 20 ending June 30, 1999, the following amount, or so much
 21 thereof as is necessary, to be used for the purposes
 22 designated:

23 For payment of expenses related to auditing of the
 24 Iowa housing corporation:

25 \$ 4,000

26 Sec. 13C. Section 16.5, Code Supplement 1997, is
 27 amended by adding the following new subsections:

28 NEW SUBSECTION. 18. Require any nonprofit
 29 corporation created by or in association with the
 30 authority since January 1, 1989, to include two
 31 representatives of nonprofit housing organizations as
 32 voting members on the board of directors of any such
 33 corporation. Any such nonprofit corporation shall not
 34 have more than one member on the board of directors
 35 who is employed by the authority or serves on the
 36 board of directors of the authority.

37 NEW SUBSECTION. 19. Require any nonprofit
 38 corporation created by or in association with the
 39 authority since January 1, 1989, to file a detailed
 40 report by January 15 of each year with the
 41 chairpersons and ranking members of the appropriate
 42 appropriations subcommittees of the general assembly
 43 which shall include, at a minimum, all of the
 44 following:

- 45 a. An annual report of the corporation.
- 46 b. An itemized list of projects assisted, project
- 47 fees received, project locations, types and amounts of
- 48 assistance provided, and contact persons for each
- 49 project.
- 50 c. An itemized list of types and amounts of

Page 2

- 1 financial assistance provided to the corporation by
- 2 outside sources.
- 3 d. A list, by position, of all corporate employees
- 4 and board members. The information submitted pursuant

5 to this paragraph shall include the compensation
6 received, including salary and benefits, received by
7 each employee and board member.

8 NEW SUBSECTION. 20. Require any nonprofit
9 corporation created by or in association with the
10 authority since January 1, 1989, to adopt a written
11 conflict of interests policy.

12 Sec. 13D. AUDIT. By January 15, 1999, the auditor
13 of state shall conduct an audit, or review any
14 previously completed audit, of any nonprofit
15 corporation in existence which has been incorporated
16 since January 1, 1989, by or in association with the
17 Iowa finance authority, for the entire time period
18 since the corporation was incorporated. The auditor
19 shall make or cause to be made a written report
20 consistent with and similar to the type of report
21 required under section 11.4. The auditor of state may
22 conduct similar additional audits of the same
23 nonprofit corporation as the auditor deems necessary
24 and the nonprofit corporation shall pay a fee for all
25 audits conducted.

26 Sec. 13E. HOUSING CORPORATION BOARD. The board of
27 directors of the Iowa housing corporation shall
28 consist of seven voting members serving staggered
29 three-year terms. Two members shall be
30 representatives of nonprofit housing organizations
31 appointed by the governor subject to confirmation by
32 the senate. The Iowa association of realtors, the
33 home builders association of Iowa, and the Iowa
34 bankers association shall all appoint one member to
35 the board. The governor shall appoint the remaining
36 two board members subject to confirmation by the
37 senate. The initial terms of one representative of a
38 nonprofit housing organization and the representative
39 of the Iowa association of realtors shall be appointed
40 for terms commencing by July 1, 1998, or as soon
41 thereafter as possible, the representative of the Iowa
42 bankers association and one appointment by the
43 governor from the general public shall be appointed
44 for terms commencing May 1, 1999, and the
45 representative of the home builders association of
46 Iowa, one representative of a nonprofit housing
47 organization, and one appointment by the governor from
48 the general public shall be appointed for terms
49 commencing May 1, 2000. Board members serving on the
50 effective date of this section shall continue to serve

Page 3

1 on the board until replaced by members designated in
2 this section. After the initial appointments, all
3 succeeding appointees shall serve staggered three year
4 terms beginning and ending as provided in chapter 69.

5 All appointments to the board of directors made by the
6 governor shall conform to the requirements of sections
7 69.15, 69.16, 69.16A, 69.17, 69.18, and 69.19. An
8 employee or staff member of the Iowa housing
9 corporation shall not be eligible to serve on the
10 board of directors."

11 3. By striking page 16, line 25, through page 17,
12 line 27, and inserting the following:

13 "Sec. 14. TERMINATION OF THE IOWA SEED CAPITAL
14 CORPORATION. On or before June 30, 1998, the board of
15 directors of the Iowa seed capital corporation shall
16 wind up the affairs of the corporation, including the
17 termination of staff and dissolution of the
18 corporation. On or before June 30, 1998, the board of
19 directors of the Iowa seed capital corporation shall
20 transfer all corporation moneys to the strategic
21 investment fund established in section 15.313 for the
22 purposes specified in this section. On or before June
23 30, 1998, the board of directors of the Iowa seed
24 capital corporation shall assign its ownership rights
25 in its portfolio and all other noncash assets to the
26 Iowa public employees' retirement system as the
27 successor and assignee of the Iowa seed capital
28 corporation. The general assembly finds that this
29 assignment allows for the benefits of the Iowa seed
30 capital corporation to inure to the state. Debts or
31 obligations of the corporation shall not be
32 transferred to the Iowa public employees' retirement
33 system. The general assembly intends this process to
34 minimize any adverse impact on the portfolio
35 companies, while maximizing the long-term benefit to
36 the state.

37 The moneys transferred to the strategic investment
38 fund shall, unless otherwise specified by law, be used
39 for any of the following purposes relating to venture
40 capital, new business starts, and entrepreneurial
41 development: the entrepreneurial ventures assistance
42 program, the small business innovative research grant
43 program, recognized entrepreneurial venture
44 development training programs, projects defined as a
45 new business opportunity, a new product development,
46 and a venture project under the community economic
47 betterment program, and other joint initiatives of the
48 department with the John Pappajohn entrepreneurial
49 centers."

50 4. Page 19, by striking lines 27 and 28 and

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1 inserting the following:

2 "Sec. 23. Sections 13C, 13D, 13E, and 14 of this
3 Act, being deemed of immediate importance, take effect
4 upon enactment."

- 5 5. Title page, line 4, by inserting after the
- 6 word "board," the following: "auditor of state, Iowa
- 7 housing corporation,".
- 8 6. By renumbering, relettering, or redesignating
- 9 and correcting internal references as necessary.

Larson of Linn asked and received unanimous consent to withdraw amendment H-8896, to the committee amendment H-8711, filed by him from the floor.

Larson of Linn offered the following amendment H-8898, to the committee amendment H-8711, filed by him from the floor and moved its adoption:

H-8898

- 1 Amend the amendment, H-8711, to Senate File 2296,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 25 the
- 5 following:
- 6 "Sec. ____ Section 15E.83, Code 1997, is amended
- 7 to read as follows:
- 8 15E.83 SEED CAPITAL CORPORATION.
- 9 1. The Iowa seed capital corporation shall be
- 10 incorporated under chapter 504A. ~~The purpose of the~~
- 11 ~~corporation shall be to provide seed capital to start-~~
- 12 ~~up and emerging growth companies in Iowa that are~~
- 13 ~~bringing new products and processes to the~~
- 14 ~~marketplace, and it shall be the goal of the~~
- 15 ~~corporation to financially support the establishment~~
- 16 ~~and growth of start-up and emerging growth companies~~
- 17 ~~that can contribute to the economic diversity of the~~
- 18 ~~state and provide general and specific economic~~
- 19 ~~benefits to the state. The corporation shall only~~
- 20 ~~provide seed capital or financial assistance to Iowa~~
- 21 ~~businesses. The corporation shall not be regarded as~~
- 22 ~~a state agency, except for purposes of chapters 17A~~
- 23 ~~and 69, and a member of the board is not considered a~~
- 24 ~~state employee, except for purposes of chapter 669.~~
- 25 ~~An individual employed by the corporation is a state~~
- 26 ~~employee for purposes of the Iowa public employees'~~
- 27 ~~retirement system, state health and dental plans, and~~
- 28 ~~other state employee benefit plans and chapter 669.~~
- 29 ~~Chapters 8, 18, 19A, and 20 and other provisions of~~
- 30 ~~law that relate to requirements or restrictions~~
- 31 ~~dealing with state personnel or state funds do not~~
- 32 ~~apply to the corporation and any employees of the~~
- 33 ~~board or corporation except to the extent provided in~~
- 34 ~~this division. Chapters 21 and 22 shall apply to~~
- 35 ~~activities of the corporation and to employees of the~~
- 36 ~~board or corporation except to the extent provided in~~

37 ~~this division.~~

38 2. The corporation shall be governed by a board of
39 seven directors ~~who shall serve a term of four years.~~
40 ~~Of the seven directors, four shall be persons~~
41 ~~experienced in business finance and employed at a bank~~
42 ~~or other financial institution, be a certified public~~
43 ~~accountant, be an attorney, or be a licensed~~
44 ~~stockbroker. Each director shall serve at the~~
45 ~~pleasure of the governor and shall be appointed by the~~
46 ~~governor, subject to confirmation by the senate~~
47 ~~pursuant to section 2.32. A director is eligible for~~
48 ~~reappointment. A vacancy on the board of directors~~
49 ~~shall be filled in the same manner as an original~~
50 ~~appointment.~~

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1 3. ~~The board of directors shall annually elect one~~
2 ~~member as chairperson and one member as secretary.~~
3 ~~The board may elect other officers of the corporation~~
4 ~~as necessary. Members shall be reimbursed for~~
5 ~~necessary expenses incurred in the performance of~~
6 ~~duties from funds appropriated to the corporation.~~

7 4.3. Each director of the corporation shall take
8 an oath of office and the record of each oath shall be
9 filed in the office of the secretary of state.

10 5.4. The corporation shall receive information and
11 cooperate with other agencies of the state and the
12 political subdivisions of the state.

13 Sec. ____ Section 15E.85, Code 1997, is amended to
14 read as follows:

15 15E.85 BOARD OF DIRECTORS.

16 The powers of the corporation are vested in and
17 shall be exercised by the board of directors. ~~Four~~
18 ~~members of the board constitute a quorum and an~~
19 ~~affirmative vote of at least four of the members~~
20 ~~present at a meeting is necessary before an action may~~
21 ~~be taken by the board. An action taken by the board~~
22 shall be authorized by resolution at a regular or
23 special meeting and takes effect immediately unless
24 the resolution specifies otherwise. Notice of a
25 meeting shall be given orally or in writing not less
26 than forty-eight hours prior to the meeting.

27 Sec. ____ Section 15E.87, Code 1997, is amended to
28 read as follows:

29 15E.87 CORPORATE PURPOSE - POWERS.

30 The purpose of the corporation is to stimulate and
31 encourage the development of new products within Iowa
32 by the infusion of financial aid for invention and
33 innovation in situations in which financial aid would
34 not otherwise be reasonably available from commercial
35 sources. For this purpose the corporation has the
36 following powers:

37 1. To have perpetual succession as a corporate
38 body and to adopt bylaws, policies, and procedures for
39 the regulation of its affairs and conduct of its
40 business consistent with the purposes of this
41 division.
42 ~~2. To enter into venture agreements with persons~~
43 ~~doing business in Iowa upon conditions and terms which~~
44 ~~are consistent with the purposes of this division for~~
45 ~~the advancement of financial aid to the persons. The~~
46 ~~financial aid advanced shall be for the development of~~
47 ~~specific products, procedures, and techniques which~~
48 ~~are to be developed and produced in this state. The~~
49 ~~corporation shall condition the agreements upon~~
50 ~~contractual assurances that the benefits of increasing~~

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1 ~~or maintaining employment and tax revenues shall~~
2 ~~remain in Iowa.~~
3 ~~3. To receive and accept aid or contributions from~~
4 ~~a source of money, property, labor, or other things of~~
5 ~~value to be used to carry out the purposes of this~~
6 ~~division including gifts or grants from a department~~
7 ~~or agency of the United States or any state.~~
8 ~~4. To issue notes and bonds as provided under this~~
9 ~~division.~~
10 ~~5 2. To hold patents, copyrights, trademarks, or~~
11 ~~other evidences of protection or exclusivity issued~~
12 ~~under the laws of this state or the United States to~~
13 ~~any products.~~
14 ~~6 3. To employ assistants, agents, and other~~
15 ~~employees and to engage consultants, attorneys, and~~
16 ~~appraisers as necessary or desirable to carry out the~~
17 ~~purposes of the corporation.~~
18 ~~7 4. To make and enter into contracts and~~
19 ~~agreements necessary or incidental to its performance~~
20 ~~of the duties and the powers granted to the~~
21 ~~corporation.~~
22 ~~8 5. To sue and be sued, plead, and adopt a seal.~~
23 ~~9 6. With the approval of the treasurer of state,~~
24 ~~to invest funds which are not needed for immediate use~~
25 ~~or disbursement, including funds held in reserve, in~~
26 ~~obligations issued or guaranteed by the state or the~~
27 ~~United States.~~
28 ~~10 7. To procure insurance against a loss in~~
29 ~~connection with its property and other assets.~~
30 ~~11 8. To the extent permitted under a corporation~~
31 ~~contract with other persons, to consent to a~~
32 ~~termination, modification, forgiveness, or other~~
33 ~~change in the terms of a contractual right, payment,~~
34 ~~royalty, contract, or agreement.~~
35 ~~12 9. To take necessary action to render bonds~~
36 ~~issued under this division more marketable."~~

37 2. Page 3, by striking lines 13 through 49 and
38 inserting the following:
39 "Sec. ____ LIQUIDATION OF THE IOWA SEED CAPITAL
40 CORPORATION. Notwithstanding sections 15E.81 through
41 15E.94, sections 15E.181 through 15E.184, and 1997
42 Iowa Acts, chapter 143, sections 5 and 6, it is the
43 intent of the general assembly that the Iowa seed
44 capital corporation shall be liquidated or sold in an
45 orderly manner. On May 31, 1998, the terms of the
46 board members of the Iowa seed capital corporation
47 shall terminate, the Iowa seed capital corporation
48 shall be renamed the ISCC liquidation corporation, and
49 a three-person board shall be constituted to complete
50 the orderly liquidation or sale of the assets of the

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1 ISCC liquidation corporation. The ISCC liquidation
2 corporation board shall consist of the commissioner of
3 insurance or the commissioner's designee, the
4 superintendent of banking or the superintendent's
5 designee, and the treasurer of state or the
6 treasurer's designee. The members of the ISCC
7 liquidation corporation board and any staff providing
8 assistance to the board shall not be liable for their
9 acts or omissions in connection with the liquidation
10 or sale of the corporation. The ISCC liquidation
11 corporation board shall close the corporation offices
12 at 200 East Grand, Des Moines, Iowa, by June 30, 1998,
13 terminate the officers and staff of the corporation by
14 June 30, 1998, and shall not hire a new permanent or
15 temporary staff to operate this corporation.
16 The staff of the treasurer of state shall provide
17 administrative support to the ISCC liquidation
18 corporation board and the corporation shall reimburse
19 the treasurer of state for the reasonable costs of
20 providing administrative support. The attorney
21 general shall be consulted and shall provide legal
22 support throughout the liquidation and sale process
23 and the corporation shall reimburse the attorney
24 general for the reasonable costs of providing any such
25 consultation and legal support.
26 The ISCC liquidation corporation board's goals in
27 supervising the liquidation or sale of the corporation
28 are to maximize the net revenue to the state and
29 minimize the impact to the companies involved. The
30 board shall not make any new investments during the
31 liquidation period, except for those necessary to
32 protect and maintain its current holdings.
33 The ISCC liquidation corporation board is
34 authorized to contract for the services, including
35 brokers, other financial advisors or consultants, or
36 legal advisors, necessary to complete the orderly

37 liquidation or sale of the ISCC liquidation
38 corporation.
39 The ISCC liquidation corporation board may
40 determine the potential administrative, legal, and
41 contractual service costs for the liquidation or sale
42 of the corporation and may maintain a prudent reserve
43 fund from liquid assets of the corporation for such
44 purposes. Upon the unanimous vote of the ISCC
45 liquidation corporation board the remainder of the
46 liquid assets shall be transferred to the strategic
47 investment fund established in section 15.313.
48 Following the complete liquidation and dissolution
49 of the corporation or the sale of the corporation, all
50 remaining moneys shall be transferred to the strategic

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1 investment fund. Upon transfer of the remaining
2 moneys to the strategic investment fund, the ISCC
3 liquidation corporation board shall be dissolved.”
4 3. Page 3, by inserting after line 49 the
5 following:
6 “_. Page 19, by inserting after line 26 the
7 following:
8 “Sec. _. Section 15E.86, Code 1997, is
9 repealed.”

Amendment H-8898 was adopted.

Churchill of Polk asked and received unanimous consent that the committee amendment H-8711, as amended, be deferred.

Millage of Scott asked and received unanimous consent that amendment H-8900 be deferred.

Holveck of Polk asked and received unanimous consent that amendment H-8852 be deferred.

Dotzler of Black Hawk asked and received unanimous consent that amendment H-8860 and amendment H-8861 be deferred.

Reynolds-Knight of Van Buren asked and received unanimous consent that amendment H-8862 be deferred.

Larkin of Lee offered the following amendment H-8818 filed by him and Cohoon of Des Moines and moved its adoption:

H-8818

1 Amend Senate File 2296, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 7, by inserting after line 4 the

4 following:

5 "g. Volunteerism Program

6 For the purposes of implementing and administering

7 a volunteerism program pursuant to this lettered

8 paragraph:

9 \$ 500,000

10 The department shall implement and administer a
 11 one-year program on volunteerism beginning July 1,
 12 1998. The department shall provide grants to counties
 13 in order to provide assistance in implementing and
 14 administering America's promise programs. All
 15 counties in the state shall be eligible to participate
 16 in the program. The department shall develop the
 17 criteria for receiving grant moneys. The criteria
 18 shall include, but not be limited to, need and the
 19 impact of the program."

Roll call was requested by Larkin of Lee and Siegrist of Pottawattamie.

On the question "Shall amendment H-8818 be adopted?" (S.F. 2296)

The ayes were, 45:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foegel
Ford	Frevert	Heaton	Holveck
Jochum	Kinzer	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 52:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Drake
Eddie	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 3:

Garman

Huser

Koenigs

Amendment H-8818 lost.

Cormack of Webster asked and received unanimous consent to withdraw amendment H-8782 filed by him on March 30, 1998.

Cormack of Webster offered the following amendment H-8872 filed by him and moved its adoption:

H-8872

- 1 Amend Senate File 2296, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by inserting after line 16 the
- 4 following:
- 5 "The department shall file a report every six
- 6 months with the general assembly in a manner
- 7 consistent with section 7A.11 and with the
- 8 chairpersons and ranking members of the joint
- 9 appropriations subcommittee on economic development
- 10 which gives an update of all activities regarding
- 11 trade promotion in the Chinese market."

Speaker Corbett in the chair at 12:00 p.m.

Amendment H-8872 was adopted.

Churchill of Polk offered the following amendment H-8870 filed by him and moved its adoption:

H-8870

- 1 Amend Senate File 2296, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, line 5, by striking the figure
- 4 "6,175,000" and inserting the following: "6,850,000".

Amendment H-8870 was adopted.

Dix of Butler asked and received unanimous consent to withdraw amendment H-8883 filed by him and Heaton of Henry on April 2, 1998.

Larson of Linn offered the following amendment H-8901, to the committee amendment H-8711, filed by him and Holveck of Polk, Weigel of Chickasaw and Dotzler of Black Hawk from the floor and moved its adoption:

H-8901

- 1 Amend the amendment, H-8711, to Senate File 2296,

2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, by inserting after line 49 the
5 following:
6 "_. Page 18, by inserting after line 27 the
7 following:

8 "Sec. ____ By December 31 of each year, the ISCC
9 liquidation corporation shall submit an annual report
10 to the chairpersons and the ranking members of the
11 joint appropriations subcommittee on economic
12 development. The report shall include an update on
13 the financial condition of the corporation relating to
14 the status of any moneys, assets, or contracts
15 currently being held by the corporation or transferred
16 by the corporation during the prior year."

Amendment H-8901 was adopted.

Churchill of Polk moved the adoption of the committee amendment H-8711, as amended.

The committee amendment H-8711, as amended, was adopted.

Millage of Scott asked and received unanimous consent that amendment H-8900 be deferred.

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 2296 be deferred and that the bill retain its place on the calendar.

SENATE AMENDMENT CONSIDERED

Bradley of Clinton called up for consideration **House File 681**, a bill for an act creating an environmental audit privilege and immunity, and an environmental auditor training program, and providing penalties, amended by the Senate amendment H-8666 as follows:

H-8666

1 Amend House File 681, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 12, by striking the word "
4 which" and inserting the following: "when the
5 facility, operation, or activity".

6 2. Page 1, line 15, by inserting after the word
7 "contractor" the following: "retained by the owner or
8 operator".

9 3. Page 1, line 28, by striking the words "and
10 filed with the department".

11 4. Page 2, line 4, by striking the words "A
12 report" and inserting the following: "An executive
13 summary".

- 14 5. Page 2, line 5, by striking the word "audit,"
15 and inserting the following: "audit".
- 16 6. Page 2, by striking lines 23 and 24 and
17 inserting the following:
18 "6. "Privilege" means the protections provided in
19 regard to an environmental audit report as provided in
20 this chapter."
- 21 7. Page 2, by striking line 26 and inserting the
22 following:
23 "1. Material included in an environmental audit
24 report generated during an environmental audit
25 conducted after the".
- 26 8. Page 2, lines 31 and 32, by striking the words
27 ", or labeled with words of similar import".
- 28 9. Page 2, line 32, by inserting after the word
29 "document" the following: "within the report".
- 30 10. Page 3, line 2, by inserting after the word
31 "audit" the following: "report".
- 32 11. Page 4, line 1, by inserting after the word
33 "waived" the following: "in writing".
- 34 12. Page 4, line 4, by inserting after the word
35 "any" the following: "other".
- 36 13. Page 4, by striking lines 18 through 30 and
37 inserting the following:
38 "b. The disclosure is made under the terms of a
39 confidentiality agreement between any person and the
40 owner or operator of the audited facility or
41 operation."
- 42 14. Page 5, by striking line 5 and inserting the
43 following: "subject to the penalty provided in
44 section 22.6."
- 45 15. Page 5, by inserting after line 30 the
46 following:
47 "e. The portion of the environmental audit report
48 shows a clear and present danger to the public health
49 or the environment."
- 50 16. Page 6, by striking line 7 and inserting the

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- 1 following: "material not privileged as provided in".
- 2 17. Page 7, by striking lines 11 through 16 and
3 inserting the following: "chapter, the department may
4 review information in an environmental audit report,
5 but such review does not waive or make the
6 administrative and civil evidentiary privilege
7 inapplicable to the report. A".
- 8 18. Page 8, line 6, by striking the word "issues"
9 and inserting the following: "information".
- 10 19. Page 8, by striking lines 10 through 13 and
11 inserting the following: "The owner or".
- 12 20. Page 8, line 15, by striking the words
13 "providing such information" and inserting the

- 14 following: "meeting the criteria provided in
15 subsection 2".
- 16 21. Page 8, line 31, by striking the word
17 "corrects" and inserting the following: "to correct".
- 18 22. Page 8, line 33, by inserting after the word
19 "schedule" the following: "submitted to and".
- 20 23. Page 9, line 8, by inserting after the word
21 "disclosed" the following: "to the department".
- 22 24. Page 9, line 12, by inserting after the word
23 "disclosed" the following: "to the department".
- 24 25. Page 10, by striking line 17 and inserting
25 the following: "disclosure, or if under section
26 455B.191 an owner or operator of a facility or
27 operation is classified as a habitual violator."
- 28 26. Page 11, by inserting after line 3 the
29 following:
- 30 "10. Information required by rule to be submitted
31 to the department as part of a disclosure made
32 pursuant to this section is not privileged
33 information."
- 34 27. By renumbering, relettering, or redesignating
35 and correcting internal references as necessary.

Siegrist of Pottawattamie asked and received unanimous consent that House File 681 be deferred and that the bill retain its place on the calendar. (Amendment H-8666 pending.)

Unfinished Business Calendar

Senate File 2312, a bill for an act providing for child day care requirements for volunteers and for the number of children receiving care under the child care home pilot projects and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Murphy of Dubuque offered the following amendment H-8756 filed by him and moved its adoption:

H-8756

- 1 Amend Senate File 2312, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 17 and
4 inserting the following:
- 5 "Section 1. Section 237A.3A, subsection 3,
6 paragraph d, Code Supplement 1997, is amended to read
7 as follows:
- 8 d. (1) Four levels of registration requirements
9 are applicable to registered child care homes in
10 accordance with subsections 10 through 13 and rules
11 adopted to implement this section. The rules shall
12 apply requirements to each level for the amount of

13 space available per child, provider qualifications and
14 training, and other minimum standards.

15 (2) The rules shall allow a child day care home to
16 be registered at level II, III, or IV for which the
17 provider is qualified even though the amount of space
18 required to be available for the maximum number of
19 children authorized for that level exceeds the actual
20 amount of space available in that child care home.
21 However, the total number of children authorized for
22 the child care home at that level of registration
23 shall be limited by the amount of space available per
24 child.

25 Sec. ____ Section 237A.3A, subsection 13,
26 paragraph a, Code Supplement 1997, is amended to read
27 as follows:

28 a. Except as otherwise provided in this
29 subsection, not more than twelve children shall be
30 present at any one time. If more than seven ~~seven~~ eight
31 children are present, a second person must be present
32 who meets the individual qualifications for child care
33 home registration established by rule of the
34 department."

35 2. Page 1, by striking lines 29 through 31 and
36 inserting the following: "date. During the
37 transition period, the following provisions shall
38 apply, notwithstanding section 237A.3A:

39 1. A child care home provider who is providing
40 child day care".

41 3. Page 2, by inserting after line 4 the
42 following:

43 "2. A child care home provider who at the time of
44 registration in the pilot project at level I, II, or
45 III is providing child day care to school age children
46 in excess of the number of school age children
47 authorized for the registration level may continue to
48 provide care for those children. The child care home
49 provider may exceed the total number of children
50 authorized for the level of registration by the number

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1 of school age children in excess of the number
2 authorized for the registration level. This
3 transition period exception is subject to all of the
4 following:

5 a. The provider must comply with the other
6 requirements as to number of children which are
7 applicable to that registration level.

8 b. The maximum number of children attributable to
9 the authorization for school age children at the
10 applicable registration level is five.

11 c. If more than eight children are present at any
12 one time, the provider shall be assisted by a

13 responsible person who is at least fourteen years of
14 age.
15 d. If the child care home no longer provides care
16 to an individual school age child who was receiving
17 care at the time of the registration, the excess
18 number of children allowed under the transition period
19 exception shall be reduced accordingly."

Amendment H-8756 was adopted.

Barry of Harrison offered amendment H-8838 filed by her and
Murphy of Dubuque as follows:

H-8838

1 Amend Senate File 2312, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 4 the
4 following:
5 "Sec. __. CHILD DAY CARE AVAILABILITY. The
6 department of human services shall consult with the
7 child day care advisory council and child day care
8 resource and referral services in studying the
9 availability of child day care services in the state.
10 The report of the study shall be submitted to the
11 governor and the general assembly by January 1, 1999.
12 The report shall include estimates as to the need for
13 child day care services in all areas of the state, the
14 availability of providers versus the need, and
15 identification of the areas with the greatest need and
16 the extent of the need."
17 2. By renumbering as necessary.

Burnett of Story offered the following amendment H-8897, to amend-
ment H-8838, filed by her and Barry of Harrison from the floor and
moved its adoption:

H-8897

1 Amend the amendment, H-8838, to Senate File 2312,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 9, by inserting after the word
5 "availability" the following: ", accessibility,
6 affordability, and quality".

Amendment H-8897 was adopted.

Barry of Harrison moved the adoption of amendment H-8838, as
amended.

Amendment H-8838, as amended, was adopted.

Barry of Harrison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2312)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Dinkla	Garman	Huser	Koenigs
Whitead			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Kremer of Buchanan called up for consideration **House File 2403**, a bill for an act relating to property of a debtor which is exempt from execution, amended by the Senate amendment H-8632 as follows:

H-8632

1 Amend House File 2403, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 4 the
4 following:
5 "Sec. ____ Section 627.6, subsection 8, Code 1997,
6 is amended by adding the following new paragraph:
7 NEW PARAGRAPH. f. All contributions to and assets
8 in the following list of plans or contracts and the
9 accumulated earnings, and market increases in value,
10 therefrom: simplified employee pension plans, self-
11 employed pension plans, Keogh plans, individual
12 retirement accounts, Roth individual retirement
13 accounts, and similar plans for retirement investments
14 in the future authorized under federal law. However,
15 contributions to a plan shall not be exempt to the
16 extent that the contributions for the twenty-four
17 month period prior to the date the exemption is
18 claimed or execution is issued exceed ten thousand
19 dollars in the aggregate over and above the average
20 contributions that had been made to the plan or plans
21 by the debtor or the debtor's employer or both in the
22 five tax years ending prior to the twenty-four-month
23 period before the date the exemption is claimed or the
24 execution is issued. The exception to the exemption
25 in this paragraph for contributions within the twenty-
26 four-month period prior to the date the exemption is
27 claimed or execution is issued shall not include the
28 interest and any accumulation on that interest in any
29 new plans or contracts that are used to replace prior
30 plans, contracts, or policies that would have been
31 excludable from a bankruptcy estate or that the debtor
32 could have claimed exempt from execution at the time
33 of the transfer. For purposes of this paragraph,
34 market increases in value shall include, but not be
35 limited to, dividends, stock splits, interest, and
36 appreciation."
37 2. By renumbering as necessary.

Kremer of Buchanan asked and received unanimous consent that House File 2403 be deferred and that the bill retain its place on the calendar. (Amendment H-8632 pending.)

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2312** be immediately messaged to the Senate.

The House resumed consideration of **Senate File 2296**, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce

development, the public employment relations board, making related statutory changes, and providing an effective date provision, previously deferred.

The following amendments were withdrawn by unanimous consent:

H-8852 filed by Holveck of Polk, et al., on April 1, 1998.

H-8860 filed by Dotzler of Black Hawk, et al., on April 1, 1998.

H-8861 filed by Dotzler of Black Hawk, et al., on April 1, 1998.

H-8862 filed by Reynolds-Knight of Van Buren on April 1, 1998.

Millage of Scott offered amendment H-8900, previously deferred, filed by him from the floor as follows:

H-8900

1 Amend Senate File 2296, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 16, by striking the figure
4 "1,497,074", and inserting the following:
5 "1,494,231".

6 2. Page 2, line 7, by striking the figure
7 "3,942,849", and inserting the following:
8 "3,940,232".

9 3. Page 2, line 24, by striking the figure
10 "452,252", and inserting the following: "450,622".

11 4. Page 2, line 30, by striking the figure
12 "106,124", and inserting the following: "103,967".

13 5. Page 3, line 5, by striking the figure
14 "6,806,774", and inserting the following:
15 "6,803,513".

16 6. Page 4, line 34, by striking the figure
17 "427,429", and inserting the following: "425,219".

18 7. Page 5, line 12, by striking the figure
19 "829,338", and inserting the following: "827,215".

20 8. Page 6, line 12, by striking the figure
21 "422,719", and inserting the following: "418,737".

22 9. Page 7, line 11, by striking the figure
23 "2,022,107", and inserting the following:
24 "2,010,073".

25 10. Page 8, line 15, by striking the figure
26 "5,040,732", and inserting the following:
27 "5,038,912".

Holveck of Polk offered the following amendment H-8902, to amendment H-8900, filed by him from the floor and moved its adoption:

H-8902

1 Amend the amendment, H-8900, to Senate File 2296,

- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 15, by striking the figure
- 5 "6,803,513" and inserting the following: "6,746,513".
- 6 2. Page 1, by inserting after line 27 the
- 7 following:
- 8 "___ Page 13, line 9, by striking the figure
- 9 "2,902,693" and inserting the following: "2,959,693".
- 10 ___ Page 13, line 10, by striking the figure
- 11 "93.00" and inserting the following: "94.00"."

Amendment H-8902 lost.

Dotzler of Black Hawk offered the following amendment H-8903, to amendment H-8900, filed by him from the floor and moved its adoption:

H-8903

- 1 Amend the amendment, H-8900, to Senate File 2296,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 15, by striking the figure
- 5 "6,803,513" and inserting the following: "6,748,313".
- 6 2. Page 1, by inserting after line 27 the
- 7 following:
- 8 "___ Page 13, by striking lines 27 through 32
- 9 and inserting the following:
- 10 "3. For salaries, support, maintenance,
- 11 miscellaneous purposes, for not more than the
- 12 following full-time equivalent position for the
- 13 workforce development state and regional boards, and
- 14 for an allocation of \$55,200 to pay expenses of
- 15 regional board members:
- 16 \$ 162,129
- 17 FTE 1.00"

A non-record roll call was requested.

The ayes were 31, nays 45.

Amendment H-8903 lost.

Dotzler of Black Hawk offered the following amendment H-8904, to amendment H-8900, filed by him from the floor and moved its adoption:

H-8904

- 1 Amend the amendment, H-8900, to Senate File 2296,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

- 4 1. Page 1, line 15, by striking the figure
- 5 "6,803,513" and inserting the following: "6,762,913".
- 6 2. Page 1, by inserting after line 27 the
- 7 following:
- 8 "___ Page 13, by striking lines 27 through 32
- 9 and inserting the following:
- 10 "3. For salaries, support, maintenance,
- 11 miscellaneous purposes, for not more than the
- 12 following full-time equivalent position for the
- 13 workforce development state and regional boards, and
- 14 for an allocation of \$40,600 to pay for a regional
- 15 board statewide conference:
- 16 \$ 147,529
- 17 FTE 1.00"

A non-record roll call was requested.

The ayes were 25, nays 36.

Amendment H-8904 lost.

Reynolds-Knight of Van Buren offered the following amendment H-8905, to amendment H-8900, filed by her from the floor and moved its adoption:

H-8905

- 1 Amend the amendment, H-8900, to Senate File 2296,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 15, by striking the figure
- 5 "6,803,513" and inserting the following: "6,681,020".
- 6 2. Page 1, by inserting after line 27 the
- 7 following:
- 8 "___ Page 13, line 9, by striking the figure
- 9 "2,902,693" and inserting the following: "3,025,186".
- 10 ___ Page 13, line 10, by striking the figure
- 11 "93.00" and inserting the following: "98.00"."

Roll call was requested by Schrader of Marion and Brunkhorst of Bremer.

On the question "Shall amendment H-8905, to amendment H-8900, be adopted?" (S.F. 2296)

The ayes were, 43:

- | | | | |
|---------|---------|---------|---------|
| Bell | Bernau | Brand | Bukta |
| Burnett | Cataldo | Chapman | Chiodo |
| Cohoon | Connors | Doderer | Dotzler |
| Drees | Falck | Fallon | Foege |
| Ford | Frevert | Holveck | Jochum |

Kinzer	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 50:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Gipp	Greig	Gries	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker Corbett		

Absent or not voting, 7:

Garman	Greiner	Grundberg	Huser
Koenigs	Kreiman	Lamberti	

Amendment H-8905 lost.

Millage of Scott moved the adoption of amendment H-8900.

Amendment H-8900 was adopted.

Churchill of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2296)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Choon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Foege	Ford
Frevert	Gipp	Greig	Greiner

Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 1:

Fallon

Absent or not voting, 4:

Garman

Huser

Koenigs

Kreiman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Larson of Linn called up for consideration **House File 2394**, a bill for an act providing for service of one hundred percent of the maximum sentence by and the suspension of a driver's license of a person charged with homicide by vehicle, amended by the Senate, and moved that the House concur in the following Senate amendment H-8735:

H-8735

- 1 Amend House File 2394, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 6 through 8 and
- 4 inserting the following: "707.6A, subsection 1 or 2,
- 5 the clerk of the district court shall,".
- 6 2. Page 1, line 12, by inserting after the word
- 7 "involved," the following: "if known,".
- 8 3. Page 1, line 17, by striking the words and
- 9 figures "subsection 1 or 2" and inserting the
- 10 following: "subsection 1, and if the person's license
- 11 has not previously been suspended under chapter 321J,
- 12 or under section 707.6A, subsection 2".

The motion prevailed and the House concurred in the Senate amendment H-8735.

Larson of Linn moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2394)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Foege	Ford
Frevert	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrell	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, 1:

Fallon

Absent or not voting, 5:

Garman	Huser	Koenigs	Kreiman
Van Fossen			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2394** be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cataldo of Polk on request of Schrader of Marion.

SENATE AMENDMENT CONSIDERED

The House resumed consideration of **House File 681**, a bill for an act creating an environmental audit privilege and immunity, and an environmental auditor training program, and providing penalties, previously deferred, and the Senate amendment H-8666 (found on pages 1252 through 1254 of the House Journal) pending.

Burnett of Story offered the following amendment H-8912, to the Senate amendment H-8666, filed by her from the floor and moved its adoption:

H-8912

- 1 Amend the Senate amendment, H-8666, to House File
- 2 681, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 6 through 8 and
- 5 inserting the following:
- 6 "_. Page 1, by striking lines 14 and 15 and
- 7 inserting the following: "conducted by an
- 8 environmental auditor certified by the board of
- 9 environmental auditor certifications that is designed
- 10 to".
- 11 2. By renumbering as necessary.

Amendment H-8912 lost.

Shoultz of Black Hawk offered the following amendment H-8909, to the Senate amendment H-8666, filed by him from the floor and moved its adoption:

H-8909

- 1 Amend the Senate amendment, H-8666, to House File
- 2 681, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 9 and 10.
- 5 2. By renumbering as necessary.

Amendment H-8909 lost.

Shoultz of Black Hawk offered amendment H-8908, to the Senate amendment H-8666, filed by him from the floor as follows:

H-8908

- 1 Amend the Senate amendment, H-8666, to House File
- 2 681, as amended, passed, and reprinted by House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 31 the

- 5 following:
- 6 "_. Page 3, line 24, by striking the words
- 7 "shall not" and inserting the following: "may".
- 8 2. By renumbering as necessary.

Amendment H-8908 lost.

Holveck of Polk offered the following amendment H-8907, to the Senate amendment H-8666, filed by him from the floor and moved its adoption:

H-8907

- 1 Amend the Senate amendment, H-8666, to House File
- 2 681, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 49 the
- 5 following:
- 6 "_. Page 5, line 32, by inserting after the
- 7 word "applies." the following: "The party seeking
- 8 disclosure shall be provided with a copy of the
- 9 environmental audit report at least ten days prior to
- 10 the in camera hearing unless the court or presiding
- 11 officer orders a shorter or longer time. The court or
- 12 presiding officer may issue appropriate protective
- 13 orders to ensure privileged information is not
- 14 released to third parties during the proceedings.""
- 15 2. By renumbering as necessary.

Amendment H-8907 lost.

Mascher of Johnson offered the following amendment H-8911, to the Senate amendment H-8666, filed by her from the floor and moved its adoption:

H-8911

- 1 Amend the Senate amendment, H-8666, to House File
- 2 681, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 2, by inserting after line 33 the
- 5 following:
- 6 "_. Page 12, by inserting after line 4 the
- 7 following:
- 8 "Sec. NEW SECTION. 455J.14 REPEAL.
- 9 This chapter is repealed effective June 30, 2003.""
- 10 2. By renumbering as necessary.

Amendment H-8911 lost.

Shoultz of Black Hawk offered the following amendment H-8906, to the Senate amendment H-8666, filed by him from the floor and moved its adoption:

H-8906

- 1 Amend the Senate amendment, H-8666, to House File
 2 681, as amended, passed, and reprinted by House, as
 3 follows:
 4 1. Page 2, by inserting after line 34 the
 5 following:
 6 "___ Page 12, by inserting before line 4 the
 7 following:
 8 "Sec. ___. NEW SECTION. 455J.14 SUSPENSION OF
 9 OPERATION OF STATUTORY PROVISION.
 10 If the general assembly is not in session and the
 11 department determines that a provision of this chapter
 12 would cause the department to lose delegation of
 13 authority to administer a program or to lose federal
 14 financial assistance, the department may suspend the
 15 operation of the provision to the extent which is
 16 essential to obtain the assistance under federal law
 17 or regulation. The department shall propose an
 18 amendment to such provision in the next session of the
 19 general assembly."
 20 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 29, nays 47.

Amendment H-8906 lost.

On motion by Bradley of Clinton, the House concurred in the Senate amendment H-8666.

Bradley of Clinton moved that the bill as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read last time.

On the question "Shall the bill pass?" (H.F. 681)

The ayes were, 64:

Arnold	Barry	Bell	Blodgett
Bogoss	Bradley	Brans	Brunkhorst
Carroll	Chapman	Chiodo	Churchill
Cormack	Dix	Dolecheck	Dotzler
Drake	Eddie	Falck	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	May	Mertz	Metcalf
Meyer	Millage	Mundie	Nelson

O'Brien	Rants	Rayhons	Reynolds-Knight
Richardson	Siegrist	Sukup	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Wise	Witt	Mr. Speaker
			Corbett

The nays were, 27:

Bernau	Brand	Burnett	Cohoon
Connors	Doderer	Drees	Fallon
Foege	Ford	Frevert	Holveck
Jochum	Kinzer	Larkin	Mascher
Moreland	Murphy	Myers	Osterhaus
Scherrman	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Whitead	

Absent or not voting, 9:

Boddicker	Bukta	Cataldo	Dinkla
Garman	Hansen	Huser	Koenigs
Kreiman			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILLS

House Joint Resolution 2005, by committee on ways and means, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state budget by limiting state general fund expenditures and restricting certain state tax revenue changes.

Read first time and placed on the **special order calendar for Wednesday, April 15, 1998. (SJR 2004 companion)**

House File 2548, by committee on appropriations, a bill for an act relating to the creation of a certified school to career program, providing refunds for certain wages paid to and amounts held in trust for individuals in the program, making an appropriation, providing for the program's repeal, and including an effective and applicability date provision.

Read first time and placed on the **appropriations calendar.**

SENATE MESSAGE CONSIDERED

Senate File 2411, by committee on judiciary, a bill for an act to legalize the transfer of certain property by the joint county system of

Black Hawk and Buchanan counties to the Independence community school district, and providing an effective date.

Read first time and referred to committee on **judiciary**.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 681** be immediately messaged to the Senate.

RULE 57 SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda for a meeting of the committee on appropriations upon adjournment on Monday, April 6, 1998.

REPORT OF ADMINISTRATION AND RULES COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 3, your committee on administration and rules submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Research Analyst II	Lon W. Anderson	32-2 to 32-3	P-FT	04-03-98
Doorkeeper	Marvin Hollingshead	11-3	S-O	02-09-98
Legislative Research Analyst	Anna M. Hyatt	27-1 to 27-2	P-FT	04-03-98
Doorkeeper	Richard R. Overholser	11-2 to 11-3	S-O	04-03-98
Assistant Finance Officer	Kelly M. Wacht	21-1 to 21-2	P-FT	04-17-98
Legislative Secretary	Norma L. Bakros	17-5+2 to 17-6+2	S-O	04-17-98
Legislative Secretary	Judith K. Elliott	16-1	S-O	03-09-98
Legislative Committee Secretary	Carol F. Hansen	17-2 to 17-3	S-O	04-03-98

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Legislative Secretary	Shannon L. Lamberti	16-1	S-O	03-17-98
Legislative Secretary	Mary B. Lawless	15-4+2 to 15-5+2	S-O	04-17-98
Legislative Secretary	Amy J. Parsons	17-2 to 17-3	S-O	04-17-98
Legislative Secretary	Jean Tannatt	16-2 to 16-3	S-O	04-17-98

RANTS of Woodbury, Chair

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on March 31, 1998, and is on file in the office of the Chief Clerk:

March 31, 1998

Chief Clerk
House of Representatives
Statehouse
LOCAL

Dear Chief Clerk:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House of Representatives.

These include 38 claims of general nature that were denied by the State Appeal Board during January 1998 through March 1998. This supplements our filing of January 16, 1998.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

Sincerely,
Michael Fitzgerald
Chairperson
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

ELIZABETH A. ISAACSON
Chief Clerk of the House

DENIED GENERAL CLAIMS BY THE STATE APPEAL BOARD
SUBMITTED TO THE 77TH GENERAL ASSEMBLY
January Through March 1998

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G960152	IPTV, Pat Indelicato, Cashier	West Des Moines, IA	Petty Cash	\$94.00
G963140	Leo E. Wills	Desoto, MO	License Refund	\$145.00
G971406	Connie J. O'Sullivan	Apple Valley, MN	Refund	\$107.00
G971407	Michael K. O'Sullivan	Apple Valley, MN	License Refund	\$63.00
G971427	Merrill J. Campbell	Park Rapids, MN	License Refund	\$146.00
G971566	Gale B. Alexander Truck Lines, Inc.	Ottumwa, IA	Refund	\$200.53
G980109	Main Health Care Services	Davenport, IA	Medicaid Coverage	\$78.83
G980110	Main Health Care Services	Davenport, IA	Medicaid Coverage	\$231.82
G980111	Main Health Care Services	Davenport, IA	Medicaid Coverage	\$38.41
G980112	Main Health Care Services	Davenport, IA	Medicaid Coverage	\$69.42
G980113	Main Health Care Services	Davenport, IA	Medicaid Coverage	\$50.57
G980114	Main Health Care Services	Davenport, IA	Medicaid Coverage	\$20.71
G980115	Main Health Care Services	Davenport, IA	Medicaid Coverage	\$31.42
G980116	Main Health Care Services	Davenport, IA	Medicaid Coverage	\$33.70
G980118	Main Health Care Services	Davenport, IA	Medicaid Coverage	\$43.02
G980184	Gary & Paula Reynolds	Woodland Park, CO	License Refund	\$132.00
G980192	Betty L. Wright	Cedar Rapids, IA	Back Pay	\$284.80
G980196	Sidney A. Dykstra	Nipomo, CA	License Refund	\$65.00

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G980197	Sidney A. Dykstra	Nipomo, CA	License Refund	\$86.00
G980244	Marion F. Pritchett	Pharr, TX	License Refund	\$135.00
G980311	Gary F. Verville	East Moline, IL	License Refund	\$17.00
G980312	Gary F. Verville	East Moline, IL	License Refund	\$54.00
G980335	Sisters of Mercy, Regional Community of Cedar Rapids	Cedar Rapids, IA	License Refund	\$98.00
G980365	Kenneth Eugene McKim	Goodman, MO	License Refund	\$76.00
G980366	Kenneth Eugene McKim	Goodman, MO	License Refund	\$60.00
G980367	Sharon & Thomas Moorman	Omaha, NE	License Refund	\$26.00
G980370	Kristine M. Cooper	Grand Blanc, MI	License Refund	\$109.00
G980378	Jay Patrick Walton	Ames, IA	License Refund	\$307.00
G980394	Robert Liverca	St. Cloud, MN	License Refund	\$94.00
G980395	Robert Liverca	St. Cloud, MN	License Refund	\$113.00
G980399	Larry D. Blaydes	Fort Calhoun, NE	License Refund	\$78.00
G980400	Larry D. Blaydes	Fort Calhoun, NE	License Refund	\$27.00
G980401	Larry D. Blaydes	Fort Calhoun, NE	License Refund	\$84.00
G980407	Donald K. Nash	Lady Lake, FL	License Refund	\$130.00
G980419	Jean Eileen Christenson	Fort Calhoun, NE	License Refund	\$217.00

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G980421	Doris P. Neuman Dalbey	Omaha, NE	License Refund	\$102.00
G980425	Kathie S. Johnson	Carmen, IL	License Refund	\$112.00
G980453	Amy M. Nowell- Reznicek	Sioux Falls, SD	License Refund	\$86.00

EXPLANATIONS OF VOTE

On Wednesday, April 1, 1998, I inadvertently voted "aye" on House File 2498. I meant to vote "nay."

KINZER of Scott

I was necessarily absent from the House chamber on the afternoon of April 1, 1998. Had I been present, I would have voted "aye" on Senate Joint Resolution 9.

MORELAND of Wapello

I was necessarily absent from the House chamber on April 2, 1998. Had I been present, I would have voted "aye" on House File 2513.

NELSON of Marshall

I was necessarily absent from the House chamber on March 31, 1998. Had I been present, I would have voted "aye" on Senate File 530 and "nay" on House File 721.

RICHARDSON of Warren

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty-two 5th grade students from Ballard East School, Cambridge, accompanied by Kirsten Barta, Candy Welty, Carrie Ostrom and Mrs. Burrows. By Bernau of Story.

Twelve 5th, 6th and 7th grade students from Troop 12 Boy Scouts, Mason City, accompanied by Colleen Grayson and Carol Meyer. By Blodgett of Cerro Gordo.

Thirty-seven 8th grade students from Odebolt-Arthur Middle School, Arthur, accompanied by Steve Walsh, Pippa Fineran, Bob Mollhoff and Keith Fineran. By Meyer of Sac.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

1998\388 Mr. and Mrs. George Wemmie, Batavia – For celebrating their 60th wedding anniversary.

1998\389 The Staff of Western Hills Elementary School, West Des Moines – For receiving the 1997-1998 FINE Recognition Award.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 2001

Appropriations: Gipp, Chair; Jacobs and Warnstadt.

Senate File 2415

Appropriations: Houser, Chair; Greiner, Jacobs, Koenigs, Meyer, Warnstadt and Wise.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 2368, a bill for an act relating to the management of public rights-of-way by local government units, eliminating the power of cities to grant franchises to erect, maintain, and operate plants and systems for telecommunications services within the city, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 1998.

Committee Bill (Formerly House Study Bill 688), proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting the growth rate of taxes, revenue, and spending of the state government and by increasing the people's control over taxes, revenue, and spending of the state government.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 3, 1998.

AMENDMENTS FILED

H—8895	H.F.	2506	Dotzler of Black Hawk
H—8899	S.F.	2313	Rayhons of Hancock
H—8910	H.F.	2528	Mundie of Webster
H—8913	H.F.	2506	Dotzler of Black Hawk
H—8914	H.F.	2506	Burnett of Story
H—8915	H.F.	2506	Hahn of Muscatine Thomas of Clayton
H—8916	S.F.	187	Dolecheck of Ringgold
H—8917	S.F.	187	Weidman of Cass Hahn of Muscatine
H—8918	S.F.	2280	Cormack of Webster
H—8919	S.F.	2380	Weigel of Chickasaw
H—8920	S.F.	2410	Osterhaus of Jackson
H—8921	S.F.	2410	Foege of Linn
H—8922	S.F.	2410	Foege of Linn
H—8923	S.F.	2410	Osterhaus of Jackson Jochum of Dubuque Burnett of Story Foege of Linn
H—8924	S.F.	2280	Moreland of Wapello
H—8925	S.F.	2380	Dotzler of Black Hawk Murphy of Dubuque
H—8926	S.F.	58	Fallon of Polk
H—8927	S.F.	58	Fallon of Polk
H—8928	S.F.	58	Bernau of Story Brand of Tama

On motion by Siegrist of Pottawattamie, the House adjourned at 3:45 p.m., until 1:00 p.m., Monday, April 6, 1998.

JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day - Fifty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 6, 1998

The House met pursuant to adjournment at 1:05 p.m., Speaker Corbett in the chair.

Prayer was offered by Reverend David Crow, United Methodist Church, Emmetsburg.

The Journal of Friday, April 3, 1998 was approved.

THE PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Reverend David Crow, Emmetsburg.

PETITION FILED

The following petition was received and placed on file:

By Brand of Tama, from twelve constituents from the 60th district favoring the Enrich Iowa Libraries proposal.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 6, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2120, a bill for an act prohibiting the use of self-service displays in the offering for sale or sale of cigarettes or tobacco products, and providing a penalty.

Also: That the Senate has on April 6, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 540, a bill for an act relating to the second injury compensation Act, by providing for payments to the second injury fund including the imposition of an employer surcharge and a sunset of the ability to impose an employer surcharge, providing for the collection of payments to the second injury fund, and providing an effective date and applicability provision.

Also: That the Senate has on April 6, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2235, a bill for an act concerning judicial administration.

Also: That the Senate has on April 6, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2325, a bill for an act amending the Uniform Securities Act, by regulating persons involved in managing investments, providing for the administration of the securities bureau, providing fees, and providing for penalties.

Also: That the Senate has on April 6, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2400, a bill for an act relating to the powers and duties of county treasurers and including an applicability date provision.

MARY PAT GUNDERSON, Secretary

CONSIDERATION OF BILLS Unfinished Business Calendar

Senate File 2072, a bill for an act providing for the appointment of an additional member to the family development and self-sufficiency council, with report of committee recommending passage, was taken up for consideration.

Blodgett of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2072)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson

Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Ford Holveck

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

Senate File 2218, a bill for an act relating to the issuance of highway travel permits to raw milk transporters whose motor trucks exceed gross weight and axle weight restrictions and establishing a fee, with report of committee recommending passage, was taken up for consideration.

Rayhons of Hancock moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2218)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson

Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Brauns Holveck

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

Senate File 2376, a bill for an act relating to the operation of the lottery, with report of committee recommending passage, was taken up for consideration.

Larkin of Lee offered the following amendment H-8641 filed by him and moved its adoption:

H-8641

- 1 Amend Senate File 2376, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 9 the
- 4 following:
- 5 "Sec. ____ Section 99E.18, subsection 4, Code
- 6 1997, is amended to read as follows:
- 7 4. A person who, with intent to defraud, falsely
- 8 makes, alters, forges, utters, passes, redeems, or
- 9 counterfeits a lottery ticket or share or attempts to
- 10 falsely make, alter, forge, utter, pass, redeem, or
- 11 counterfeit a lottery ticket or share, or commits
- 12 theft or attempts to commit theft of a lottery ticket
- 13 or share, is guilty of a class "D" felony."
- 14 2. Title page, line 1, by inserting after the
- 15 word "lottery" the following: "and providing a
- 16 penalty".
- 17 3. By renumbering as necessary.

Amendment H-8641 was adopted.

Larkin of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2376)

The ayes were, 100:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2072, 2218 and 2376.**

House File 2481, a bill for an act relating to the time for review of the reorganization of a public utility by the utilities board and providing an effective date, was taken up for consideration.

SENATE FILE 2351 SUBSTITUTED FOR HOUSE FILE 2481

Van Fossen of Scott asked and received unanimous consent to substitute Senate File 2351 for House File 2481.

Senate File 2351, a bill for an act relating to the time for review of the reorganization of a public utility by the utilities board and providing an effective date, was taken up for consideration.

Van Fossen of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2351)

The ayes were, 100:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2481 WITHDRAWN

Van Fossen of Scott asked and received unanimous consent to withdraw House File 2481 from further consideration by the House.

SENATE AMENDMENTS CONSIDERED

Sukup of Franklin called up for consideration **House File 2162**, a bill for an act relating to nonsubstantive Code corrections and including a retroactive applicability provision, amended by the Senate, and moved that the House concur in the following Senate amendment H-8322:

H-8322

- 1 Amend House File 2162, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 29, by striking lines 14 through 24.
- 4 2. By renumbering and changing internal
- 5 references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8322.

Sukup of Franklin moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2162)

The ayes were, 100:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker
			Corbett

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Heaton of Henry called up for consideration **House File 2528**, a bill for an act establishing a graduated driver's license for young drivers, making penalties applicable, creating an interim study committee, and including an applicability provision and an effective date, amended by the Senate amendment H-8832 as follows:

H-8832

- 1 Amend House File 2528, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 32, by inserting after the word
- 4 "classroom" the following: "or laboratory".
- 5 2. Page 7, line 12, by inserting after the word
- 6 "instructor," the following: "a person certified by
- 7 the department,".
- 8 3. Page 7, line 22, by striking the word and
- 9 figure "or 321.178A".
- 10 4. Page 8, by striking lines 14 through 25 and
- 11 inserting the following: "an instruction permit or an
- 12 intermediate license under this section, upon
- 13 conviction of a moving traffic violation or
- 14 involvement in a motor vehicle accident which occurred
- 15 during the term of the instruction permit or
- 16 intermediate license, shall be subject to remedial
- 17 driver improvement action or suspension of the permit
- 18 or license. A person possessing an instruction permit
- 19 who has".
- 20 5. Page 8, lines 33 through 35, by striking the
- 21 words "other than a conviction of a violation
- 22 described in section 321.210, subsection 2, paragraph
- 23 "d",".
- 24 6. Page 9, line 15, by inserting after the word
- 25 "instructor," the following: "a person certified by
- 26 the department,".
- 27 7. Page 9, by striking lines 22 through 24 and
- 28 inserting the following: "has paid the required fee."
- 29 8. Page 11, line 10, by striking the words
- 30 "fourteen fifteen" and inserting the following:
- 31 "fourteen".
- 32 9. Page 12, by striking lines 30 through 35.
- 33 10. By renumbering, relettering, or redesignating
- 34 and correcting internal references as necessary.

Mundie of Webster offered amendment H-8910, to the Senate amendment H-8832, filed by him as follows:

H-8910

1 Amend the Senate amendment, H-8832, to House File
2 2528, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 4 the
5 following:

6 "_. Page 3, by inserting after line 8 the
7 following:

8 "Sec. . NEW SECTION. 321.178A DRIVER
9 EDUCATION - TEACHING PARENT.

10 1. TEACHING PARENT QUALIFICATIONS. As an
11 alternative to section 321.178, a teaching parent may
12 instruct a student in driver's education courses which
13 meet the requirements of this section, and provides
14 certified evidence that the requirements under this
15 section have been met.

16 2. DEFINITIONS. For purposes of this section:

17 a. "Student" means a person within the custody and
18 control of the teaching parent, who is between the
19 ages of fourteen and twenty-one years of age and who
20 satisfies preliminary licensing requirements of the
21 department.

22 b. "Teaching parent" means a person who is the
23 parent or guardian of a student, who holds a current
24 valid Iowa license to operate a motor vehicle, and who
25 is either a person providing competent instruction or
26 competent private instruction pursuant to section
27 299A.2 or 299A.3.

28 3. COURSE OF INSTRUCTION. A driver education
29 course administered by a teaching parent shall consist
30 at a minimum of the following:

31 a. Thirty clock hours of classroom instruction.

32 b. Forty hours of street or highway driving
33 including four hours of driving after sunset and
34 before sunrise while accompanied by a parent or
35 guardian.

36 c. Four hours of classroom instruction concerning
37 substance abuse.

38 d. A minimum of twenty minute of instruction
39 concerning railroad crossing safety.

40 e. Instruction relating to becoming an organ donor
41 under the uniform anatomical gift Act.

42 The content of the course of instruction required
43 under this subsection shall be equivalent to that
44 required under section 321.178. However, the course
45 requirements, reference and study materials, manuals,
46 study aids, workbooks, physical requirements,
47 classroom dimensions, type of chalkboards, extra
48 vehicle safety equipment, extra foot brake, cut-off
49 switches, and extra mirrors required for instruction
50 under section 321.178 shall not be required for the

Page 2

- 1 course of instruction provided under this section.
- 2 4. COURSE COMPLETION AND CERTIFICATION. Upon
- 3 completion of a course under this section, the
- 4 teaching parent shall document or provide evidence
- 5 showing substantial statutory compliance with the
- 6 requirements of subsection 3 and certify by affidavit
- 7 to the department of education that the course has
- 8 been completed. Documentation shall include the
- 9 following:
- 10 a. An affidavit attesting to satisfactory
- 11 completion of course work and street or highway
- 12 driving instruction.
- 13 b. A listing of subjects presented in classroom
- 14 training.
- 15 c. Copies of written tests completed by the
- 16 student.
- 17 d. A statement of the number of classroom hours of
- 18 instruction.
- 19 e. A log of street or highway driving instruction
- 20 including the dates when the lessons were conducted,
- 21 the student's and the parent's name and initials noted
- 22 next to each entry, notes on driving activities,
- 23 including a list of driving deficiencies and
- 24 improvements, and the duration of the driving time for
- 25 each session. If the department of education is
- 26 satisfied that the course has been completed in
- 27 accordance with this section, the department shall
- 28 certify it as an approved driver's education course.
- 29 5. INTERMEDIATE LICENSE. Any student who
- 30 successfully completes an approved driver education
- 31 course as provided in this section and who passes a
- 32 driving field test to be administered by the
- 33 department and is otherwise qualified under section
- 34 321.180B, subsection 2, shall be eligible for an
- 35 intermediate license pursuant to section 321.180B.
- 36 Such a student is not required to file an affidavit
- 37 with the department regarding completion of street or
- 38 highway driving with a parent or guardian under
- 39 section 321.180B, subsection 2, and the hours of
- 40 driving required under subsection 3 shall substitute
- 41 for any hours of driving required under section
- 42 321.180B, subsection 2.
- 43 6. FULL LICENSE. A student must comply with
- 44 section 321.180B, subsection 4, to be eligible for a
- 45 full driver's license pursuant to section 321.180B."
- 46 2. Page 1, by striking lines 8 and 9.
- 47 3. By renumbering as necessary.

Heaton of Henry rose on a point of order that amendment H-8910, to the Senate amendment H-8832, was not germane.

The Speaker ruled the point well taken and amendment H-8910 not germane.

Heaton of Henry moved that the House concur in the Senate amendment H-8832.

A non-record roll call was requested.

The ayes were 25, nays 8.

The motion prevailed and the House concurred in the Senate amendment H-8832.

Heaton of Henry moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2528)

The ayes were, 74:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brand	Brauns
Bukta	Carroll	Cphoon	Dinkla
Dotzler	Drake	Drees	Eddie
Falck	Frevert	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Jacobs	Jenkins
Jochum	Kinzer	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Mundie	Murphy	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Siegrist	Sukup
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Hoef	Veenstra	Warnstadt
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, 26:

Bell	Bernau	Brunkhorst	Burnett
Cataldo	Chapman	Chiodo	Churchill
Connors	Cormack	Dix	Doderer
Dolecheck	Fallon	Foege	Ford
Garman	Huser	Klemme	Moreland
Myers	Schrader	Shoultz	Taylor
Van Maanen	Weidman		

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate File 2351, House Files 2162 and 2528.**

Unfinished Business Calendar

Senate File 2405, a bill for an act providing for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by a county, city, and school district, with report of committee recommending amendment and passage, was taken up for consideration.

Brauns of Muscatine offered the following amendment H-8540 filed by the committee on local government and moved its adoption:

H-8540

- 1 Amend Senate File 2405, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "others," the following: "or which are contiguous
- 5 with each other,".
- 6 2. Page 1, line 9, by inserting after the word
- 7 "overlapping" the following: "or contiguous".
- 8 3. Page 2, line 8, by inserting after the word
- 9 "overlapping" the following: "or contiguous".

The committee amendment H-8540 was adopted.

Huser of Polk offered the following amendment H-8560 filed by her and moved its adoption:

H-8560

- 1 Amend Senate File 2405, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "areas." the following: "Noncontiguous cities located
- 5 within the same county, or contiguous counties, may
- 6 also execute an agreement for the joint construction
- 7 or acquisition, furnishing, operation, and maintenance
- 8 of a regional public building or buildings for their
- 9 common use."
- 10 2. Page 2, line 9, by inserting after the word
- 11 "areas" the following: ", or noncontiguous cities
- 12 contained within the same county or contiguous
- 13 counties,".

Amendment H-8560 was adopted.

Brauns of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2405)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	O'Brien	Osterhaus
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Witt	Mr. Speaker		
	Corbett		

The nays were, 6:

Gries	Nelson	Rants	Shoultz
Siegrist	Wise		

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENTS CONSIDERED

Bradley of Clinton called up for consideration **House File 2454**, a bill for an act relating to motor vehicle operator proof of financial responsibility and providing an effective date and for retroactive applicability, amended by the Senate, and moved that the House concur in the following Senate amendment H-8824:

H-8824

1 Amend House File 2454, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 21 the
4 following:

5 "(2) Issue a citation to the driver. If a
6 citation is issued, the citation shall be issued under
7 this subparagraph unless the driver has been
8 previously charged and cited for a violation of
9 subsection 1. A citation which is issued and
10 subsequently dismissed shall be disregarded for
11 purposes of determining if the driver has been
12 previously charged and cited."

13 2. Page 2, line 22, by striking the figure "(2)"
14 and inserting the following: "(3)".

15 3. Page 3, line 4, by striking the figure "(3)"
16 and inserting the following: "(4)".

17 4. Page 3, line 29, by striking the word and
18 figures "(2) and (3)" and inserting the following:
19 "(3) and (4)".

20 5. Page 4, line 10, by striking the figure "(2)"
21 and inserting the following: "(3)".

22 6. Page 4, line 17, by striking the figure "(3)"
23 and inserting the following: "(4)".

24 7. Page 5, line 20, by inserting after the word
25 "court" the following: "within thirty days of the
26 issuance of the citation".

The motion prevailed and the House concurred in the Senate amend-
ment H-8824.

Bradley of Clinton moved that the bill, as amended by the Senate
and concurred in by the House, be read a last time now and placed upon
its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2454)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cphoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevort	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme

Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Millage	Moreland	Mundie	Murphy
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker Corbett			

The nays were, none.

Absent or not voting, 3:

Holmes Meyer Myers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Vande Hoef of Osceola called up for consideration **House File 2424**, a bill for an act providing for the expansion of the system of issuance of motor vehicle licenses by county treasurers, amended by the Senate, and moved that the House concur in the following Senate amendment H-8825:

H-8825

- 1 Amend House File 2424, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 14, line 24, by striking the word "shall"
- 4 and inserting the following: ", in conjunction with
- 5 the auditor of state, shall prepare, and the
- 6 department shall".
- 7 2. Page 15, line 8, by inserting after the figure
- 8 "1999." the following: "If the general assembly does
- 9 not act in response to such information before March
- 10 1, 1999, then the department of transportation shall
- 11 proceed with implementation of county issuance as
- 12 detailed in this Act."

The motion prevailed and the House concurred in the Senate amendment H-8825.

Vande Hoef of Osceola moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2424)

The ayes were, 97:

Arnold	Barry	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Churchill
Cohoon	Connors	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, 1:

Cormack

Absent or not voting, 2:

Bell

Chiodo

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate File 2405, House Files 2454 and 2424.**

Unfinished Business Calendar

House File 2491, a bill for an act relating to amusement ride rider safety, providing a penalty, and providing an effective date, was taken up for consideration.

Van Fossen of Scott offered the following amendment H-8338 filed by him and moved its adoption:

H-8338

- 1 Amend House File 2491 as follows:
- 2 1. Page 1, line 5, by striking the words "minor
- 3 rider" and inserting the following: "rider who is a
- 4 minor or person with a disability".
- 5 2. Page 1, by striking lines 32 through 33 and
- 6 inserting the following: "ride pursuant to section
- 7 88A.16, subsection 2, is subject to a civil penalty of
- 8 one hundred dollars."
- 9 3. Page 2, line 1, by inserting after the word
- 10 "designee" the following: ", on forms provided by the
- 11 operator or the operator's designee,".
- 12 4. Page 4, line 5, by striking the word "four"
- 13 and inserting the following: "two".
- 14 5. Page 4, line 6, by inserting after the word
- 15 "exit" the following: "most commonly used by riders".
- 16 6. Page 4, line 27, by striking the words "or
- 17 imprisonment".

Amendment H-8338 was adopted.

Lamberti of Polk asked and received unanimous consent to withdraw amendment H-8219 filed by him on March 4, 1998.

SENATE FILE 2383 SUBSTITUTED FOR HOUSE FILE 2491

Van Fossen of Scott asked and received unanimous consent to substitute Senate File 2383 for House File 2491.

Senate File 2383, a bill for an act relating to amusement ride rider safety, providing a penalty, and providing an effective date, was taken up for consideration.

Van Fossen of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2383)

The ayes were, 88:

Arnold	Barry	Bell	Blodgett
Boddicker	Boguess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chiodo	Churchill
Cohoon	Connors	Cormack	Dix
Doderer	Dolecheck	Dotzler	Drake
Eddie	Falck	Foege	Ford

Frevert	Gipp	Greig	Greiner
Gries	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Mr. Speaker Corbett

The nays were, 10:

Bernau	Chapman	Drees	Fallon
Garman	Holveck	Kinzer	Shoultz
Whitead	Witt		

Absent or not voting, 2:

Dinkla Grundberg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2491 WITHDRAWN

Van Fossen of Scott asked and received unanimous consent to withdraw House File 2491 from further consideration by the House.

SENATE AMENDMENTS CONSIDERED

Sukup of Franklin called up for consideration **House File 2473**, a bill for an act providing for mediation in disputes involving agricultural producers, amended by the Senate, and moved that the House concur in the following Senate amendment H-8734:

H-8734

- 1 Amend House File 2473, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking line 35.

The motion prevailed and the House concurred in the Senate amendment H-8734.

Sukup of Franklin moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2473)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Raats	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Dinkla

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Lamberti of Polk called up for consideration **House File 382**, a bill for an act relating to the validity of certain marriages, amended by the Senate, and moved that the House concur in the following Senate amendment H-8741:

H-8741

1 Amend House File 382, as passed by the House, as

2 follows:

3 1. Page 2, by inserting after line 30, the

4 following:

5 "Sec. ____ TASK FORCE – DOMESTIC PARTNERS. The
6 legislative council is requested to establish an
7 interim task force to review the issues faced by
8 domestic partners including but not limited to
9 property rights, access to courts, parentage,
10 inheritance, hospital or health care facility
11 visitation, health decisions, contract rights,
12 workplace benefits, insurance coverage, and retirement
13 benefits. The task force shall include
14 representatives of the legal profession, the courts,
15 insurance, business and industry, labor, consumers who
16 are domestic partners, and others with interest or
17 expertise in this area. The task force shall submit a
18 report of recommendations concerning these issues and
19 recommendations for any necessary legislation to the
20 general assembly by January 1, 1999."

21 2. Title page, line 1, by striking the words "the
22 validity of" and inserting the following: "certain
23 relationships including".

The motion prevailed and the House concurred in the Senate amendment H-8741.

Lamberti of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 382)

The ayes were, 89:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Carroll
Cataldo	Chiodo	Churchill	Cohoon
Connors	Cormack	Dix	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Frevert	Garman	Gipp
Greig	Greiner	Gries	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup

Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker Corbett			

The nays were, 10:

Bernau	Burnett	Chapman	Doderer
Fallon	Foege	Ford	Grundberg
Mascher	Myers		

Absent or not voting, 1:

Dinkla

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate File 2383, House Files 2473 and 382.**

Unfinished Business Calendar

Senate File 2161, a bill for an act relating to the reporting and partner notification requirements relative to the human immunodeficiency virus, with report of committee recommending passage, was taken up for consideration.

Blodgett of Cerro Gordo offered the following amendment H-8550 filed by him and moved its adoption:

H-8550

- 1 Amend Senate File 2161, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking line 27 and inserting the
- 4 following: "person shall forward any written consent
- 5 forms may provide any relevant".

Amendment H-8550 was adopted.

Mascher of Johnson offered the following amendment H-8934 filed by her from the floor and moved its adoption:

H-8934

- 1 Amend Senate File 2161, as passed by the Senate, as

2 follows:

3 1. Page 4, by inserting after line 31 the

4 following:

5 "c. The department shall develop an informational
6 brochure for patients who may have blood withdrawn for
7 the purpose of performing an HIV test. The
8 information, at a minimum, shall include a summary of
9 the patient's rights and responsibilities under the
10 law."

Amendment H-8934 was adopted.

Blodgett of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2161)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, 1:

Fallon

Absent or not voting, 1:

Doderer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2337, a bill for an act to allow distribution of the presentence investigation report under certain circumstances, with report of committee recommending passage, was taken up for consideration.

Churchill of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2337)

The ayes were, 100:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2497, a bill for an act relating to cooperatives organized under Code chapter 501, was taken up for consideration.

Weigel of Chickasaw offered the following amendment H-8283 filed by him and moved its adoption:

H-8283

- 1 Amend House File 2497 as follows:
- 2 1. Page 4, by striking lines 6 through 11 and
- 3 inserting the following:
- 4 "c. The cooperative does not, either directly or
- 5 indirectly, acquire or otherwise obtain or lease
- 6 agricultural land, if the total agricultural land
- 7 either directly or indirectly owned or leased by the
- 8 cooperative would then exceed six hundred forty
- 9 acres."

Amendment H-8283 was adopted.

SENATE FILE 2404 SUBSTITUTED FOR HOUSE FILE 2497

Meyer of Sac asked and received unanimous consent to substitute Senate File 2404 for House File 2497.

Senate File 2404, a bill for an act relating to cooperatives organized under Code chapter 501, was taken up for consideration.

Vande Hoef of Osceola offered the following amendment H-8887 filed by Vande Hoef, et al., and moved its adoption:

H-8887

- 1 Amend Senate File 2404, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 42, by inserting after line 26 the
- 4 following:
- 5 "Sec. ____ EFFECTIVE DATE. This Act, being deemed
- 6 of immediate importance, takes effect upon enactment."
- 7 2. Title page, line 1, by inserting after the
- 8 figure "501" the following: "and providing an
- 9 effective date".

Amendment H-8887 was adopted.

Meyer of Sac moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2404)

The ayes were, 100:

Arnold
Blodgett

Barry
Boddicker

Bell
Boggess

Bernau
Bradley

Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 2497 WITHDRAWN

Meyer of Sac asked and received unanimous consent to withdraw House File 2497 from further consideration by the House.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2161, 2337 and 2404.**

SENATE AMENDMENT CONSIDERED

Holmes of Scott called up for consideration **House File 2271**, a bill for an act relating to obsolete and unnecessary provisions of the Code, amended by the Senate, and moved that the House concur in the following Senate amendment H-8600:

H-8600

1 Amend House File 2271, as passed by the House, as

2 follows:

3 1. Page 1, by inserting after line 14 the

4 following:

5 "Sec. ____ Chapter 144C, Code 1997, is repealed
6 effective February 28, 1999."

7 2. Page 2, by inserting after line 14 the

8 following:

9 "Sec. ____ Section 18.3, Code 1997, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 10. Insuring motor vehicles owned
12 by the state. Insurance coverage may be provided
13 through a self-insurance program administered by the
14 department or purchased from an insurer. If the
15 department uses a self-insurance program, the
16 department shall maintain loss and exposure data for
17 vehicles under the jurisdiction of the state fleet
18 administrator. Upon request, state agencies shall
19 provide all loss and exposure information to the
20 department."

21 3. By renumbering, relettering, or redesignating
22 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8600.

Holmes of Scott moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2271)

The ayes were, 100:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Fevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons

Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE REFUSED TO CONCUR

Mertz of Kossuth called up for consideration **House File 2136**, a bill for an act relating to agricultural drainage wells, by extending the date for complying with certain requirements, amended by the Senate, and moved that the House concur in the following Senate amendment H-8868:

H-8868

- 1 Amend House File 2136, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 3, by striking the figure "2001"
- 4 and inserting the following: "1999".

The motion lost and the House refused to concur in the Senate amendment H-8868.

SENATE AMENDMENT CONSIDERED

Blodgett of Cerro Gordo called up for consideration **House File 2514**, a bill for an act relating to motor vehicle operation and motor vehicles, carriers and motor trucks, and penalties and hazardous materials, including weight requirements and transportation of hazardous materials, and providing an effective date, amended by the Senate amendment H-8760 as follows:

H-8760

- 1 Amend House File 2514, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by striking lines 13 through 20 and
- 4 inserting the following:
- 5 "Any person who violates the provisions of the
- 6 ordinance or resolution shall, upon conviction or a
- 7 plea of guilty, be subject to a fine determined by

8 dividing the difference between the actual weight and
9 the maximum weight established by the ordinance or
10 resolution by one hundred, and multiplying the
11 quotient by two dollars. The fine for violation of a
12 special permit issued pursuant to this section shall
13 be based upon the difference between the actual weight
14 of the vehicle and load and the maximum weight allowed
15 by the permit in accordance with section 321.463."

16 2. Page 5, by inserting after line 29 the
17 following:

18 "Sec. ____ Section 455B.424, subsection 1, Code
19 1997, is amended to read as follows:

20 1. The person who generates hazardous waste or the
21 owner or operator of a hazardous waste disposal
22 facility who transports hazardous wastes off of the
23 site where the hazardous waste was generated or off
24 the disposal facility site shall pay a fee of ten
25 dollars for each ton up to two thousand five hundred
26 tons of hazardous waste transported off the site,
27 excluding the water content of any waste that is
28 transported to another facility under the ownership of
29 the generator for the purposes of waste treatment or
30 recycling.

31 Sec. ____ Section 455B.424, subsection 2,
32 paragraph b, Code 1997, is amended to read as follows:

33 b. Two dollars for each ton up to five hundred
34 tons of hazardous waste destroyed or treated at the
35 generator's site or at the disposal facility to render
36 the hazardous waste nonhazardous."

37 3. By renumbering, relettering, or redesignating
38 and correcting internal references as necessary.

Blodgett of Cerro Gordo asked and received unanimous consent that House File 2514 be deferred and that the bill retain its place on the calendar. (Amendment H-8760 pending.)

Unfinished Business Calendar

Senate File 2380, a bill for an act relating to the election of a local exchange carrier to be price-regulated, with report of committee recommending passage, was taken up for consideration.

The House stood at ease at 3:35 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2380 at 4:55 p.m., Speaker Corbett in the chair.

Koenigs of Mitchell asked and received unanimous consent that amendment H-8769 be deferred.

Koenigs of Mitchell offered the following amendment H-8770 filed by him and moved its adoption:

H-8770

- 1 Amend Senate File 2380, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 5, by striking the word "ninety"
- 4 and inserting the following: "one hundred eighty".

A non-record roll call was requested.

The ayes were 33, nays 50.

Amendment H-8770 lost.

Koenigs of Mitchell asked and received unanimous consent that amendment H-8771 be deferred.

Weigel of Chickasaw offered the following amendment H-8751 filed by him and moved its adoption:

H-8751

- 1 Amend Senate File 2380, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 13, by striking the figure "
- 4 (3),"
- 5 2. By striking page 2, line 10, through page 3,
- 6 line 13.
- 7 3. By renumbering as necessary.

Roll call was requested by Weigel of Chickasaw and Metcalf of Polk.

On the question "Shall amendment H-8751 be adopted?" (S.F. 2380)

The ayes were, 26:

Bernau	Brand	Burnett	Chapman
Connors	Dinkla	Doderer	Dotzler
Drees	Fallon	Frevert	Garman
Holveck	Jochum	Koenigs	Kreiman
Moreland	Murphy	Osterhaus	Richardson
Scherrman	Schrader	Shoultz	Vande Hoef
Weigel	Witt		

The nays were, 73:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brunkhorst
Bukta	Carroll	Cataldo	Chiodo
Churchill	Cohoon	Cormack	Dix
Dolecheck	Drake	Eddie	Falck
Foegen	Ford	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser

Huseman	Huser	Jacobs	Jenkins
Kinzer	Klemme	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Mundie	Myers
Nelson	O'Brien	Rants	Rayhons
Reynolds-Knight	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Veenstra	Warnstadt
Weidman	Welter	Whitead	Wise
Mr. Speaker Corbett			

Absent or not voting, 1:

Brauns

Amendment H-8751 lost.

Weigel of Chickasaw asked and received unanimous consent that amendment H-8768 be deferred.

Rants of Woodbury in the chair at 5:20 p.m.

Bernau of Story offered the following amendment H-8894 filed by him and moved its adoption:

H-8894

1 Amend Senate File 2380, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, line 10, by inserting after the figure
 4 "(3)" the following: "(a)".
 5 2. Page 3, by inserting after line 13 the
 6 following:
 7 "(b) Notwithstanding subparagraph subdivision (a),
 8 a plan filed on or after July 2, 1998, shall provide
 9 that the initial prices for basic communications
 10 services shall be ten percent less than the rates
 11 approved and in effect at the time the local exchange
 12 carrier files the plan. A local exchange carrier
 13 which is required to reduce its rates by ten percent
 14 shall not, at a later time, increase its rates for
 15 basic communications services as a result of the
 16 carrier's compliance with the board's rules relating
 17 to unbundling."

A non-record roll call was requested.

The ayes were 21, nays 51.

Amendment H-8894 lost.

Dotzler of Black Hawk offered the following amendment H-8925 filed by him and Murphy of Dubuque and moved its adoption:

H-8925

1 Amend Senate File 2380, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 10, by inserting after the figure
4 "(3)" the following: "(a)".
5 2. Page 3, by inserting after line 13 the
6 following:
7 "(b) Notwithstanding subparagraph subdivision (a),
8 a plan filed on or after July 2, 1998, shall provide
9 that the initial prices for basic communications
10 services shall be the rates approved and in effect at
11 the time the local exchange carrier files the plan
12 reduced by a percentage equal to the sum of four
13 percent plus the average percentage of bonuses paid
14 during the preceding twelve-month period by the local
15 exchange carrier to its five highest ranking officers
16 or employees in this state. A local exchange carrier
17 which is required to reduce its rates by this percent
18 shall not, at a later time, increase its rates for
19 basic communications services as a result of the
20 carrier's compliance with the board's rules relating
21 to unbundling."

Amendment H-8925 lost.

Osterhaus of Jackson offered the following amendment H-8893 filed by him and moved its adoption:

H-8893

1 Amend Senate File 2380, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, line 14, by inserting after the figure
4 "(4)" the following: "(a)".
5 2. Page 3, by inserting after line 22 the
6 following:
7 "b. Notwithstanding subparagraph subdivision (a),
8 a plan of a local exchange carrier with five hundred
9 thousand or more access lines in this state shall
10 provide that prices for basic communications services
11 shall not be increased for a period of four years from
12 the date of the board's approval of the plan."

A non-record roll call was requested.

The ayes were 28, nays 48.

Amendment H-8893 lost.

Hansen of Pottawattamie in the chair at 6:50 p.m.

Holveck of Polk offered the following amendment H-8757 filed by him and moved its adoption:

H-8757

- 1 Amend Senate File 2380, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 17, by striking the figure "2000"
- 4 and inserting the following: "1999".
- 5 2. Page 3, line 21, by striking the figure "2000"
- 6 and inserting the following: "1999".

Amendment H-8757 lost.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-8919 filed by him on April 3, 1998.

Weigel of Chickasaw offered the following amendment H-8936 filed by him from the floor and moved its adoption:

H-8936

- 1 Amend Senate File 2380, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 17 through 21 and
- 4 inserting the following: "Prior to January 1, 1998,
- 5 the board shall use the gross domestic product price
- 6 index, as published by the federal government, for an
- 7 inflation measure, and two and six tenths percentage
- 8 points for a productivity measure. After Prior to
- 9 January 1, 2003, the board shall use the gross
- 10 domestic product price index, as published by the
- 11 federal government, for an inflation measure, and two
- 12 and six-tenths percentage points for a productivity
- 13 measure for a local exchange carrier with fewer than
- 14 five hundred thousand access lines in this state, and
- 15 five and six-tenths percentage points for a
- 16 productivity measure for a local exchange carrier with
- 17 five hundred thousand or more access lines in this
- 18 state. On or after January 1, ~~1998~~ 2003, the board by
- 19 rule may adopt".

Amendment H-8936 lost.

Brand of Tama offered the following amendment H-8754 filed by him and moved its adoption:

H-8754

- 1 Amend Senate File 2380, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 3, line 27, by inserting after the word
- 4 "may" the following: "consider whether to conduct a
- 5 proceeding to determine whether it will".

Amendment H-8754 lost.

Brand of Tama asked and received unanimous consent to withdraw amendments H-8856, H-8857 and H-8858, filed by him on April 1, 1998.

Bernau of Story offered the following amendment H-8889 filed by him and moved its adoption:

H-8889

- 1 Amend Senate File 2380, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 28, by striking the words "toward
- 4 economic costs".
- 5 2. Page 3, line 29, by striking the words "The
- 6 board".
- 7 3. Page 3, by striking lines 30 through 35.

Rants of Woodbury in the chair at 7:35 p.m.

A non-record roll call was requested.

The ayes were 22, nays 46.

Amendment H-8889 lost.

Brand of Tama offered the following amendment H-8890 filed by him and moved its adoption:

H-8890

- 1 Amend Senate File 2380, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 28, by striking the words "toward
- 4 economic costs".
- 5 2. Page 3, by striking lines 30 through 35 and
- 6 inserting the following: "may consider offsetting
- 7 such reductions by increases in other prices provided
- 8 that price increases for basic communications services
- 9 do not exceed those permitted by subparagraph (5)."

Amendment H-8890 lost.

Brand of Tama offered the following amendment H-8891 filed by him and moved its adoption:

H-8891

- 1 Amend Senate File 2380, as amended, passed, and

2 reprinted by the Senate, as follows:

- 3 1. Page 3, line 28, by striking the words "toward
4 economic costs".
5 2. Page 3, by striking lines 30 through 35 and
6 inserting the following: "may consider offsetting
7 such reductions by increases in other prices provided
8 that price increases for basic communications services
9 do not exceed those permitted by subparagraphs (4) and
10 (5)."

Amendment H-8891 lost.

Wise of Lee asked and received unanimous consent that amendment H-8774 be deferred.

Wise of Lee asked and received unanimous consent to withdraw amendment H-8618 filed by him on March 24, 1998.

Weigel of Chickasaw offered the following amendment H-8750 filed by him and moved its adoption:

H-8750

- 1 Amend Senate File 2380, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, line 32, by inserting after the word
4 "neutral" the following: "and do not adversely affect
5 customers of the local exchange carrier by increasing
6 the rates for basic communications services".

Roll call was requested by Weigel of Chickasaw and Van Fossen of Scott.

On the question "Shall amendment H-8750 be adopted?" (S.F. 2380)

The ayes were, 40:

Bell	Bernau	Brand	Burnett
Chapman	Cohoon	Connors	Doderer
Dotzler	Drees	Fallon	Foege
Ford	Frevert	Garman	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Lamberti	Larkin	Mascher
May	Moreland	Mundie	Murphy
Myers	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Warnstadt
Weigel	Whitead	Wise	Witt

The nays were, 57:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brunkhorst	Bukta

Carroll	Cataldo	Chiodo	Churchill
Corbett, Spkr.	Cormack	Dix	Dolecheck
Drake	Eddie	Falck	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Larson	Lord
Martin	Mertz	Metcalfe	Meyer
Millage	Nelson	O'Brien	Rayhons
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Rants, Presiding			

Absent or not voting, 3:

Brauns	Dinkla	Siegrist
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Amendment H-8750 lost.

Weigel of Chickasaw asked and received unanimous consent that amendment H-8767 be deferred.

Osterhaus of Jackson offered the following amendment H-8853 filed by him and moved its adoption:

H-8853

1 Amend Senate File 2380, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, line 35, by inserting after the word
 4 "carrier." the following: "Any access service rate
 5 reductions approved by the board under this
 6 subparagraph shall be made by crediting each
 7 customer's monthly bill for interexchange services for
 8 the amount of the access service rate reduction
 9 applicable to the billed interexchange services for
 10 the month, and by crediting the same amount to the
 11 corresponding bill of the interexchange carrier which
 12 provided the interexchange services."

Roll call was requested by Weigel of Chickasaw and Osterhaus of Jackson.

On the question "Shall amendment H-8853 be adopted?" (S.F. 2380)

The ayes were, 29:

Bernau	Brand	Burnett	Chapman
Connors	Doderer	Dotzler	Drees
Fallon	Ford	Frevert	Garman
Holveck	Huser	Jochum	Kinzer

Koenigs	Kreiman	Moreland	Murphy
Myers	Osterhaus	Richardson	Scherrman
Schrader	Shoultz	Vande Hoef	Weigel
Witt			

The nays were, 68:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brunkhorst
Bukta	Carroll	Cataldo	Chiodo
Churchill	Cohoon	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Drake
Eddie	Falck	Foege	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Mundie	Nelson	O'Brien	Rayhons
Reynolds-Knight	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Veenstra	Warnstadt	Weidman
Welter	Whitead	Wise	Rants, Presiding

Absent or not voting, 3:

Brauns	Heaton	Siegrist
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Amendment H-8853 lost.

Weigel of Chickasaw offered the following amendment H-8937 filed by him from the floor and moved its adoption:

H-8937

- 1 Amend Senate File 2380, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 23 through 35.
- 4 2. By renumbering as necessary.

Amendment H-8937 lost.

Shoultz of Black Hawk offered the following amendment H-8932 filed by him from the floor and moved its adoption:

H-8932

- 1 Amend Senate File 2380, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 35 the

4 following:
5 "Sec. ____ Section 476.97, Code 1997, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 12. Upon approval of a plan of a
8 local exchange carrier to become price-regulated under
9 this section, such price-regulated local exchange
10 carrier, no less than every six months during the term
11 of the plan, shall provide to its basic local
12 telephone services customers the schedules of rates
13 and charges for intrastate interexchange service of
14 each interexchange carrier for which the local
15 exchange carrier provided intrastate access service or
16 billing and collection service in this state during
17 the six-month period immediately preceding the month
18 in which such schedule is provided to its customers."

A non-record roll call was requested.

The ayes were 20, nays 43.

Amendment H-8932 lost.

Weigel of Chickasaw offered the following amendment H-8749 filed by him and moved its adoption:

H-8749

- 1 Amend Senate File 2380, as amended, passed, and
- 2 reprinted by the Senate, as follows:
 - 3 1. Page 4, by striking lines 1 through 28.
 - 4 2. By renumbering as necessary.

Amendment H-8749 lost.

Koenigs of Mitchell offered the following amendment H-8769 filed by him and moved its adoption:

H-8769

- 1 Amend Senate File 2380, as amended, passed, and
- 2 reprinted by the Senate, as follows:
 - 3 1. Page 1, line 5, by striking the word "ninety"
 - 4 and inserting the following: "one hundred twenty".

Amendment H-8769 lost.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H-8771 filed by him on March 30, 1998.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-8768 filed by him on March 30, 1998.

Wise of Lee offered the following amendment H-8774 filed by him, previously deferred, and moved its adoption:

H-8774

- 1 Amend Senate File 2380, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 29, by striking the words "The
- 4 board".
- 5 2. Page 3, by striking lines 30 and 31.
- 6 3. Page 3, line 32, by striking the word
- 7 "neutral."

A non-record roll call was requested.

The ayes were 35, nays 47.

Amendment H-8774 lost.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-8767 filed by him on March 30, 1998.

Metcalf of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2380)

The ayes were, 73:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brunkhorst
Bukta	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Corbett, Spkr.
Cormack	Dix	Dolecheck	Drake
Eddie	Falck	Foege	Ford
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Huser
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Mundie
Nelson	O'Brien	Rayhons	Reynolds-Knight
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Welter	Whitead	Wise
Rants,			
Presiding			

The nays were, 26:

Bernau	Brand	Burnett	Connors
Dinkla	Doderer	Dotzler	Drees

Fallon	Frevert	Garman	Holveck
Jochum	Kinzer	Koenigs	Kreiman
Moreland	Murphy	Myers	Osterhaus
Richardson	Scherrman	Schrader	Shoultz
Weigel	Witt		

Absent or not voting, 1:

Brauns

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2380, House Files 2271 and 2136** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2336, a bill for an act relating to the assumption of risk by and liability of forcible felons and persons aiding and abetting in the commission of forcible felonies for damages resulting from the offenders' criminal conduct.

Also: That the Senate has on April 6, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2539, a bill for an act relating to and making appropriations to the justice system and providing effective dates.

Also: That the Senate has on April 2, 1998, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2004, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state budget by limiting state general fund expenditures and restricting certain state tax revenue changes.

Also: That the Senate has on April 6, 1998, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2066, a bill for an act relating to child support for a child completing high school graduation or equivalency requirements.

Also: That the Senate has on April 6, 1998, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2391, a bill for an act allowing probation for some operating-while-intoxicated offenders after service of a mandatory minimum sentence, permitting

a .15 blood alcohol level to control the penalties applicable to an offender regardless of the margin of error associated with the test device, requiring the deletion from motor vehicle records after twelve years of certain youth license revocations for alcohol violations, and providing an effective date.

Also: That the Senate has on April 6, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2416, a bill for an act relating to the replacement of property tax on property associated with electricity and natural gas with excise taxes associated with electricity and natural gas, establishing a statewide property tax on property associated with electricity and natural gas, providing for a special utility property tax levy or tax credit, providing for the Act's retroactive applicability, providing an effective date, and providing penalties.

MARY PAT GUNDERSON, Secretary

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 2004, by committee on ways and means, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state budget by limiting state general fund expenditures and restricting certain state tax revenue changes.

Read first time and placed on the **special order calendar for Wednesday, April 15, 1998.**

Senate File 540, by Iverson, a bill for an act relating to the second injury compensation Act, by providing for payments to the second injury fund including the imposition of an employer surcharge and a sunset of the ability to impose an employer surcharge, providing for the collection of payments to the second injury fund, and providing an effective date and applicability provision.

Read first time and **passed on file.**

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 3, 1998. Had I been present, I would have voted "aye" on House Files 681, 2169, 2211, 2262, 2394, Senate Files 2185, 2188, 2254, 2261, 2296, 2311, 2312, 2372, 2407, and amendments H-8818, H-8905, H-8900, all to Senate File 2296.

HUSER of Polk

On Monday, April 6, 1998, I inadvertently voted "nay" on amendment H-8751 to Senate File 2380. I meant to vote "aye."

KINZER of Scott

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 6th day of April, 1998: House Files 2339, 2468, 2482, 2490 and 2523.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 6, 1998, he approved and transmitted to the Secretary of State the following bills:

House Joint Resolution 2003, a joint resolution to approve the request by the state public defender to establish the Fort Dodge satellite public defender office as a separate local public defender office.

House File 2392, an act relating to permitting the display of new motor trucks by nonresident motor vehicle dealers at qualified events in this state, establishing a fee, and providing an effective date.

House File 2402, an act to amend the crime of burglary in the first degree to include commission of sexual abuse as a possible element of the offense.

House File 2443, an act relating to state workers' compensation coverage for students at a community college participating in school-to-work programs.

House File 2465, an act relating to workers' compensation by changing the name of the division and personnel responsible, providing for the commencement of compensation during a healing period, and providing for reporting requirements.

House File 2478, an act relating to confidentiality in the mediation process.

Senate File 2112, an act concerning the sunset provision relating to the employment security administrative contribution surcharge and providing an effective date.

Senate File 2153, an act relating to affidavits of candidacy filed by candidates for public office.

Senate File 2269, an act providing for the conversion of the existing advisory boards for athletic training and massage therapy into full regulatory examining boards.

Senate File 2310, an act relating to engineering licensure requirements for applicants with certain educational qualifications.

Senate File 2356, an act relating to revolving funds to be administered by the department of general services and providing for funding for the revolving funds.

Senate File 2371, an act relating to infectious and contagious diseases affecting livestock and providing penalties.

Senate File 2397, an act relating to the operation and regulation of certain insurance companies, miscellaneous provisions relating to small group health care coverage, the ability of certain insurers to bring an action in certain instances, and the elimination of countersigning resident agent provisions.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixty 5th grade students from Jefferson Elementary, Clinton, accompanied by Principal Ron Garrison and Teachers Karen Jetter, Steve Jones and Mike Saunders. By Bukta of Clinton.

Twenty-four seniors from Ruthven-Ayrshire, Ruthven, accompanied by Mr. Josephson and Mr. Fokken. By Frevert of Palo Alto.

Government students from Forest Ridge School, Emmet County, accompanied by Angie Fay and Donna Mason. By Frevert of Palo Alto and Greig of Emmet.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1998\390 John Hieronymus, Iowa City – For being elected Vice-President of the Iowa State Education Association.
- 1998\391 Sandy Sanfilippo, Dundee – For her exemplary volunteer work on the Save Backbone Lake Committee.
- 1998\392 John Welterlen, Edgewood – For his exemplary volunteer work on the Save Backbone Lake Committee.
- 1998\393 Ivanelle Bushaw, Strawberry Point – For her exemplary volunteer work on the Save Backbone Lake Committee.
- 1998\394 The Neil Darrington family, Underwood – For being named the “Farm Family of the Year.”
- 1998\395 Randy Aldridge, Ackworth – For retiring after 30 years of service at the Indianola Municipal Utilities.

- 1998\396 Bob and Lola Price, New Hampton – For celebrating their 70th wedding anniversary.
- 1998\397 Brody Deren, Harlan – For being named first team on the 1998 All-State Boys' Basketball Team.
- 1998\398 Billy Cundiff, Harlan – For being named second team on the 1998 All-State Boys' Basketball Team.
- 1998\399 Nathan Wilcox, Harlan – For being selected a finalist in the 1998 National Merit Scholarship Program.
- 1998\400 Brian Thomas McCleary, Cedar Falls – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\401 Marvin W. Vollertsen, Hamburg – For his service as a Fifty Year Pharmacist.
- 1998\402 Mary Beth H. Jaggard, Oelwein – For her service as a Fifty Year Pharmacist.
- 1998\403 Joseph D. Beraldi, Council Bluffs – For his service as a Fifty Year Pharmacist.
- 1998\404 Raymond Joseph Sutter, Burlington – For his service as Fifty Year Pharmacist.
- 1998\405 Norman F. Schoonover, Washington – For his service as a Fifty Year Pharmacist.
- 1998\406 Frank C. Groff, Charles City – For his service as a Fifty Year Pharmacist.
- 1998\407 Alice Boyer, Oelwein – For retiring after 27 years as an acute care nurse at Mercy Clinic.
- 1998\408 Velma Peters, Fairbanks – For retiring after 52 years of service in the X-ray and laboratory departments at Mercy Clinic.
- 1998\409 Don and Beth Tielebein, Independence – For celebrating their 50th wedding anniversary.
- 1998\410 Pearl Albert, Brandon – For celebrating her 100th birthday.
- 1998\411 A. E. "Hap" Vyverberg, Oelwein – For his 17 years of work with athletics and youth in the community and for coaching the Tigers to win over 250 games with a winning percentage of nearly 70%.
- 1998\412 Jeanne Shannon, Independence – For retiring after 18 years of service as the Buchanan County Recorder.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports

that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 547, a bill for an act relating to veterans' benefits, veterans preference, veterans' claims, and providing a penalty.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-8935** April 6, 1998.

Committee Bill (Formerly House File 45), exempting services provided by licensed massage therapists from the state services tax.

Fiscal Note is required.

Recommended **Do Pass** April 6, 1998.

Committee Bill (Formerly House Study Bill 698), relating to urban revitalization property tax exemptions for certain real property and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 6, 1998.

RESOLUTION FILED

HCR 117, by Hahn, Mertz, Welter, Drake, Greig, Rayhons, Meyer, Huseman, Dolecheck, Boggess, Brunkhorst, Brauns, Arnold, Sukup, Dix, Klemme, Martin, Jenkins, Van Fossen, Churchill, Houser, Kremer, Tyrrell, Van Maanen, Greiner, Gries, Metcalf, Weidman, Barry, Boddicker, Gipp, Vande Hoef, Lord, Heaton, Hansen, Larson, Blodgett, Cormack, Holmes, Thomson, Veenstra, Grundberg, Siegrist, Nelson, Teig, Rants, Carroll, Corbett, Koenigs, Scherrman, Falck, Taylor, May, Drees, Kreiman, Frevert, Mundie, Reynolds-Knight, Osterhaus, Schrader, Wise, Mascher, Kinzer, Warnstadt, Murphy, Connors, Moreland, Cohoon, Thomas, Dotzler, Foege, Shoultz, Jochum, Bell, Brand, Myers, Chapman, Chiodo, Bernau, Bukta, Holveck, and Richardson, a concurrent resolution requesting that the legislative council establish an interim study committee to consider increasing the percent of oxygen by weight in motor vehicle fuel.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-8929

S.F.

2280 Warnstadt of Woodbury

H—8930	S.F.	2410	Osterhaus of Jackson
H—8931	S.F.	2410	Jochum of Dubuque
H—8933	H.F.	2120	Senate Amendment
H—8935	S.F.	547	Committee on Ways and Means
H—8938	H.F.	2538	Wise of Lee
H—8939	H.F.	2545	Myers of Johnson Carroll of Poweshiek Houser of Pottawattamie
H—8940	S.F.	58	Gries of Crawford
H—8941	S.F.	2280	Nelson of Marshall
H—8942	S.F.	2280	Brunkhorst of Bremer Cormack of Webster
H—8943	S.F.	2280	Brunkhorst of Bremer Cormack of Webster
H—8944	S.F.	2280	Dotzler of Black Hawk
H—8945	S.F.	2280	Martin of Scott
H—8946	S.F.	2280	Nelson of Marshall Grundberg of Polk
H—8947	S.F.	2377	Sukup of Franklin
H—8948	S.F.	2410	Foege of Linn
H—8949	H.F.	2546	Cormack of Webster
H—8950	S.F.	2387	Lamberti of Polk
H—8951	S.F.	2280	Nelson of Marshall
H—8952	S.F.	2377	Sukup of Franklin
H—8953	S.J.R.	2004	Jochum of Dubuque
H—8954	H.F.	2547	Jacobs of Polk
H—8955	H.F.	2506	Dotzler of Black Hawk
H—8956	S.F.	187	Weidman of Cass Hahn of Muscatine
H—8957	S.F.	2410	Blodgett of Cerro Gordo
H—8958	H.F.	2539	Senate Amendment
H—8959	S.F.	2387	Foege of Linn Carroll of Poweshiek Kreiman of Davis
H—8960	S.F.	2391	Senate Amendment
H—8961	S.F.	2280	Murphy of Dubuque Dotzler of Black Hawk
H—8962	S.F.	2280	Murphy of Dubuque
H—8963	S.F.	2280	Warnstadt of Woodbury Whitehead of Woodbury
H—8964	S.F.	2410	Burnett of Story

H—8965	S.F.	2410	Blodgett of Cerro Gordo
H—8966	S.F.	2280	Ford of Polk
H—8967	S.F.	2410	Blodgett of Cerro Gordo

On motion by Siegrist of Pottawattamie, the House adjourned at 9:47 p.m., until 8:45 a.m., Tuesday, April 7, 1998.

JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day - Fifty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 7, 1998

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Brian Eslinger, Unitarian Universalist Fellowship, Ames.

The Journal of Monday, April 6, 1998 was approved.

INTRODUCTION OF BILLS

House File 2549, by committee on ways and means, a bill for an act relating to urban revitalization property tax exemptions for certain real property and providing for the Act's applicability.

Read first time and placed on the **ways and means calendar**.

House File 2550, by committee on ways and means, a bill for an act exempting services provided by licensed massage therapists from the state services tax.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGE CONSIDERED

Senate File 2416, by committee on ways and means, a bill for an act relating to the replacement of property tax on property associated with electricity and natural gas with excise taxes associated with electricity and natural gas, establishing a statewide property tax on property associated with electricity and natural gas, providing for a special utility property tax levy or tax credit, providing for the Act's retroactive applicability, providing an effective date, and providing penalties.

Read first time and referred to committee on **ways and means**.

SPECIAL PRESENTATION

Speaker pro tempore Van Maanen of Marion presented to the House from the Speaker's station, Gina Bandstra, Queen of the 1998 Pella Tulip Festival.

Queen Gina Bandstra presented her attendants, Suzanne Van Roekel, Angie Harms, Leah De Boef and Sharesa Olson.

Also present from Pella were the parents of the Queen and her court, who wore native Dutch costume and distributed the famous Pella Dutch cookies.

Queen Bandstra addressed the House briefly. The court presented a song honoring "Pella's Tulip Festival" and invited everyone to attend the Pella Tulip Festival May 7, 8, and 9, 1998.

The House rose and expressed its welcome.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:00 a.m., until 10:30 a.m.

MORNING SESSION

The House reconvened at 10:40 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-eight members present, twelve absent.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 2544, a bill for an act relating to the protection of and provision of safe living environments for certain individuals including providing safe assisted living facilities, was taken up for consideration.

Martin of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2544)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holveck

Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Corbett, Spkr. Holmes Siegrist

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

Senate File 2339, a bill for an act relating to an inmate's right to counsel in a postconviction proceeding pertaining to a forfeiture of a reduction in sentence or the unlawful holding of a person in custody or restraint, with report of committee recommending amendment and passage, was taken up for consideration.

Larson of Linn offered the following amendment H-8511 filed by the committee on judiciary and moved its adoption:

H-8511

- 1 Amend Senate File 2339, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 5 and 6, and
- 4 inserting the following: "~~expenses of legal~~
- 5 ~~representation, including stenographic, and printing,~~
- 6 ~~or other legal services or consultation~~ expenses,
- 7 these costs".
- 8 2. Page 1, lines 7 and 8, by striking the words
- 9 "in the preparation of the application," and inserting
- 10 the following: "~~in the preparation of the~~
- 11 ~~application,~~".
- 12 3. Page 1, line 11, by striking the words "if the
- 13 applicant is unable to pay court" and inserting the
- 14 following: "the".

- 15 4. Page 1, lines 12 and 13, by striking the words
 16 "those costs and expenses".
 17 5. Page 1, line 15, by inserting after the word
 18 "review" the following: "if the applicant is unable
 19 to pay".

The committee amendment H-8511 was adopted.

Larson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2339)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, 1:

Fallon

Absent or not voting, 3:

Corbett, Spkr.

Holmes

Siegrist

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

House File 2543, a bill for an act relating to the state inheritance tax by exempting intangible personal property owned by an inhabitant of another state; determining the net market value of transfers made within three years of death as the net market value on the date of transfer; exempting the tax only upon the portion of retirement benefits and individual retirement accounts that will be subject to federal income tax when paid; applying compromised settlements for federal estate tax purposes the same for state purposes; and requiring deferred estates to be recorded by the department of revenue and finance if tax is not paid when tax accrues; and providing an applicability date provision, was taken up for consideration.

Dinkla of Guthrie offered the following amendment H-8866 filed by him and moved its adoption:

H-8866

- 1 Amend House File 2543 as follows:
- 2 1. Page 2, by striking lines 21 through 32.
- 3 2. Title page, lines 7 through 9, by striking the
- 4 words "applying compromised settlements for federal
- 5 estate tax purposes the same for state purposes;"

Amendment H-8866 was adopted.

Lamberti of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2543)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord

Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Corbett, Spkr. Siegrist

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2544, 2543, and Senate File 2339.**

House File 2534, a bill for an act providing for township trustees, by providing for their representation by county attorneys, was taken up for consideration.

Dix of Butler moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2534)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman

Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Brand	Corbett, Spkr.	Falck	Holveck
Siegrist			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

Senate File 2387, a bill for an act relating to adoption procedural requirements including those related to investigations, reports, and counseling, with report of committee recommending amendment and passage, was taken up for consideration.

Lamberti of Polk offered amendment H-8543 filed by the committee on judiciary and requested division as follows:

H-8543

- 1 Amend Senate File 2387 as passed by the Senate, as
- 2 follows:

H-8543A

- 3 1. Page 2, by inserting after line 20, the
- 4 following:
- 5 "Sec. **NEW SECTION. 600.12A DEATH OF PERSON**
- 6 **TO BE ADOPTED - PROCESS FOR FINAL ADOPTION DECREE.**
- 7 1. If the person to be adopted dies following the
- 8 filing of an adoption petition pursuant to section
- 9 600.3, but prior to issuance of a final adoption
- 10 decree pursuant to section 600.13, the court may waive
- 11 any investigations and reports required pursuant to
- 12 section 600.8 that remain uncompleted, waive the
- 13 minimum residence requirements pursuant to section
- 14 600.10, proceed to the adoption hearing, and issue a

15 final adoption decree, unless any person to whom
16 notice is to be provided pursuant to section 600.11
17 objects to the adoption.
18 2. A final adoption decree issued pursuant to this
19 section terminates any parental rights existing prior
20 to the time of its issuance and establishes the
21 parent-child relationship between the adoption
22 petitioner and the person adopted. However, the final
23 adoption decree does not confer any rights on the
24 adoption petitioner to the estate of the adopted
25 person and does not confer any rights on the adopted
26 person to the estate of the adoption petitioner."

H-8543B

27 2. Page 4, by inserting after line 7 the
28 following:
29 "Sec. ____ PENDING PROCEEDINGS. A termination of
30 parental rights proceeding or an adoption proceeding
31 pending on July 1, 1998, or a release of custody
32 properly executed prior to July 1, 1998, shall not be
33 affected by the provisions of this Act."
34 3. By renumbering as necessary.

Lamberti of Polk asked and received unanimous consent to withdraw the committee amendment H-8543A.

Lamberti of Polk moved the adoption of the committee amendment H-8543B.

The committee amendment H-8543B was adopted.

Foege of Linn offered the following amendment H-8959 filed by Foege, et al., and moved its adoption:

H-8959

1 Amend Senate File 2387 as passed by the Senate, as
2 follows:
3 1. Page 2, by inserting after line 20, the
4 following:
5 "Sec. ____ Section 600.12A, if enacted by the 1998
6 Iowa Acts, Senate File 2338, is amended by adding the
7 following new subsection:
8 NEW SUBSECTION. 1A. If the person to be adopted
9 dies following termination of the parental rights of
10 the person's biological parents but prior to the
11 filing of an adoption petition, the person who was the
12 guardian or custodian of the person to be adopted
13 prior to the person's death or the person who was in a
14 parent-child relationship with the person to be
15 adopted prior to the person's death may file an
16 adoption petition and the court in the interest of

17 justice may waive any other procedures or requirements
18 related to the adoption, proceed to the adoption
19 hearing, and issue a final adoption decree, unless any
20 person to whom notice is to be provided pursuant to
21 section 600.11 objects to the adoption.”
22 2. By renumbering as necessary.

Amendment H-8959 was adopted.

Kreiman of Davis offered the following amendment H-8620 filed by him and moved its adoption:

H-8620

1 Amend Senate File 2387, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 “Section 1. NEW SECTION. 232.6 JURISDICTION –
6 ADOPTIONS AND TERMINATIONS OF PARENTAL RIGHTS.

7 The court may exercise jurisdiction over adoption
8 and termination of parental rights proceedings under
9 chapters 600 and 600A.

10 Sec. ____ Section 600.1, Code 1997, is amended to
11 read as follows:

12 600.1 CONSTRUCTION.

13 This chapter shall be construed liberally. The
14 best interest of the person to be adopted shall be the
15 paramount consideration in interpreting this chapter.
16 However, the interests of the adopting parents shall
17 be given due consideration in this interpretation.
18 However, in determining the best interest of the
19 person to be adopted and the interests of the adopting
20 parents, any evidence of interests relating to a
21 period of time during which the person to be adopted
22 is placed with prospective adoptive parents and during
23 which the placement is not in compliance with the law,
24 adoption procedures, or any action by the juvenile
25 court or court, shall not be considered in the
26 determination.

27 Sec. ____ Section 600.3, Code 1997, is amended to
28 read as follows:

29 600.3 COMMENCEMENT OF ADOPTION ACTION –
30 JURISDICTION – FORUM NON CONVENIENS.

31 1. An action for the adoption of any natural
32 person shall be commenced by the filing of an adoption
33 petition, as prescribed in section 600.5, in the
34 juvenile court or court of the county in which an
35 adult person to be adopted is domiciled or resides, or
36 in the juvenile court or court of the county in which
37 the guardian of a minor person to be adopted or the
38 petitioner is domiciled or resides.

39 2. An adoption petition shall not be filed until a

40 termination of parental rights has been accomplished
41 except in the following cases:

42 a. No termination of parental rights is required
43 if the person to be adopted is an adult.

44 b. If the stepparent of the child to be adopted is
45 the adoption petitioner, the parent-child relationship
46 between the child and the parent who is not the spouse
47 of the petitioner may be terminated as part of the
48 adoption proceeding by the filing of that parent's
49 consent to the adoption.

50 For the purposes of this subsection, a consent to

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1 adopt recognized by the juvenile courts or courts of
2 another jurisdiction in the United States and obtained
3 from a resident of that jurisdiction shall be accepted
4 in this state in lieu of a termination of parental
5 rights proceeding.

6 Any adoption proceeding pending on or completed
7 prior to July 1, 1978, is hereby legalized and
8 validated to the extent that it is consistent with
9 this subsection.

10 3. If upon filing of the adoption petition or at
11 any later time in the adoption action the juvenile
12 court or court finds that in the interest of
13 substantial justice the adoption action should be
14 conducted in another juvenile court or court, it may
15 transfer, stay, or dismiss the adoption action on any
16 conditions that are just.

17 Sec. ____ Section 600.4, subsection 3, paragraph
18 c, Code 1997, is amended to read as follows:

19 c. Is unable to petition with the other spouse
20 because of the prolonged and unexplained absence,
21 unavailability, or incapacity of the other spouse, or
22 because of an unreasonable withholding of joinder by
23 the other spouse, as determined by the juvenile court
24 or court under section 600.5, subsection 7.

25 Sec. ____ Section 600.5, unnumbered paragraph 1,
26 Code 1997, is amended to read as follows:

27 An adoption petition shall be signed and verified
28 by the petitioner, shall be filed with the juvenile
29 court or court designated in section 600.3, and shall
30 state:

31 Sec. ____ Section 600.5, subsection 7, Code 1997,
32 is amended to read as follows:

33 7. A designation of the particular provision in
34 section 600.4 under which the petitioner is qualified
35 to adopt and, if under section 600.4, subsection 3,
36 paragraph "c", a request that the juvenile court or
37 court approve the petitioner's qualification to adopt.

38 Sec. ____ Section 600.7, subsection 1, unnumbered
39 paragraph 1, Code 1997, is amended to read as follows:

40 An adoption petition shall not be granted unless
41 the following persons consent to the adoption or
42 unless the juvenile court or court makes a
43 determination under subsection 4:
44 Sec. ____ Section 600.7, subsection 2, paragraphs
45 a and b, Code 1997, are amended to read as follows:
46 a. If by any minor person to be adopted who is
47 fourteen years of age or older, in the presence of the
48 juvenile court or court in which the adoption petition
49 is filed.
50 b. If by any other person, either in the presence

Page 3

1 of the juvenile court or court in which the adoption
2 petition is filed or before a notary public.
3 Sec. ____ Section 600.7, subsections 3 and 4, Code
4 1997, are amended to read as follows:
5 3. A consent to the adoption may be withdrawn
6 prior to the issuance of an adoption decree under
7 section 600.13 by the filing of an affidavit of
8 consent withdrawal with the juvenile court or court.
9 Such affidavit shall be treated in the same manner as
10 an attached verified statement is treated under
11 subsection 4.
12 4. If any person required to consent under this
13 section refuses to or cannot be located to give
14 consent, the petitioner may attach to the petition a
15 verified statement of such refusal or lack of
16 location. The juvenile court or court shall then
17 determine, at the adoption hearing prescribed in
18 section 600.12, whether, in the best interests of the
19 person to be adopted and the petitioner, any
20 particular consent shall be unnecessary to the
21 granting of an adoption petition.”
22 2. Page 1, by inserting after line 23 the
23 following:
24 “Sec. ____ Section 600.8, subsection 2, paragraph
25 a, Code 1997, is amended to read as follows:
26 a. A preplacement investigation and report of the
27 investigation shall be completed and the prospective
28 adoption petitioner approved for a placement by the
29 person making the investigation prior to any agency or
30 independent placement of a minor person in the
31 petitioner’s home in anticipation of an ensuing
32 adoption. A report of a preplacement investigation
33 that has approved a prospective adoption petitioner
34 for a placement shall not authorize placement of a
35 minor person with that petitioner after one year from
36 the date of the report’s issuance. However, if the
37 prospective adoption petitioner is a relative within
38 the fourth degree of consanguinity who has assumed
39 custody of a minor person to be adopted, a

40 preplacement investigation of this petitioner and a
41 report of the investigation may be completed at a time
42 established by the juvenile court or court or may be
43 waived as provided in subsection 12."

44 3. Page 1, line 29, by inserting before the word
45 "court" the following: "juvenile court or".

46 4. Page 1, line 32, by inserting before the word
47 "court" the following: "juvenile court or".

48 5. Page 2, lines 6 and 7, by striking the words
49 ", including a juvenile court," and inserting the
50 following: "~~, including a juvenile court,~~".

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1 6. Page 2, by inserting after line 12 the
2 following:

3 "Sec. ____ Section 600.8, subsections 7, 8, 9, and
4 12, Code 1997, are amended to read as follows:

5 7. Any investigation or report required under this
6 section shall not apply when the person to be adopted
7 is an adult or when the prospective adoption
8 petitioner or adoption petitioner is a stepparent of
9 the person to be adopted. However, in the case of a
10 stepparent adoption, the juvenile court or court, upon
11 the request of an interested person or on its own
12 motion stating the reasons therefor of record, may
13 order an investigation or report pursuant to this
14 section.

15 8. Any person designated to make an investigation
16 and report under this section may request an agency or
17 state agency, within or outside this state, to conduct
18 a portion of the investigation or the report, as may
19 be appropriate, and to file a supplemental report of
20 such investigation or report with the juvenile court
21 or court. In the case of the adoption of a minor
22 person by a person domiciled or residing in any other
23 jurisdiction of the United States, any investigation
24 or report required under this section which has been
25 conducted pursuant to the standards of that other
26 jurisdiction shall be recognized in this state.

27 9. The department may investigate, on its own
28 initiative or on order of the juvenile court or court,
29 any placement made or adoption petition filed under
30 this chapter or chapter 600A and may report its
31 resulting recommendation to the juvenile court or
32 court.

33 12. Any investigation and report required under
34 subsection 1 of this section may be waived by the
35 juvenile court or court if the adoption petitioner is
36 related within the fourth degree of consanguinity to
37 the person to be adopted.

38 Sec. ____ Section 600.9, subsection 2, unnumbered
39 paragraph 1, Code 1997, is amended to read as follows:

40 An adoption petitioner of a minor person shall file
41 with the juvenile court or court, prior to the
42 adoption hearing, a full accounting of all
43 disbursements of any thing of value paid or agreed to
44 be paid by or on behalf of the petitioner in
45 connection with the petitioned adoption. This
46 accounting shall be made by a report prescribed by the
47 juvenile court or court and shall be signed and
48 verified by the petitioner. Only expenses incurred in
49 connection with the following and any other expenses
50 approved by the juvenile court or court are

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1 allowable:"

2 7. Page 2, by inserting after line 20 the
3 following:

4 "Sec. ____ Section 600.10, Code 1997, is amended
5 to read as follows:

6 600.10 MINIMUM RESIDENCE OF A MINOR CHILD.

7 The adoption of a minor person shall not be decreed
8 until that person has lived with the adoption
9 petitioner for a minimum residence period of one
10 hundred eighty days. However, the juvenile court or
11 court may waive this period if the adoption petitioner
12 is a stepparent or related to the minor person within
13 the fourth degree of consanguinity or may shorten this
14 period upon good cause shown when the juvenile court
15 or court is satisfied that the adoption petitioner and
16 the person to be adopted are suited to each other.

17 Sec. ____ Section 600.11, subsections 1 and 3,
18 Code 1997, are amended to read as follows:

19 1. The juvenile court or court shall set the time
20 and place of the adoption hearing prescribed in
21 section 600.12 upon application of the petitioner.
22 The juvenile court or court may continue the adoption
23 hearing if the notice prescribed in subsections 2 and
24 3 is given, except that such notice shall only be
25 given at least ten days prior to the date which has
26 been set for the continuation of the adoption hearing.

27 3. A notice of the adoption hearing shall state
28 the time, place, and purpose of the hearing and shall
29 be served in accordance with rule of civil procedure
30 56.1. Proof of the giving of notice shall be filed
31 with the juvenile court or court prior to the adoption
32 hearing. Acceptance of service by the party being
33 given notice shall satisfy the requirements of this
34 subsection.

35 Sec. ____ Section 600.12, subsections 2 and 3,
36 Code 1997, are amended to read as follows:

37 2. Only those persons notified under section
38 600.11 and their witnesses and legal counsel or
39 persons requested by the juvenile court or court to be

40 present shall be admitted to the court chambers while
41 an adoption hearing is being conducted. The adoption
42 petitioner and the person to be adopted shall be
43 present at the hearing, unless the presence of either
44 is excused by the juvenile court or court.

45 3. Any person admitted to the hearing shall be
46 heard and allowed to present evidence upon request and
47 according to the manner in which the juvenile court or
48 court conducts the hearing.

49 Sec. ____ Section 600.13, subsections 1, 2, 3, 5,
50 and 6, Code 1997, are amended to read as follows:

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1 1. At the conclusion of the adoption hearing, the
2 juvenile court or court shall:

- 3 a. Issue a final adoption decree;
4 b. Issue an interlocutory adoption decree; or,
5 c. Dismiss the adoption petition if the
6 requirements of this Act have not been met or if
7 dismissal of the adoption petition is in the best
8 interest of the person whose adoption has been
9 petitioned. Upon dismissal, the juvenile court or
10 court shall determine who is to be guardian or
11 custodian of a minor child, including the adoption
12 petitioner if it is in the best interest of the minor
13 person whose adoption has been petitioned.

14 2. An interlocutory adoption decree automatically
15 becomes a final adoption decree at a date specified by
16 the juvenile court or court in the interlocutory
17 adoption decree, which date shall not be less than one
18 hundred eighty days nor more than three hundred sixty
19 days from the date the interlocutory decree is issued.
20 However, an interlocutory adoption decree may be
21 vacated prior to the date specified for it to become
22 final. Also, the juvenile court or court may provide
23 in the interlocutory adoption decree for further
24 observation, investigation, and report of the
25 conditions of and the relationships between the
26 adoption petitioner and the person petitioned to be
27 adopted.

28 3. If an interlocutory adoption decree is vacated
29 under subsection 2, it shall be void from the date of
30 issuance and the rights, duties, and liabilities of
31 all persons affected by it shall, unless they have
32 become vested, be governed accordingly. Upon vacation
33 of an interlocutory adoption decree, the juvenile
34 court or court shall proceed under the provisions of
35 subsection 1, paragraph "c".

36 5. An interlocutory or a final adoption decree
37 shall be entered with the clerk of the court. Such
38 decree shall set forth any facts of the adoption
39 petition which have been proven to the satisfaction of

40 the juvenile court or court and any other facts
41 considered to be relevant by the juvenile court or
42 court and shall grant the adoption petition. If so
43 designated in the adoption decree, the name of the
44 adopted person shall be changed by issuance of that
45 decree. The clerk of the court shall, within thirty
46 days of issuance, deliver one certified copy of any
47 adoption decree to the petitioner, one copy of any
48 adoption decree to the department and any agency or
49 person making an independent placement who placed a
50 minor person for adoption, and one certification of

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1 adoption as prescribed in section 144.19 to the state
2 registrar of vital statistics. Upon receipt of the
3 certification, the state registrar shall prepare a new
4 birth certificate pursuant to section 144.23 and
5 deliver to the parents named in the decree and any
6 adult person adopted by the decree a copy of the new
7 birth certificate. The parents shall pay the fee
8 prescribed in section 144.46. If the person adopted
9 was born outside the state, the state registrar shall
10 forward the certification of adoption to the
11 appropriate agency in the state or foreign nation of
12 birth. A copy of any interlocutory adoption decree
13 vacation shall be delivered and another birth
14 certificate shall be prepared in the same manner as a
15 certification of adoption is delivered and the birth
16 certificate was originally prepared.

17 6. The clerk of the ~~district~~ court shall attach to
18 the certified copy of the decree delivered to the
19 department, a copy of the adoption information form
20 required to be attached to the adoption petition under
21 section 600.6, subsection 5.

22 Sec. ____ Section 600.15, subsection 1, paragraphs
23 a and b, Code 1997, are amended to read as follows:

24 a. A decree establishing a parent-child
25 relationship by adoption which is issued pursuant to
26 due process of law by a juvenile court or court of any
27 other jurisdiction in the United States shall be
28 recognized in this state.

29 b. A decree terminating a parent-child
30 relationship which is issued pursuant to due process
31 of law by a juvenile court or court of any other
32 jurisdiction in the United States shall be recognized
33 in this state."

34 8. Page 2, by inserting after line 27 the
35 following:

36 "Sec. ____ Section 600.16A, subsection 2,
37 paragraphs b and c, Code 1997, are amended to read as
38 follows:

39 b. The juvenile court or court, for good cause,

40 shall order the opening of the permanent adoption
41 record of the juvenile court or court for the adopted
42 person who is an adult and reveal the names of either
43 or both of the biological parents following
44 consideration of both of the following:
45 (1) A biological parent may file an affidavit
46 requesting that the juvenile court or court reveal or
47 not reveal the parent's identity. The juvenile court
48 or court shall consider any such affidavit in
49 determining whether there is good cause to order
50 opening of the records. To facilitate the biological

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1 parents in filing an affidavit, the department shall,
2 upon request of a biological parent, provide the
3 biological parent with an adoption information packet
4 containing an affidavit for completion and filing with
5 the juvenile court or court.
6 (2) If the adopted person who applies for
7 revelation of the biological parents' identity has a
8 sibling who is a minor and who has been adopted by the
9 same parents, the juvenile court or court may deny the
10 application on the grounds that revelation to the
11 applicant may also indirectly and harmfully permit the
12 same revelation to the applicant's minor sibling.
13 c. A biological sibling of an adopted person may
14 file or may request that the department file an
15 affidavit in the juvenile court or court in which the
16 adopted person's adoption records have been sealed
17 requesting that the juvenile court or court reveal or
18 not reveal the sibling's name to the adopted person.
19 The juvenile court or court shall consider any such
20 affidavit in determining whether there is good cause
21 to order opening of the records upon application for
22 revelation by the adopted person. However, the name
23 of the biological sibling shall not be revealed until
24 the biological sibling has attained majority.
25 Sec. ____ Section 600.16A, subsection 3, paragraph
26 b, unnumbered paragraph 3, Code 1997, is amended to
27 read as follows:
28 Notwithstanding the provisions of this subsection,
29 if the adult adopted person has a sibling who is a
30 minor and who has also been adopted by the same
31 parents, the department, the clerk of court, or the
32 agency which made the placement may deny the request
33 of either the adult adopted person or the biological
34 parent to open the adoption records and to reveal the
35 identities of the parties pending determination by the
36 juvenile court or court that there is good cause to
37 open the records pursuant to subsection 2.
38 Sec. ____ Section 600.16A, subsection 4, Code
39 1997, is amended to read as follows:

40 4. An adopted person whose adoption became final
 41 prior to July 4, 1941, and whose adoption record was
 42 not required to be sealed at the time when the
 43 adoption record was completed, shall not be required
 44 to show good cause for an order opening the adoption
 45 record under this subsection, provided that the
 46 juvenile court or court shall consider any affidavit
 47 filed under this subsection.
 48 Sec. ____ Section 600.18, unnumbered paragraph 1,
 49 Code 1997, is amended to read as follows:
 50 Any prospective adoptive parent desiring financial

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1 assistance shall state this fact in the petition for
 2 adoption. The department of human services shall
 3 investigate the person petitioning for adoption and
 4 the child and shall file with the juvenile court or
 5 court a statement of whether the department will
 6 provide assistance as provided in sections 600.17 to
 7 600.22, the estimated amount, extent, and duration of
 8 assistance, and any other information the juvenile
 9 court or court may order."

10 9. Page 4, by inserting after line 7 the
 11 following:

12 "Sec. ____ Section 602.8102, subsections 42 and
 13 43, Code Supplement 1997, are amended to read as
 14 follows:

15 42. Serve as clerk of the juvenile court and carry
 16 out duties as provided in chapter 232 and article 7 of
 17 this chapter.

18 43. Submit to the director of the division of
 19 child and family services of the department of human
 20 services a duplicate of the findings of the ~~district~~
 21 court related to adoptions as provided in section
 22 235.3, subsection 7."

23 10. Title page, line 2, by inserting after the
 24 words "related to" the following: "jurisdiction,"

25 11. By renumbering as necessary.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 43, nays 50.

Amendment H-8620 lost.

Lamberti of Polk offered the following amendment H-8950 filed by
 him and moved its adoption:

H-8950

1 Amend Senate File 2387 as passed by the Senate, as

2 follows:

3 1. Page 2, by inserting after line 20, the

4 following:

5 "Sec. . NEW SECTION. 600.14A VALIDITY OF
6 ADOPTION DECREES.

7 1. Subject to the disposition of any appeal
8 pursuant to section 600.14 and notwithstanding any
9 longer period otherwise available, upon the expiration
10 of three months from the date of the entry of a final
11 adoption decree, any irregularities in the proceedings
12 are deemed cured, and the validity of the decree shall
13 not be subject to attack either through direct or
14 collateral proceedings on any grounds including but
15 not limited to a procedural or jurisdictional defect,
16 failure to give any required notice, fraud, duress,
17 misrepresentation, or any of the grounds for vacating
18 or modifying a judgment under the Iowa rules of civil
19 procedure.

20 2. If the validity of a final adoption decree is
21 attacked, the paramount consideration of the court
22 shall be the best interest of the person who is the
23 subject of the proceeding."

24 2. By renumbering as necessary.

Amendment H-8950 was adopted.

Lamberti of Polk offered the following amendment H-8854 filed by him and moved its adoption:

H-8854

1 Amend Senate File 2387, as passed by the Senate, as

2 follows:

3 1. Page 3, by striking lines 5 through 21 and
4 inserting the following: "acceptance or refusal of
5 the counseling. If accepted,".

Amendment H-8854 was adopted.

Lamberti of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2387)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dix	Doderer

Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Dinkla

Greiner

Siegrist

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2331, a bill for an act to provide for the sharing of certain habilitative and treatment resources with the department of human services, with report of committee recommending passage, was taken up for consideration.

Kremer of Buchanan offered amendment H-8594 filed by him as follows:

H-8594

- 1 Amend Senate File 2331, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Section 1. Section 80A.2, Code 1997, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 9. A person engaged in the
- 8 business of transporting prisoners under a contract
- 9 with the Iowa department of corrections or a county
- 10 sheriff, a similar agency from another state, or the
- 11 federal government.
- 12 Sec. ____ Section 724.4, subsection 4, Code 1997,

13 is amended by adding the following new paragraph:
14 NEW PARAGRAPH. k. A person engaged in the
15 business of transporting prisoners under a contract
16 with the Iowa department of corrections or a county
17 sheriff, a similar agency from another state, or the
18 federal government."

19 2. Title page, line 1, by striking the words "to
20 provide" and inserting the following: "relating to
21 agreements for the provision of services, by excluding
22 persons who provide transportation of prisoners from
23 requirements pertaining to private investigators or
24 security agents and the carrying of weapons, and
25 providing".

26 3. Title page, line 2, by inserting after the
27 word "resources" the following: "by the department of
28 corrections".

29 4. By renumbering as necessary.

Bernau of Story asked and received unanimous consent to withdraw amendment H-8622, to amendment H-8594, filed by him on March 24, 1998.

Bernau of Story offered the following amendment H-8787, to amendment H-8594, filed by him and moved its adoption:

H-8787

1 Amend the amendment, H-8594, to Senate File 2331,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 11, the
5 following:

6 "Sec. ____ NEW SECTION. 356.50 PRIVATE
7 TRANSPORTATION OF PRISONERS.

8 If a county sheriff contracts with a private person
9 or entity for the transportation of prisoners to or
10 from a county jail, the contract shall include
11 provisions which require the following:

12 1. The private person or any officers or employees
13 of the private person or private entity shall not have
14 been convicted of any of the following:

15 a. A felony.

16 b. Within the three-year period immediately
17 preceding the date of the execution of the contract, a
18 violation of the laws pertaining to operation of motor
19 vehicles punishable as a serious misdemeanor or
20 greater offense.

21 c. Domestic abuse assault in which bodily injury
22 was inflicted or attempted to be inflicted.

23 d. A crime involving illegal manufacture, use,
24 possession, sale, or an attempt to illegally
25 manufacture, use, possess, or sell alcohol or a

- 26 controlled substance or other drug.
- 27 2. The person or persons actually transporting the
28 prisoners shall be trained and proficient in the safe
29 use of firearms.
- 30 3. Any employees of a private entity which has
31 entered into the contract for transportation of
32 prisoners shall only possess and use security and
33 restraint equipment, including any firearms, which has
34 been issued by the private entity.
- 35 4. The person or persons actually transporting the
36 prisoners shall be trained and proficient in
37 appropriate transportation procedures.
- 38 5. The person or entity complies, within one year
39 of publication, with any applicable standards for the
40 transportation of prisoners promulgated by the
41 American corrections association."
- 42 2. Page 1, by inserting after line 18, the
43 following:
44 " Page 2, by inserting after line 9, the
45 following:
46 "Sec. ____ NEW SECTION. 904.320 PRIVATE
47 TRANSPORTATION OF PRISONERS.
48 1. If the director contracts with a private person
49 or entity for the transportation of inmates to or from
50 an institution, the contract shall include provisions

Page 2

- 1 which require the following:
- 2 a. The private person or any officers or employees
3 of the private person or private entity shall not have
4 been convicted of any of the following:
- 5 (1) A felony.
- 6 (2) Within the three-year period immediately
7 preceding the date of the execution of the contract, a
8 violation of the laws pertaining to operation of motor
9 vehicles punishable as a serious misdemeanor or
10 greater offense.
- 11 (3) Domestic abuse assault in which bodily injury
12 was inflicted or attempted to be inflicted.
- 13 (4) A crime involving illegal manufacture, use,
14 possession, sale, or an attempt to illegally
15 manufacture, use, possess, or sell alcohol or a
16 controlled substance or other drug.
- 17 b. The person or persons actually transporting the
18 prisoners shall be trained and proficient in the safe
19 use of firearms.
- 20 c. Any employees of a private entity which has
21 entered into the contract for transportation of
22 prisoners shall only possess and use security and
23 restraint equipment, including any firearms, which has
24 been issued by the private entity.
- 25 d. The person or persons actually transporting the

26 prisoners shall be trained and proficient in
 27 appropriate transportation procedures.
 28 e. The person or entity complies, within one year
 29 of publication, with any applicable standards for the
 30 transportation of prisoners promulgated by the
 31 American corrections association.

32 2. The department shall adopt rules pertaining to
 33 contracts with private persons or entities providing
 34 transportation of inmates of institutions under the
 35 control of the department.””

36 3. Page 1, line 23, by inserting before the word
 37 “requirements” the following: “statutory”.

38 4. Page 1, by inserting after line 28, the
 39 following:

40 “_ Title page, line 2, by inserting after the
 41 word “services” the following: “and providing for
 42 certain contractual requirements and the adoption of
 43 rules by the department of corrections”.”

44 5. By numbering and renumbering as necessary.

Amendment H-8787 was adopted.

Kremer of Buchanan moved the adoption of amendment H-8594,
 as amended.

Amendment H-8594, as amended, was adopted.

Kremer of Buchanan offered the following amendment H-8593 filed
 by him and moved its adoption:

H-8593

1 Amend Senate File 2331, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 29, by inserting after the word
 4 “programming.” the following: “Any agreement to
 5 utilize mental health institutions and to share staff
 6 and resources shall provide that the costs of the
 7 habilitative and treatment services shall be paid from
 8 state funds.””

Amendment H-8593 was adopted.

Kremer of Buchanan moved that the bill be read a last time now
 and placed upon its passage which motion prevailed and the bill was
 read a last time.

On the question “Shall the bill pass?” (S.F. 2331)

The ayes were, 96:

Arnold
 Blodgett

Barry
 Boddicker

Bell
 Boggess

Bernau
 Bradley

Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Falck	Fallon	Ford
Frevert	Garman	Gipp	Greig
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Eddie	Foege	Greiner	Siegrist
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2534, Senate Files 2387 and 2331.**

Appropriations Calendar

Senate File 2280, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the governor's alliance on substance abuse, and the commission of veterans affairs, and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

Gipp of Winneshiek asked and received unanimous consent that Senate File 2280 be deferred and that the bill retain its place on the calendar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 530, a bill for an act relating to the establishment of an E911 surcharge, providing for the distribution of the surcharge, and providing a pooling mechanism for the purchase of equipment necessary for an E911 system.

Also: That the Senate has on April 7, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2329, a bill for an act relating to crime victims, by expanding the compensation available from the crime victim compensation program to victims of crime and their families, and providing a Code editor directive.

Also: That the Senate has on April 7, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2330, a bill for an act relating to the filing of civil litigation by prisoners and providing an effective date.

Also: That the Senate has on April 7, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2378, a bill for an act relating to real estate titles involving bankruptcy.

MARY PAT GUNDERSON, Secretary

On motion by Gipp of Winneshiek, the House was recessed at 11:58 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

The House stood at ease at 1:02 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2280 (previously deferred) at 2:10 p.m., Blodgett of Cerro Gordo in the chair.

Nelson of Marshall offered amendment H-8881 filed by the committee on appropriations as follows:

H-8881

1 Amend Senate File 2280, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 1, line 11, by striking the figure
4 "95.00" and inserting the following: "97.50".

5 2. Page 1, by inserting after line 11 the
6 following:

7 "Two of the FTEs appropriated for in this section
8 relate to the transition of personnel services
9 contractors to FTEs. The merit system provisions of
10 chapter 19A and the provisions of the state or union
11 collective bargaining agreements shall not govern
12 movement into these FTE positions until September 1,
13 1998. This provision relating to the transition of
14 personnel services contractors shall apply to the
15 period beginning July 1, 1998, and ending September 1,
16 1998."

17 3. Page 20, by striking lines 14 through 16.

18 4. Page 21, line 15, by striking the figure
19 "801.82" and inserting the following: "803.64".

20 5. Page 21, by inserting after line 15 the
21 following:

22 "Two of the FTEs appropriated for in this
23 subsection relate to the transition of personnel
24 services contractors to FTEs. The merit system
25 provisions of chapter 19A and the provisions of the
26 state or union collective bargaining agreements shall
27 not govern movement into these FTE positions until
28 September 1, 1998. This provision relating to the
29 transition of personnel services contractors shall
30 apply to the period beginning July 1, 1998, and ending
31 September 1, 1998."

32 6. Page 21, by inserting after line 30 the
33 following:

34 "c. Any Iowa veterans home successor contractor
35 shall not consider employees of a state institution or
36 facility to be new employees for purposes of employee
37 wages, health insurance, or retirement benefits."

38 7. By striking page 22, line 8, through page 23,
39 line 14, and inserting the following:

40 "2. In addition to the amount appropriated in
41 subsection 1, an amount sufficient for full funding of
42 the amounts allocated in this subsection shall be
43 encumbered from the moneys appropriated to the Iowa
44 department of public health pursuant to section
45 99E.10, subsection 1, paragraph "a", as amended by
46 this Act. However, if the total amount appropriated
47 pursuant to section 99E.10, subsection 1, paragraph
48 "a", as amended by this Act is insufficient for full
49 funding of the allocations, the allocations shall be
50 prorated proportionately. The moneys appropriated in

Page 2

1 subsection 1 and encumbered pursuant to this

2 subsection are allocated as follows:

3 a. For the public health nursing program:

4 \$ 200,000

5 b. For transfer to the department of public safety

6 to combat methamphetamine use:

7 \$ 236,000

8 (1) Of the funds allocated in this lettered

9 paragraph, \$111,000 shall be utilized by the division

10 of narcotics enforcement of the department of public

11 safety for undercover purchases of methamphetamine by

12 law enforcement agency and drug task force personnel.

13 (2) Of the funds allocated in this lettered

14 paragraph, \$125,000 shall be utilized by the division

15 of narcotics enforcement of the department of public

16 safety for the establishment of a methamphetamine

17 stoppers reward fund and hotline. Citizen informants

18 shall be entitled to receive up to \$250 upon the

19 conviction of a methamphetamine dealer, and up to

20 \$1,000 for the successful exposure of a

21 methamphetamine lab. The division shall develop

22 specific program parameters and qualification

23 criteria.

24 c. For the provision of emergency medical services

25 and training of emergency medical services personnel:

26 \$ 78,000

27 d. For transfer to the department of elder affairs

28 to be used for the recruitment, retention,

29 recognition, and training of care review committee

30 volunteers:

31 \$ 130,000

32 e. For transfer to the governor's alliance on

33 substance abuse for the establishment of a public

34 education program warning the general public about the

35 dangers of methamphetamine use:

36 \$ 150,000

37 f. For transfer to the governor's alliance on

38 substance abuse for the establishment of an education

39 program designed to increase the availability of

40 information relating to methamphetamine abuse in Iowa

41 schools and throughout the media:

42 \$ 200,000

43 The funds allocated in this lettered paragraph

44 shall be used to assist in targeting an anti-

45 methamphetamine message specifically to Iowa teenagers

46 through the school system and through public service

47 media advertisements, including the development of an

48 educational video and instructional material for use

49 by Iowa public school instructors. The education

50 program shall be coordinated by the drug enforcement

2 the Iowa drug abuse prevention and education advisory
3 council established in section 80E.2.

4 g. For the surveillance of existing and emerging
5 infectious disease:

6 \$ 100,000

7 h. For transfer to the department of public safety
8 for hazardous materials response team training. The
9 department of public safety shall coordinate with the
10 Iowa state university extension engineering program
11 regarding development of the training program:

12 \$ 25,000"

13 8. By striking page 23, line 32, through page 24,
14 line 23, and inserting the following:

15 "Sec. ____ Section 99D.15, Code 1997, is amended
16 by adding the following new subsection:

17 NEW SUBSECTION. 5. Of the tax revenue received by
18 the commission pursuant to subsections 1, 3, and 4, an
19 amount equal to three-tenths of one percent of the
20 gross sum wagered by the pari-mutuel method at each
21 racetrack shall be deposited in the gambling treatment
22 fund specified in section 99E.10, subsection 1,
23 paragraph "a".

24 Sec. ____ Section 99E.10, subsection 1, paragraph
25 a, Code Supplement 1997, is amended to read as
26 follows:

27 a. An amount equal to three-tenths of one percent
28 of the gross lottery revenue, and the amount equal to
29 three-tenths of one percent of the adjusted gross
30 receipts from excursion boat and racetrack wagering
31 allocated pursuant to section 99F.11, subsection 3,
32 shall be deposited in a gambling treatment fund in the
33 office of the treasurer of state. The director ~~of the~~
34 ~~Iowa department~~ of public health shall administer the
35 fund and shall provide that receipts are allocated on
36 a monthly basis to fund administrative costs and to
37 provide programs which may include, but are not
38 limited to, outpatient and follow-up treatment for
39 persons affected by problem gambling, rehabilitation
40 and residential treatment programs, information and
41 referral services, and education and preventive
42 services, and financial management services. Receipts
43 deposited in excess of one million nine hundred
44 thousand dollars are appropriated to the Iowa
45 department of public health to be expended at the
46 discretion of the director of public health.

47 Sec. ____ Section 99F.11, subsection 3, Code 1997,
48 is amended to read as follows:

49 3. Three-tenths of one percent of the adjusted
50 gross receipts shall be deposited in the ~~gamblers~~

- 2 section 99E.10, subsection 1, paragraph "a."
3 9. Page 27, by striking line 10 and inserting the
4 following:
5 "4. ~~5.~~ This section is repealed effective June 30,
6 ~~1998 2000.~~"
7 10. By renumbering, relettering, or redesignating
8 and correcting internal references as necessary.

Nelson of Marshall offered the following amendment H-8951, to the committee amendment H-8881, filed by her and moved its adoption:

H-8951

- 1 Amend the amendment, H-8881, to Senate File 2280,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking line 7 and inserting the
5 following:
6 "Of the full-time equivalent positions appropriated
7 for in this section, 2.50 FTEs".
8 2. Page 1, by striking lines 22 and 23 and
9 inserting the following:
10 "Of the full-time equivalent positions appropriated
11 for in subsection 1, 1.82 FTEs relate to the
12 transition of personnel".
13 3. By striking page 1, line 40, through page 2,
14 line 2, and inserting the following:
15 "2. a. In addition to the amount appropriated in
16 subsection 1, there is appropriated from receipts in
17 excess of \$1,900,000 deposited into the gambling
18 treatment fund pursuant to section 99E.10, subsection
19 1, paragraph "a", to the Iowa department of public
20 health, for the fiscal year beginning July 1, 1998,
21 and ending June 30, 1999, an amount sufficient for
22 funding of the allocation made in subsection 3.
23 b. For the fiscal year beginning July 1, 1998, and
24 ending June 30, 1999, an amount of the tax revenue
25 received pursuant to section 99D.15, subsections 1, 3,
26 and 4 equal to three-tenths of one percent of the
27 gross sum wagered by the pari-mutuel method shall be
28 deposited into the gambling treatment fund in addition
29 to the other revenue deposited under law.
30 c. The amounts appropriated pursuant to paragraph
31 "a" shall be based on the most recent projections for
32 gross lottery revenue, excursion boat and racetrack
33 wagering revenue, and tax revenue derived from pari-
34 mutuel wagering, for the fiscal year beginning July 1,
35 1998, and ending June 30, 1999. If the amounts
36 appropriated based on the projects are insufficient
37 for full funding of the allocations, the allocations
38 shall be prorated proportionately.
39 3. The moneys appropriated in subsections 1 and 2

40 shall be allocated as follows:"

41 4. By striking page 3, line 13, through page 4,
42 line 2, and inserting the following:

43 "_. By striking page 23, line 32, through page
44 24, line 17, and inserting the following:

45 "Sec. ___ Section 99E.10, subsection 1, paragraph
46 a, Code Supplement 1997, is amended to read as
47 follows:

48 a. An amount equal to three-tenths of one percent
49 of the gross lottery revenue shall be deposited in a
50 gambling treatment fund in the office of the treasurer

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1 of state. The director of the Iowa department of
2 public health shall administer the fund and shall
3 provide that receipts are allocated on a monthly basis
4 to fund administrative costs and to provide programs
5 which may include, but are not limited to, outpatient
6 and follow-up treatment for persons affected by
7 problem gambling, rehabilitation and residential
8 treatment programs, information and referral services,
9 and education and preventive services, and financial
10 management services."

11 5. By renumbering as necessary.

Amendment H-8951, to the committee amendment H-8881, was adopted placing amendment H-8981, to the committee amendment H-8881, filed by Murphy of Dubuque from the floor, out of order.

Dotzler of Black Hawk asked and received unanimous consent to withdraw amendment H-8944, to the committee amendment H-8881, filed by him on April 6, 1998.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-8961, to the committee amendment H-8881, filed by him on April 6, 1998.

Murphy of Dubuque offered the following amendment H-8968, to the committee amendment H-8881, filed by him and Dotzler of Black Hawk from the floor and moved its adoption:

H-8968

1 Amend the amendment, H-8881, to Senate File 2280,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by inserting after line 4 the
5 following:

6 "The funds appropriated in this paragraph shall be
7 utilized by the Iowa department of public health to

8 establish a competitive grant program to increase the
9 availability of public health nurses throughout the
10 state, and shall be in addition to funding allocated
11 pursuant to existing contracts entered into between
12 the department and the local boards of health and
13 boards of supervisors. One-half of the funds
14 appropriated shall be awarded to county applicants
15 with a county population of less than 25,000, and the
16 remaining one-half shall be awarded to county
17 applicants with a county population of 25,000 or more.

18 A county may submit an application to the
19 department for a grant to expand the county's existing
20 public health nursing program by October 1, 1998, on
21 application forms to be developed by the department.
22 Grant award criteria shall include the extent to which
23 existing allocations to the county have successfully
24 been utilized to maintain and expand the public health
25 nursing program for elderly and low-income persons,
26 the proportion of elderly and low-income persons
27 living in the county in relation to the total number
28 of elderly and low-income persons living in the state,
29 and proposals submitted by the county for expanding
30 existing services and programs to meet the particular
31 needs of the elderly and low-income persons residing
32 within the county. A county receiving a grant award
33 may utilize the grant moneys to expand existing
34 subcontracts with a nonprofit nurses' association, or
35 an independent nonprofit agency, or for new programs
36 and services as proposed in the grant application.
37 The department shall submit a report to the general
38 assembly by January 1, 2000, regarding the
39 effectiveness of the competitive grant program in
40 expanding public health nursing care, and containing
41 recommendations regarding future utilization or
42 expansion of the program."

Amendment H-8968, to the committee amendment H-8881, was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Burnett of Story, until her arrival, on request of Schrader of Marion.

Cormack of Webster offered the following amendment H-8918, to the committee amendment H-8881, filed by him and moved its adoption:

H-8918

1 Amend the amendment, H-8881, to Senate File 2280,
2 as amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 2, line 18, by striking the figure "250"
5 and inserting the following: "1,000".

Amendment H-8918, to the committee amendment H-8881, was adopted.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-8962, to the committee amendment H-8881, filed by him on April 6, 1998.

Brand of Tama offered the following amendment H-8982, to the committee amendment H-8881, filed by him from the floor and moved its adoption:

H-8982

- 1 Amend the amendment, H-8881, to Senate File 2280,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by inserting after line 31 the
5 following:
6 "The department shall develop outcome measurements
7 regarding use of the funds allocated in this lettered
8 paragraph, and shall conduct a study of issues
9 including, but not limited to, how the funds were
10 utilized, liability for area agencies on aging, and
11 access to nursing home records. The department shall
12 submit a report of the results of the study to the
13 general assembly by January 1, 2000."

Amendment H-8982, to the committee amendment H-8881, was adopted.

Murphy of Dubuque offered the following amendment H-8983, to the committee amendment H-8881, filed by him from the floor and moved its adoption:

H-8983

- 1 Amend the amendment, H-8881, to Senate File 2280,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, line 31, by striking the figure
5 "130,000" and inserting the following: "240,000".
6 2. Page 3, by inserting after line 12 the
7 following:
8 "i. For transfer to the Iowa law enforcement
9 academy to be used for the drug abuse resistance
10 education program:
11 \$ 150,000
12 j. For use by local boards of health to ensure

13	that core public health functions are maintained and		
14	to support essential services in their communities:		
15	.....	\$	350,000
16	k. For transfer to the department of public safety		
17	for costs associated with the training of state and		
18	local law enforcement personnel concerning the		
19	recognition of and response to persons with		
20	Alzheimer's disease by the department of public		
21	safety:		
22	.....	\$	70,000
23	l. For transfer to the commission on the status of		
24	African-Americans to be used for workshops		
25	administered through the department of human rights:		
26	.....	\$	10,000"

A non-record roll call was requested.

The ayes were 37, nays 46.

Amendment H-8983 lost.

Carroll of Poweshiek in the chair at 3:25 p.m.

Cormack of Webster offered the following amendment H-8943, to the committee amendment H-8881, filed by him and Brunkhorst of Bremer and moved its adoption:

H-8943

- 1 Amend the amendment, H-8881, to Senate File 2280,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 1, line 38, through page 3,
- 5 line 46, and inserting the following:
- 6 "_. By striking page 22, line 2, through page
- 7 23, line 24.
- 8 _ Page 23, by inserting after line 31 the
- 9 following:
- 10 "Sec. _. Section 99D.15, Code 1997, is amended
- 11 by adding the following new subsection:
- 12 NEW SUBSECTION. 5. Of the tax revenue received by
- 13 the commission pursuant to subsections 1, 3, and 4, an
- 14 amount equal to three-tenths of one percent of the
- 15 gross sum wagered by the pari-mutuel method at each
- 16 racetrack shall be deposited in the gambling treatment
- 17 fund specified in section 99E.10, subsection 1,
- 18 paragraph "a".
- 19 _ Page 24, by striking lines 3 and 4 and
- 20 inserting the following: "subsection 3, shall be
- 21 deposited in a".
- 22 _ Page 24, by striking lines 14 through 17."

Amendment H-8943 lost.

Murphy of Dubuque offered the following amendment H-8984, to the committee amendment H-8881, filed by him from the floor and moved its adoption:

H-8984

- 1 Amend the amendment, H-8881, to Senate File 2280,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 4, by inserting after line 6 the
- 5 following:
- 6 "___ Page 27, by inserting after line 16 the
- 7 following:
- 8 "Sec. ___. GAMBLING TREATMENT FUND. There shall
- 9 be appropriated from the general fund of the state to
- 10 the gambling treatment fund established pursuant to
- 11 section 99E.10, subsection 1, paragraph "a", the
- 12 amount of \$1,100,000 for the fiscal year beginning
- 13 July 1, 1998, and ending June 30, 1999."

Roll call was requested by Murphy of Dubuque and Gipp of Winneshiek.

Rule 75 was invoked.

On the question "Shall amendment H-8984 be adopted?" (S.F. 2280)

The ayes were, 47:

Bell	Bernau	Brand	Bukta
Cataldo	Chapman	Chiodo	Cohoon
Connors	Cormack	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Vande Hoef	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 50:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Churchill	Corbett, Spkr.	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti

Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Veenstra	Weidman
Welter	Carroll, Presiding		

Absent or not voting, 3:

Burnett	Siegrist	Van Maanen
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Amendment H-8984 lost.

Nelson of Marshall moved the adoption of the committee amendment H-8881, as amended.

The committee amendment H-8881, as amended, was adopted, placing amendment H-8778 filed by Blodgett of Cerro Gordo and May of Worth on March 30, 1998, out of order.

Martin of Scott offered the following amendment H-8945 filed by her and moved its adoption:

H-8945

- 1 Amend Senate File 2280, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 13 the
- 4 following:
- 5 "3. The department may grant an exception for a
- 6 limited period of time, determined by the department
- 7 to be reasonable, to allow for compliance by persons
- 8 regulated by the department or applicants for assisted
- 9 living certification with any part of chapter 104A
- 10 relative to buildings in existence on July 1, 1998.
- 11 The determination of the period of time allowed for
- 12 compliance shall be commensurate with the anticipated
- 13 magnitude of expenditure, disruption of services, and
- 14 the degree of hazard presented. The department shall
- 15 also be authorized to modify the accessibility
- 16 requirements otherwise applicable to such applicants
- 17 for buildings in existence on July 1, 1998, if the
- 18 department determines that compliance with the
- 19 requirements would be unreasonable, but only if it is
- 20 determined that noncompliance with the requirements
- 21 would not present an unreasonable degree of danger."

Amendment H-8945 was adopted.

Moreland of Wapello offered the following amendment H-8924 filed by him and moved its adoption:

H-8924

1 Amend Senate File 2280, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 27 the
4 following:

5 "3. For the establishment of a comprehensive
6 program to combat methamphetamine use:

7 \$ 2,500,000

8 a. Of the funds appropriated in this subsection,
9 \$1,500,000 shall be used to establish a grant program
10 to provide grants to local law enforcement agencies
11 and existing drug task forces for the training of
12 personnel and purchase of equipment relating to
13 methamphetamine enforcement efforts. The grants shall
14 be used to provide training and resources to local law
15 enforcement agencies, regional drug task forces, and
16 volunteer medical personnel and firefighters involved
17 in the investigation of clandestine methamphetamine
18 laboratories. The grants may be used to hire
19 additional personnel or to purchase surveillance and
20 other equipment needed by local authorities to conduct
21 methamphetamine investigations. The grant program
22 shall be administered by the drug enforcement and
23 abuse prevention coordinator in consultation with the
24 Iowa narcotics enforcement advisory council
25 established in section 80E.3.

26 b. Of the funds appropriated in this subsection,
27 \$500,000 shall be used for an education program
28 designed to increase the availability of information
29 relating to methamphetamine abuse in Iowa schools and
30 throughout the media. The funds shall assist in
31 targeting an anti-methamphetamine message specifically
32 to Iowa teenagers through the school system and
33 through public service media advertisements. The
34 education program shall be coordinated by the drug
35 enforcement and abuse prevention coordinator in
36 consultation with the Iowa drug abuse prevention and
37 education advisory council established in section
38 80E.2.

39 c. Of the funds appropriated in this subsection,
40 \$500,000 shall be used to expand existing substance
41 abuse treatment and rehabilitation programs, and
42 establish new programs designed to assist efforts by
43 methamphetamine users to overcome their addiction.
44 The treatment and rehabilitation expansion effort
45 shall be coordinated by the substance abuse division
46 of the Iowa department of public health.

47 d. The governor's alliance on substance abuse
48 shall coordinate with the Iowa department of public
49 health, the department of human services, and the
50 department of public safety regarding the development

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1 and administration of the program to combat
 2 methamphetamine use. The governor's alliance on
 3 substance abuse shall submit a report to the governor
 4 and the general assembly by January 1, 2000. The
 5 report shall contain an accounting of program
 6 expenditures, estimated methamphetamine usage rates
 7 before and after program implementation, investigation
 8 and education efforts, treatment and rehabilitation
 9 program referrals and success rates, and
 10 recommendations regarding continued efforts to combat
 11 methamphetamine use."

Roll call was requested by Moreland of Wapello and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment H-8924 be adopted?" (S.F. 2280)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Cataldo	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Welter	Whitead
Wise	Witt		

The nays were, 51:

Arnold	Barry	Blodgett	Boddicker
Boggess	Brauns	Brunkhorst	Churchill
Corbett, Spkr.	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Carroll,	
		Presiding	

Absent or not voting, 3:

Bradley

Burnett

Siegrist

Amendment H-8924 lost.

Warnstadt of Woodbury offered amendment H-8963 filed by him and Whitead of Woodbury as follows:

H-8963

1 Amend Senate File 2280, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 7, by inserting after line 34 the
 4 following:
 5 "h. The director of public health shall designate,
 6 as the state poison center, a medical center in the
 7 state which is operating a poison center on or before
 8 July 1, 1998. The state poison center shall provide
 9 poison information, telephone management advice and
 10 consultation, conduct hazard surveillance to achieve
 11 hazard elimination, and provide professional and
 12 public education in poison prevention, diagnosis, and
 13 treatment, and shall provide any other services or
 14 functions necessary to be classified as a certified
 15 poison center. The poison center shall not
 16 subcontract with a poison center outside of the state
 17 to provide the necessary services or functions. The
 18 director shall provide the necessary documentation of
 19 the state poison center designation to the poison
 20 center for certification by the American association
 21 of poison control centers or other certifying
 22 organization."

Warnstadt of Woodbury offered the following amendment H-8986, to amendment H-8963, filed by him and Greig of Emmet from the floor and moved its adoption:

H-8986

1 Amend the amendment, H-8963, to Senate File 2280,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking line 6 and inserting the
 5 following: "as a state poison center, any medical
 6 center in the".
 7 2. Page 1, by striking lines 15 through 17 and
 8 inserting the following: "poison center. The".

Amendment H-8986 was adopted.

Warnstadt of Woodbury moved the adoption of amendment H-8963, as amended.

Amendment H-8963, as amended, was adopted.

Nelson of Marshall offered the following amendment H-8946 filed by her and Grundberg of Polk and moved its adoption:

H-8946

- 1 Amend Senate File 2280, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, by inserting after line 15 the
- 4 following:
- 5 "(3) The division shall establish an interagency
- 6 work group to conduct an evaluation of the
- 7 effectiveness of all existing federal and state funded
- 8 substance abuse treatment and prevention programs in
- 9 the state. Evaluation issues and components to be
- 10 examined by the interagency work group shall include,
- 11 but are not limited to, access to treatment;
- 12 identification of all state and federal funds spent on
- 13 treatment and prevention programs, including insurance
- 14 plan components and employee assistance programs;
- 15 substance abuse relapse rates; the reasons for
- 16 different outcomes in different programs; costs of
- 17 service delivery; the relationship of outcomes to cost
- 18 offsets such as a decline in arrest rates and
- 19 hospitalizations; review of managed care approaches
- 20 and exemplary programs in other states; and the
- 21 profiling of clients by the types of substances
- 22 abused.
- 23 The interagency work group shall be comprised of
- 24 representatives from the department of human services,
- 25 the department of public health, the department of
- 26 corrections, the governor's alliance on substance
- 27 abuse, the state department of personnel, and the
- 28 judicial department.
- 29 The department shall submit a report containing the
- 30 recommendations of the interagency work group to the
- 31 governor and the general assembly by January 1, 2000."

Amendment H-8946 was adopted.

Hansen of Pottawattamie offered the following amendment H-8980 filed by him, Foege of Linn, and Rants of Woodbury from the floor and moved its adoption:

H-8980

- 1 Amend Senate File 2280, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, line 5, by inserting after the word
- 4 "department" the following: ", in consultation with
- 5 the advisory committee for perinatal guidelines,".

6 2. Page 10, line 11, by inserting after the word
7 "recommendations." the following: "Hospitals within
8 the state shall determine whether to participate in
9 the statewide perinatal program, and select the
10 hospital's level of participation in the program. A
11 hospital having determined to participate in the
12 program shall comply with the guidelines appropriate
13 to the level of participation selected by the
14 hospital."

Amendment H-8980 was adopted.

Nelson of Marshall offered the following amendment H-8941 filed by her and moved its adoption:

H-8941

1 Amend Senate File 2280, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 10, line 6, by striking the words "in
4 accordance with" and inserting the following: "based
5 on".

Amendment H-8941 was adopted.

Thomson of Linn offered the following amendment H-8748 filed by her and moved its adoption:

H-8748

1 Amend Senate File 2280, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 17, line 9, by striking the figure "1966"
4 and inserting the following: "1996".

Amendment H-8748 was adopted.

Ford of Polk offered the following amendment H-8966 filed by him and moved its adoption:

H-8966

1 Amend Senate File 2280, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 18, line 14, by striking the figure
4 "222,159" and inserting the following: "279,201".
5 2. Page 18, line 15, by striking the figure
6 "6.60" and inserting the following: "7.60".

A non-record roll call was requested.

The ayes were 43, nays 45.

Amendment H-8966 lost.

Warnstadt of Woodbury offered the following amendment H-8929 filed by him and moved its adoption:

H-8929

- 1 Amend Senate File 2280, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 21, line 14, by striking the figure
- 4 "41,912,604" and inserting the following:
- 5 "41,974,947".
- 6 2. Page 22, by inserting after line 1 the
- 7 following:
- 8 "d. Of the funds appropriated in this subsection,
- 9 \$62,343 shall be used by the Iowa veterans home for
- 10 increased medical supply and pharmaceutical expenses."

Amendment H-8929 lost.

Cormack of Webster asked and received unanimous consent to withdraw amendment H-8942 filed by him and Brunkhorst of Bremer on April 6, 1998.

Nelson of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2280)

The ayes were, 91:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Bukta	Burnett
Chapman	Chiodo	Churchill	Cohoon
Connors	Corbett, Spkr.	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Foege
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Sukup
Taylor	Teig	Thomas	Thomson

Tyrrell
Warnstadt
Whitead

Van Fossen
Weidman
Witt

Vande Hoef
Weigel
Carroll,
Presiding

Veenstra
Welter

The nays were, 7:

Brunkhorst
Moreland

Cormack
Van Maanen

Fallon
Wise

Ford

Absent or not voting, 2:

Cataldo

Siegrist

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2280** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 24, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 334, a bill for an act relating to certain franchise agreements by establishing a duty of good faith, providing for alternative dispute resolution, providing for venue and choice of law, and repealing existing franchise provisions.

MARY PAT GUNDERSON, Secretary

Speaker Corbett in the chair at 5:08 p.m.

Appropriations Calendar

House File 2545, a bill for an act relating to county mental health, mental retardation, and developmental disabilities service funding, allocating an appropriation, and providing effective dates, was taken up for consideration.

Myers of Johnson offered the following amendment H-8939 filed by Myers, et al., and moved its adoption:

H-8939

- 1 Amend House File 2545 as follows:
- 2 1. Page 1, line 10, by striking the word
- 3 "Transfers" and inserting the following: "Except as

- 4 authorized in section 331.477, transfers”.
- 5 2. Page 1, line 35, by striking the figure
- 6 “10,000,000” and inserting the following:
- 7 “12,000,000”.
- 8 3. Page 2, line 10, by striking the figure
- 9 “4,000,000” and inserting the following: “2,000,000”.
- 10 4. Page 2, by inserting after line 30 the
- 11 following:
- 12 “Sec. ____ Section 405A.4, subsection 2, Code
- 13 1997, is amended to read as follows:
- 14 2. The allocation of a county as determined under
- 15 subsection 1 may be credited to the general, rural
- 16 services, secondary road, or other special revenue
- 17 fund of the county. The allocation of a county under
- 18 subsection 1 shall not be credited to the county’s
- 19 mental health, mental retardation, and developmental
- 20 disabilities services fund.”
- 21 5. By striking page 2, line 31, through page 3,
- 22 line 2.
- 23 6. Page 3, line 4, by striking the word
- 24 “subsections” and inserting the following:
- 25 “subsection”.
- 26 7. Page 3, by striking lines 9 through 19.
- 27 8. Page 5, by inserting after line 10 the
- 28 following:
- 29 “____. A county shall annually submit to the risk
- 30 pool board created in subsection 3, a proposal for the
- 31 amount of improvement the county will make on the
- 32 statewide performance measures, the county-specific
- 33 performance measures selected by the county, and the
- 34 amount of improvement the county will make on the
- 35 county-specific performance measures. The risk pool
- 36 board may accept the proposal, request modifications
- 37 of the proposal, or reject the proposal.”
- 38 9. Page 5, line 14, by inserting after the word
- 39 “measures” the following: “, as determined by the
- 40 risk pool board”.
- 41 10. Page 5, line 35, by striking the word “five”
- 42 and inserting the following: “two”.
- 43 11. Page 5, line 35, by inserting after the word
- 44 “auditors,” the following: “a member of the state-
- 45 county management committee created in section 331.438
- 46 who was not appointed by the Iowa state association of
- 47 counties, a member of the county finance committee
- 48 created in chapter 333A who is not an elected
- 49 official,”.
- 50 12. Page 6, line 2, by striking the word “and”

Page 2

- 1 and inserting the following: “, and one member
- 2 appointed by the director of human services. All
- 3 members appointed by the governor shall be”.

- 4 13. Page 6, line 5, by inserting after the word
 5 "members" the following: "representing counties".
 6 14. Page 6, line 6, by inserting after the word
 7 "origin." the following: "Expenses and other costs of
 8 risk pool board members who do not represent counties
 9 shall be paid from a source determined by the
 10 governor."
 11 15. Page 6, line 15, by inserting after the word
 12 "assistance" the following: "and for repaying unused
 13 risk pool assistance".
 14 16. Page 6, line 22, by inserting before the word
 15 "need" the following: "projected".
 16 17. Page 6, by inserting after line 26 the
 17 following:
 18 "() The board shall review the fiscal year-end
 19 financial records for all counties that are granted
 20 risk pool assistance. If the board determines a
 21 county's actual need for risk pool assistance was less
 22 than the amount of risk pool assistance granted to the
 23 county, the county shall refund the difference between
 24 the amount of assistance granted and the actual need.
 25 The county shall submit the refund within thirty days
 26 of receiving notice from the board. Refunds shall be
 27 credited to the risk pool."
 28 18. By renumbering, relettering, or redesignating
 29 and correcting internal references as necessary.

Amendment H-8939 was adopted.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2545)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Fevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz

Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker Corbett	

The nays were, none.

Absent or not voting, 1:

Siegrist

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2545** be immediately messaged to the Senate.

HOUSE FILE 2361 REREFERRED

The Speaker announced that House File 2361, previously referred to the committee on **economic development** was rereferred to committee on **ways and means**.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 7th day of April, 1998: House Files 677 and 2337.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-four 6th grade students from Lenox Community School, Lenox, accompanied by Mrs. Janet Reed. By Bogges of Taylor.

Twelve 7th and 8th grade students from Washington Junior High, accompanied by Mr. and Mrs. Johl. By Jochum of Dubuque, Murphy of Dubuque, Osterhaus of Jackson and Scherrman of Dubuque.

Thirty-three Seniors from Nora Springs Rock Falls Community School, Nora Springs, accompanied by Bob Schaefer. By Koenigs of Mitchell.

Fifty 8th grade students from Grafton Middle School, Grafton, accompanied by Deb Kramer. By Koenigs of Mitchell and May of Worth.

Sixth grade students from Grand Community School, Boxholm, accompanied by Mrs. Knox. By O'Brien of Boone.

Eighty Government students from Waterloo West High School, Waterloo, accompanied by Bob Weaton and Bill Eggers. By Shoultz of Black Hawk.

Fifty students from Belle Plaine Community High School, Belle Plaine, accompanied by Superintendent Richard Paul, Mr. Tegeler, Mr. Bohlen and the Belle Plaine Rotary. By Tyrrell of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1998\413 Rich King, Oelwein – For his contributions to the Oelwein community and receiving the 1998 Service to Mankind award.
- 1998\414 Carl and Ruth Tuecke, Guttenberg – For celebrating their 60th wedding anniversary.
- 1998\415 Eugene and Maxine Suddendorf, Postville – For celebrating their 50th wedding anniversary.
- 1998\416 Phil Steffen, Winthrop – For being named Junior High Wrestling Coach of the Year.
- 1998\417 Mary Ann Gensicke, Cedar Rapids – For her participation as a People to People Student Ambassador and being named a delegation leader.
- 1998\418 William Joseph Everman, Cedar Rapids – For his participation as a People to People Student Ambassador.
- 1998\419 Christopher Steven Gensicke, Cedar Rapids – For his participation as a People to People Student Ambassador.

- 1998\420 Timothy Mark Hau, Cedar Rapids – For his participation as a People to People Student Ambassador.
- 1998\421 Erin Nicole Jehle, Iowa City – For her participation as a People to People Student Ambassador.
- 1998\422 Jessica Elise Salviati, Marion – For her participation as a People to People Student Ambassador.
- 1998\423 Lauren Michele Squires, Cedar Rapids – For her participation as a People to People Student Ambassador.
- 1998\424 Hillary Ann Waddell, Cedar Rapids – For her participation as a People to People Student Ambassador.
- 1998\425 Eleanor Novotny, Toledo – For celebrating her 80th birthday.
- 1998\426 Luella “Lolly” Hora, Clutier – For celebrating her 80th birthday.
- 1998\427 George and Darlene Konicek, Clutier – For celebrating their 50th wedding anniversary.
- 1998\428 Ellsworth and Marlys Cizek, Traer – For celebrating their 50th wedding anniversary.
- 1998\429 Ernie Buresh, Tama – For his retirement from the Tama Fire Department after 34 years of dedicated service and for receiving the Governor’s Volunteer Award for 34 years of meritorious service.
- 1998\430 Jessica Ferneau, Tama – For being named All-American Scholar by the United States Achievement Academy.
- 1998\431 James Ryan Currens, Traer – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\432 Kenneth and Wilma Busch, Garwin – For celebrating their 50th wedding anniversary.
- 1998\433 Gilbert and Elinor Peitzman, Dallas Center – For celebrating their 50th wedding anniversary on June 1, 1998.
- 1998\434 Marvin Ohrt, Clutier – For his retirement from the board of directors at Farmer’s Mutual Insurance after 30 years of dedicated service.

SUBCOMMITTEE ASSIGNMENT

Senate File 2416 (Committee of the whole)

Ways and Means: Rants, Chair; Bernau, Blodgett, Chapman, Dinkla, Dix, Doderer, Drake, Frevert, Greig, Hansen, Holmes, Jenkins, Jochum, Lamberti, Larkin, Larson, Lord, Myers, Osterhaus, Richardson, Shoultz, Teig, Van Fossen and Weigel.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2410, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care, and providing effective dates and an applicability provision.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1998.

Committee Bill (Formerly House Study Bill 695), relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 7, 1998.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2144), providing a small business tax credit.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 7, 1998.

Committee Bill (Formerly House File 2330), relating to the budget certification deadline for school districts and providing an applicability date.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1998.

Committee Bill (Formerly House File 2405), relating to urban renewal and urban revitalization areas, and certain property located in an urban renewal area, certification of urban renewal debt, and improvements related to urban renewal projects, and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 7, 1998.

RESOLUTIONS FILED

HR 105, by Fallon, a resolution congratulating Dr. Joan Roberts for being named the 1997 Iowa Secondary Principal of the Year.

Laid over under **Rule 25**.

HR 106, by Fallon, a resolution congratulating Ms. Ruth Ann Gaines for being named the Iowa Teacher of the Year for 1998.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-8969	S.F.	2410	Veenstra of Sioux Vande Hoef of Osceola
H-8970	S.F.	2277	Schrader of Marion
H-8971	H.F.	2514	Shoultz of Black Hawk
H-8972	H.F.	2514	Witt of Black Hawk
H-8973	H.F.	2514	Mascher of Johnson
H-8974	H.F.	2514	Witt of Black Hawk
H-8975	H.F.	2514	Fallon of Polk
H-8976	S.F.	58	Chiodo of Polk
H-8977	S.F.	58	Chiodo of Polk
H-8978	S.F.	58	Chiodo of Polk
H-8979	H.F.	334	Senate Amendment
H-8985	H.F.	2506	Hahn of Muscatine Thomas of Clayton
H-8987	H.F.	2290	Arnold of Lucas Dotzler of Black Hawk
H-8988	S.F.	2410	Houser of Pottawattamie
H-8989	S.F.	2410	Dotzler of Black Hawk Osterhaus of Jackson Jochum of Dubuque Burnett of Story Foege of Linn
H-8990	H.F.	2538	Grundberg of Polk
H-8991	H.F.	2548	Heaton of Henry
H-8992	S.F.	367	Holveck of Polk
H-8993	S.F.	2410	Houser of Pottawattamie Osterhaus of Jackson

On motion by Gipp of Winneshiek, the House adjourned at 5:30 p.m., until 8:45 a.m., Wednesday, April 8, 1998.

JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day - Fifty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 8, 1998

The House met pursuant to adjournment at 8:50 a.m., Carroll of Poweshiek in the chair.

Prayer was offered by Pastor Leonhardt Gebhardt, St. John's Lutheran Church, Charter Oak.

The Journal of Tuesday, April 7, 1998 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cataldo of Polk on request of Moreland of Wapello.

INTRODUCTION OF BILLS

House File 2551, by committee on ways and means, a bill for an act providing a small business tax credit.

Read first time and placed on the **ways and means calendar**.

House File 2552, by committee on ways and means, a bill for an act relating to the budget certification deadline for school districts and providing an applicability date.

Read first time and placed on the **ways and means calendar**.

House File 2553, by committee on appropriations, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

Read first time and placed on the **appropriations calendar**.

On motion by Gipp of Winneshiek, the House was recessed at 8:55 a.m., until 10:30 a.m.

MORNING SESSION

The House reconvened at 10:42 a.m., Speaker Corbett in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 667, a bill for an act relating to the Iowa administrative procedure Act and providing an effective and applicability date.

Also: That the Senate has on April 7, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2164, a bill for an act relating to local community and economic development planning assistance and the community builder program.

Also: That the Senate has on April 7, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2166, a bill for an act relating to regulation of food establishments and providing for fees and penalties and providing an effective date.

Also: That the Senate has on April 7, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2335, a bill for an act relating to persons holding interests in agricultural land and providing penalties and an effective date.

MARY PAT GUNDERSON, Secretary

SPECIAL PRESENTATION

Greiner of Washington presented to the House the Honorable Bob Kistler, former state representative from Washington County. He was accompanied by his wife Dorothy.

The House rose and expressed its welcome.

ADOPTION OF SENATE CONCURRENT RESOLUTION 101

Taylor of Linn asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 101, a concurrent resolution recognizing the notable achievements of the Jefferson High School Marching Band from Cedar Rapids, Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

Unfinished Business Calendar

Senate File 2377, a bill for an act relating to the sixth judicial district pilot probation revocation project and providing for effective dates and for repeal of the pilot project provisions, with report of committee recommending passage, was taken up for consideration.

Sukup of Franklin asked and received unanimous consent to withdraw amendment H-8947 filed by him on April 6, 1998.

Sukup of Franklin offered the following amendment H-8952 filed by him and moved its adoption:

H-8952

1 Amend Senate File 2377, as passed by the Senate, as
2 follows:

3 1. Page 1, line 5, by striking the words "in this
4 section".

5 2. Page 1, by striking lines 9 through 14 and
6 inserting the following: "sentencing order for each
7 person who is sentenced to the custody of the director
8 of the department of corrections and whose sentence is
9 suspended. The court shall retain jurisdiction to
10 establish the amount of restitution, approve the plan
11 of restitution, and for reconsideration of the
12 original sentence. The court shall also retain
13 jurisdiction".

14 3. Page 1, line 16, by striking the word
15 "information" and inserting the following:
16 "informations".

17 4. Page 1, line 17, by inserting after the word
18 "counsel." the following: "If a person is not
19 sentenced to the custody of the director of the
20 department of corrections the court shall retain the
21 jurisdiction over matters relating to those cases."

22 5. By striking page 1, line 18, through page 2,
23 line 7.

24 6. Page 2, by striking lines 21 through 24 and
25 inserting the following: "may receive the complaint,
26 ~~issue an arrest warrant, or conduct the initial~~
27 ~~appearance and probable cause hearing and probation~~
28 ~~revocation hearing.~~ The ~~initial appearance,~~ probable
29 cause hearing, and probation revocation hearing, ~~or~~
30 ~~any of them,~~ may, at the discretion of".

31 7. Page 2, by striking lines 27 through 35 and
32 inserting the following: "will not be prejudiced by
33 the merger. An administrative parole and probation
34 judge may".

35 8. Page 3, line 4, by inserting after the word
36 "if" the following: "reconsideration is deemed
37 appropriate and".

38 9. Page 9, line 24, by striking the figure "1999"
39 and inserting the following: "2000".

40 10. Page 9, line 25, by striking the figure
41 "1999" and inserting the following: "2000".

Amendment H-8952 was adopted.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2377)

The ayes were, 78:

Arnold	Barry	Blodgett	Boddicker
Boguess	Bradley	Brauns	Brunkhorst
Bukta	Burnett	Carroll	Chiodo
Churchill	Cphoon	Connors	Dix
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Mundie
Murphy	O'Brien	Rants	Rayhons
Reynolds-Knight	Scherrman	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker Corbett		

The nays were, 19:

Bell	Bernau	Chapman	Cormack
Doderer	Fallon	Foege	Ford
Frevert	Garman	Holveck	Huser
Koenigs	Moreland	Myers	Nelson
Osterhaus	Richardson	Schrader	

Absent or not voting, 3:

Brand	Cataldo	Dinkla
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2377** be immediately messaged to the Senate.

Regular Calendar

House File 2532, a bill for an act relating to the maximum value of prizes awarded in raffles and certain games of skill and chance, with report of committee recommending passage, was taken up for consideration.

Tyrrell of Iowa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2532)

The ayes were, 91:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Foege	Ford	Frevert	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Martin	Mascher
May	Mertz	Metcalf	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Maanen	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 6:

Dix	Fallon	Garman	Holveck
Meyer	Vande Hoef		

Absent or not voting, 3:

Cataldo	Lord	Van Fossen
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Concurrent Resolution 101 and House File 2532.**

Unfinished Business Calendar

House File 2515, a bill for an act relating to workers' compensation by repealing the second injury compensation Act, eliminating the second injury fund, providing for the resolution of claims against the fund to include the imposition of an employer surcharge, providing for employee compensation for certain subsequent injuries, and providing an effective date, was taken up for consideration.

Lamberti of Polk offered the following amendment H-8892 filed by him and Taylor of Linn and moved its adoption:

H-8892

- 1 Amend House File 2515 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 85.65, Code 1997, is amended
- 5 to read as follows:
- 6 85.65 PAYMENTS TO SECOND INJURY FUND.
- 7 The employer, or, if insured, the insurance carrier
- 8 in each case of compensable injury causing death,
- 9 shall pay to the treasurer of state for the second
- 10 injury fund the sum of ~~four~~ twelve thousand dollars in
- 11 a case where there are dependents and ~~fifteen~~ forty-
- 12 five thousand dollars in a case where there are no
- 13 dependents. The payment shall be made at the time
- 14 compensation payments are begun, or at the time the
- 15 burial expenses are paid in a case where there are no
- 16 dependents. However, the payments shall be required
- 17 only in cases of injury resulting in death coming
- 18 within the purview of this chapter and occurring after
- 19 July 1, 1978. These payments shall be in addition to
- 20 any payments of compensation to injured employees or
- 21 their dependents, or of burial expenses as provided in
- 22 this chapter.
- 23 Sec. 2. NEW SECTION. 85.65A PAYMENTS TO SECOND
- 24 INJURY FUND - SURCHARGE ON EMPLOYERS.
- 25 1. For purposes of this section, unless the
- 26 context otherwise requires:
- 27 a. "Insured employers" means employers who are
- 28 commercially insured for purposes of workers'
- 29 compensation coverage or who have been self-insured
- 30 for less than twenty-four months as of the first day
- 31 of the fiscal year in which a surcharge is imposed
- 32 pursuant to this section.
- 33 b. "Self-insured employers" means employers who
- 34 have been self-insured for purposes of workers'
- 35 compensation coverage for at least twenty-four months
- 36 as of the first day of the fiscal year in which a
- 37 surcharge is imposed pursuant to this section.

38 2. Prior to each fiscal year commencing on or
39 after July 1, 1999, the commissioner of insurance
40 shall conduct an examination of the outstanding
41 liabilities of the second injury fund and shall make a
42 determination as to whether sufficient funds will be
43 available in the second injury fund to pay the
44 liabilities of the fund for each of the next two
45 fiscal years. If the commissioner of insurance
46 determines sufficient funds will be available, the
47 commissioner shall not impose a surcharge on employers
48 during the next succeeding fiscal year. If the
49 commissioner determines sufficient funds will not be
50 available, the commissioner shall impose by rule,

Page 2

1 pursuant to chapter 17A, a surcharge on employers
2 during the next succeeding fiscal year for payment to
3 the treasurer of state for the second injury fund
4 pursuant to the requirements of this section.
5 3. If the commissioner of insurance determines
6 that a surcharge on employers shall be imposed during
7 any applicable fiscal year, the surcharge imposed
8 shall comply with and be subject to all of the
9 following requirements:
10 a. The surcharge shall apply to all workers'
11 compensation insurance policies and self-insurance
12 coverages of employers approved for self-insurance by
13 the commissioner of insurance pursuant to section 87.4
14 or 87.11, and to the state of Iowa, its departments,
15 divisions, agencies, commissions, and boards, or any
16 political subdivision coverages whether insured or
17 self-insured. The surcharge shall not apply to any
18 reinsurance or retrocessional transaction under
19 section 520.4 or 520.9.
20 b. In determining the surcharge for any applicable
21 fiscal year, the commissioner of insurance shall
22 provide that all insured and self-insured employers be
23 assessed, in total, an amount the commissioner
24 determines is sufficient, together with the moneys in
25 the second injury fund, to meet the outstanding
26 liabilities of the second injury fund.
27 c. The total assessment amount used in calculating
28 the surcharge shall be allocated between self-insured
29 employers and insured employers based on paid losses
30 for the preceding calendar year. The portion of the
31 total aggregate assessment that shall be collected
32 from self-insured employers shall be equal to that
33 proportion of total paid losses during the preceding
34 calendar year, which the total compensation payments
35 of all self-insured employers bore to the total
36 compensation payments made by all self-insured
37 employers and insurers on behalf of all insured

38 employers during the preceding calendar year. The
39 portion of the total aggregate assessment that is not
40 to be collected from self-insured employers shall be
41 collected from insured employers.
42 d. The method of assessing self-insured employers
43 a surcharge shall be based on paid losses. The method
44 of assessing insured employers a surcharge shall be by
45 insurers collecting assessments from insured employers
46 through a surcharge based on premium.
47 e. Assessments collected through imposition of a
48 surcharge pursuant to this section shall not
49 constitute an element of loss for the purpose of
50 establishing rates for workers' compensation insurance

Page 3

1 but shall for the purpose of collection be treated as
2 separate costs by insurers. The surcharge is
3 collectible by an insurer and nonpayment of the
4 surcharge shall be treated as nonpayment of premium
5 and the insurer shall retain all cancellation rights
6 inuring to it for nonpayment of premium. An insurance
7 carrier, its agent, or a third-party administrator
8 shall not be entitled to any portion of the surcharge
9 as a fee or commission for its collection. The
10 surcharge is not subject to any taxes, licenses, or
11 fees. The surcharge is not deemed to be an assessment
12 or tax, but shall be deemed an additional benefit paid
13 for injuries compensable under this division.

14 4. The commissioner of insurance shall adopt
15 rules, pursuant to chapter 17A, concerning the
16 requirements of this section.

17 5. This section is repealed July 1, 2003.

18 Sec. 3. Section 85.66, Code 1997, is amended to
19 read as follows:

20 85.66 SECOND INJURY FUND - PAYMENTS CREATION - 21 CUSTODIAN.

22 ~~When the total amount of the payments provided for~~
23 ~~in the preceding section, together with accumulated~~
24 ~~interest and earnings, equals or exceeds one million~~
25 ~~dollars no further contributions to the fund shall be~~
26 ~~required; but when, thereafter, the amount of the sum~~
27 ~~is reduced below five hundred thousand dollars by~~
28 ~~reason of payments made to employees pursuant to this~~
29 ~~division, contributions shall be resumed and shall~~
30 ~~continue until the sum, together with accumulated~~
31 ~~interest and earnings, again amounts to one million~~
32 ~~dollars. The treasurer of state shall determine when~~
33 ~~contributions shall be made to the fund and when they~~
34 ~~shall be suspended and may enforce the collection of~~
35 ~~contributions.~~

36 The "Second Injury Fund" is hereby established
37 under the custody of the treasurer of state and shall

38 consist of payments to the fund as provided by this
 39 division and any accumulated interest and earnings on
 40 moneys in the second injury fund. The treasurer of
 41 state is charged with the conservation of the assets
 42 of the second injury fund. Moneys so collected shall
 43 ~~constitute a in the~~ "Second Injury Fund", ~~in the~~
 44 ~~custody of the treasurer of state, to shall be~~
 45 disbursed only for the purposes stated in this
 46 division, and shall not at any time be appropriated or
 47 diverted to any other use or purpose. The treasurer
 48 of state shall invest any surplus moneys of the fund
 49 in securities which constitute legal investments for
 50 state funds under the laws of this state, and may sell

Page 4

1 any of the securities in which the fund is invested,
 2 if necessary, for the proper administration or in the
 3 best interests of the fund. Disbursements from the
 4 fund shall be paid by the treasurer of state only upon
 5 the written order of the industrial commissioner. The
 6 treasurer of state shall quarterly prepare a statement
 7 of the fund, setting forth the balance of moneys in
 8 the fund, the income of the fund, specifying the
 9 source of all income, the payments out of the fund,
 10 specifying the various items of payments, and setting
 11 forth the balance of the fund remaining to its credit.
 12 The statement shall be open to public inspection in
 13 the office of the treasurer of state.

14 Sec. 4. Section 85.67, Code 1997, is amended to
 15 read as follows:

16 85.67 ADMINISTRATION OF FUND - SPECIAL COUNSEL =
 17 PAYMENT OF AWARD.

18 ~~The treasurer of state shall be charged with the~~
 19 ~~conservation of the assets of the second injury fund,~~
 20 ~~and the collection of contributions to the fund. The~~
 21 attorney general shall appoint a staff member to
 22 represent the treasurer of state and the fund in all
 23 proceedings and matters arising under this division.
 24 In making an award under this division, the industrial
 25 commissioner shall specifically find the amount the
 26 injured employee shall be paid weekly, the number of
 27 weeks of compensation which shall be paid by the
 28 employer, the date upon which payments out of the fund
 29 shall begin, and, if possible, the length of time the
 30 payments shall continue.

31 Sec. 5. Section 85.68, Code 1997, is amended to
 32 read as follows:

33 85.68 ACTIONS - COLLECTION OF PAYMENTS -
 34 SUBROGATION.

35 ~~The treasurer of state~~ The labor commissioner shall
 36 be charged with the collection of contributions and
 37 payments to the second injury fund required to be made

38 pursuant to section 85.65. In addition, the labor
39 commissioner, on behalf of the second injury fund
40 created under this division, shall have a cause of
41 action under section 85.22 to the same extent as an
42 employer against any person not in the same employment
43 by reason of whose negligence or wrong the subsequent
44 injury of the person with the previous disability was
45 caused. The action shall be brought by the ~~treasurer~~
46 of state labor commissioner on behalf of the fund, and
47 any recovery, less the necessary and reasonable
48 expenses incurred by the ~~treasurer of state labor~~
49 commissioner, shall be paid to the treasurer of state
50 and credited to the second injury fund.

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1 Sec. 6. SECOND INJURY FUND LIABILITY - SURCHARGE
2 ON EMPLOYERS.

3 1. For purposes of this section, unless the
4 context otherwise requires:

5 a. "Insured employers" means employers who are
6 commercially insured for purposes of workers'
7 compensation coverage or who have been self-insured
8 for less than twenty-four months as of the first day
9 of the fiscal year in which a surcharge is imposed
10 pursuant to this section.

11 b. "Self-insured employers" means employers who
12 have been self-insured for purposes of workers'
13 compensation coverage for at least twenty-four months
14 as of the first day of the fiscal year in which a
15 surcharge is imposed pursuant to this section.

16 2. Prior to the fiscal year commencing July 1,
17 1998, the commissioner of insurance shall examine
18 claims in which there has been an agreement for
19 settlement or an award has been made involving the
20 second injury compensation Act and shall determine the
21 outstanding liability of such claims.

22 3. For the fiscal year commencing July 1, 1998,
23 the commissioner of insurance may adopt by rule,
24 pursuant to chapter 17A, a surcharge on employers
25 pursuant to the requirements of this section and
26 payable to the second injury fund if, pursuant to its
27 examination of claims, the commissioner of insurance
28 determines that insufficient funds are available in
29 the second injury fund to pay claims involving the
30 second injury compensation Act. The surcharge shall
31 apply to all workers' compensation insurance policies
32 and self-insurance coverages of employers approved for
33 self-insurance by the commissioner of insurance
34 pursuant to section 87.4 or 87.11, and to the state of
35 Iowa, its departments, divisions, agencies,
36 commissions, and boards, or any political subdivision
37 coverages whether insured or self-insured. The

38 surcharge shall not apply to any reinsurance or
39 retrocessional transaction under section 520.4 or
40 520.9. In determining the surcharge for each
41 applicable fiscal year, the commissioner of insurance
42 shall provide that all insured and self-insured
43 employers be assessed for the outstanding liabilities
44 arising out of claims involving the second injury
45 compensation Act as determined pursuant to subsection
46 2. The total assessment amount used in calculating
47 the surcharge for each applicable fiscal year shall be
48 allocated between self-insured employers and insured
49 employers, based on paid losses for the preceding
50 calendar year as provided in this subsection. The

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1 method of assessing self-insured employers shall be
2 based on paid losses. The method of assessing insured
3 employers shall be a surcharge based on premium, as
4 set forth in this subsection. The portion of the
5 total aggregate assessment that shall be collected
6 from self-insured employers shall be equal to that
7 proportion of total paid losses during the preceding
8 calendar year, which the total compensation payments
9 of all self-insured employers bore to the total
10 compensation payments made by all self-insured
11 employers and insurers on behalf of all insured
12 employers during the preceding calendar year. The
13 portion of the total aggregate assessment that shall
14 be collected from insured employers shall be equal to
15 that proportion of total paid losses during the
16 preceding calendar year, which the total compensation
17 payments on behalf of all insured employers bore to
18 the total compensation payments made by all self-
19 insured employers and insurers on behalf of all
20 insured employers during the preceding calendar year.
21 Insurers shall collect assessments from insured
22 employers through a surcharge based on premium. Such
23 assessments when collected shall not constitute an
24 element of loss for the purpose of establishing rates
25 for workers' compensation insurance but shall for the
26 purpose of collection be treated as separate costs by
27 insurers. The surcharge is collectible by an insurer
28 and nonpayment of the surcharge shall be treated as
29 nonpayment of premium and the insurer shall retain all
30 cancellation rights inuring to it for nonpayment of
31 premium. An insurance carrier, its agent, or a third-
32 party administrator shall not be entitled to any
33 portion of the surcharge as a fee or commission for
34 its collection. The surcharge is not subject to any
35 taxes, licenses, or fees. The surcharge is not deemed
36 to be an assessment or tax, but shall be deemed an
37 additional benefit paid for injuries compensable under

38 the second injury compensation Act.
 39 Sec. 7. EFFECTIVE DATE – APPLICABILITY.
 40 1. This Act, being deemed of immediate importance,
 41 takes effect upon enactment.
 42 2. Section 1 of this Act, amending section 85.65,
 43 applies to deaths occurring on or after the effective
 44 date of this Act.”
 45 2. Title page, by striking lines 1 through 6 and
 46 inserting the following: “An Act relating to the
 47 second injury compensation Act, by providing for
 48 payments to the second injury fund including the
 49 imposition of an employer surcharge and a sunset of
 50 the ability to impose an employer surcharge, providing

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1 for the collection of payments to the second injury
 2 fund, and providing an effective date and
 3 applicability provision.”
 4 3. By renumbering as necessary.

Amendment H-8892 was adopted.

SENATE FILE 540 SUBSTITUTED FOR HOUSE FILE 2515

Lamberti of Polk asked and received unanimous consent to substitute Senate File 540 for House File 2515.

Senate File 540, a bill for an act relating to the second injury compensation Act, by providing for payments to the second injury fund including the imposition of an employer surcharge and a sunset of the ability to impose an employer surcharge, providing for the collection of payments to the second injury fund, and providing an effective date and applicability provision, was taken up for consideration.

Lamberti of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 540)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig

Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holyeck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Cataldo

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE RESOLUTION 105 WITHDRAWN

Fallon of Polk asked and received unanimous consent to withdraw House Resolution 105 from further consideration by the House.

HOUSE FILE 2515 WITHDRAWN

Lamberti of Polk asked and received unanimous consent to withdraw House File 2515 from further consideration by the House.

Ways and Means Calendar

Senate File 2368, a bill for an act relating to the management of public rights-of-way by local government units, eliminating the power of cities to grant franchises to erect, maintain, and operate plants and systems for telecommunications services within the city, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Weigel of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2368)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shultz
Siegrist	Sukup	Taylor	Teig
Thomas	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Cataldo Thomson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2274, a bill for an act relating to certain funds paid to or administered by the department of corrections, by making changes to procedures for the charging of payments for goods and services of Iowa prison industries, providing for the nonreversion of revolving farm fund balance investment proceeds, and making changes relating to the distribution and accounting for inmate earnings from private employers, with report of committee recommending amendment and passage, was taken up for consideration.

Garman of Story offered the following amendment H-8545 filed by the committee on judiciary and moved its adoption:

H-8545

- 1 Amend Senate File 2274, as amended, passed, and.
 2 reprinted by the Senate, as follows:
 3 1. By striking page 1, line 1, through page 2,
 4 line 11.
 5 2. Page 3, line 9, by inserting after the word
 6 "center" the following: ", and which shall include an
 7 amount for delinquent child support not to exceed
 8 fifty percent of gross earnings".
 9 3. Page 3, by inserting after line 9 the
 10 following:
 11 "(5) Restitution as ordered by the court under
 12 chapter 910."
 13 4. Page 3, line 10, by striking the figure "(5)"
 14 and inserting the following: "(6)".
 15 5. Page 3, line 11, by striking the figure "(4)"
 16 and inserting the following: "(5)".
 17 6. Page 3, line 13, by inserting after the word
 18 "incarceration." the following: "However, effective
 19 July 1, 1999, any balance remaining shall be deposited
 20 in the general fund of the state."
 21 7. By renumbering as necessary.

The committee amendment H-8545 was adopted.

Garman of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2274)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson

Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Cataldo Martin

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 540, 2368 and 2274.**

Unfinished Business Calendar

Senate File 490, a bill for an act relating to the consumer fraud law by providing limited immunity from prosecution for providing certain information, authorizing the attorney general to commence an action related to telemarketing, and authorizing the attorney general to establish and accept a civil penalty in settlement of an investigation, with report of committee recommending passage, was taken up for consideration.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 490)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins

Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Mascher	May
Mertz	Metcalf	Meyer	Millage
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Cataldo	Doderer	Martin	Moreland
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2200, a bill for an act relating to the expenses, powers, and duties of county agricultural extension councils, with report of committee recommending amendment and passage, was taken up for consideration.

Klemme of Plymouth offered the following amendment H-8528 filed by the committee on local government and moved its adoption:

H-8528

- 1 Amend Senate File 2200, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 19, by inserting after the word
- 4 "including" the following: "in-state".

The committee amendment H-8528 was adopted.

Klemme of Plymouth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2200)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Bukta	Burnett
Carroll	Chapman	Chiodo	Churchill

Cohoon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Brunkhorst Cataldo

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2037, a bill for an act relating to the Iowa state fair convention by providing for its membership and the election of members to the Iowa state fair board, with report of committee recommending passage, was taken up for consideration.

Churchill of Polk asked and received unanimous consent to withdraw amendment H-8548 filed by him and Cormack of Webster on March 23, 1998.

Van Fossen of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2037)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley

Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Cohoon	Connors	Cormack	Dinkla
Dix	Doderer	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Mr. Speaker Corbett

The nays were, 1:

Churchill

Absent or not voting, 3:

Cataldo

Dolecheck

Witt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 490, 2200 and 2037.**

On motion by Siegrist of Pottawattamie, the House was recessed at 11:50 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:05 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-three members present, seventeen absent.

SPECIAL PRESENTATION

Taylor of Linn presented to the House the Honorable Rich Running, former state representative and senator from Linn County.

The House rose and expressed its welcome.

CONSIDERATION OF BILLS
Unfinished Business Calendar

Senate File 2316, a bill for an act relating to entities and subject matter under the regulatory authority of the regulated industries unit of the insurance division, including business opportunities, cemeteries, and cemetery merchandise, motor vehicle service contracts, preneed funeral merchandise and services, and residential service contracts, providing for fees, and establishing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Van Fossen of Scott asked and received unanimous consent to withdraw amendment H-8372 filed by the committee on commerce and regulation on March 12, 1998.

Van Fossen of Scott offered the following amendment H-8809 filed by him and moved its adoption:

H-8809

- 1 Amend Senate File 2316, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 23, through page 2,
- 4 line 2.
- 5 2. Page 2, by inserting after line 7 the
- 6 following:
- 7 "Sec. ____ Section 321I.5, Code 1997, is amended
- 8 by adding the following new subsection:
- 9 **NEW SUBSECTION. 3.** A complete copy of the terms
- 10 of the motor vehicle service contract shall be
- 11 delivered to the prospective service contract holder
- 12 at or before the time that the prospective service
- 13 contract holder makes application for the service
- 14 contract. If there is no separate application
- 15 procedure, then a complete copy of the motor vehicle
- 16 service contract shall be delivered to the service
- 17 contract holder at or before the time the service
- 18 contract holder becomes bound under the contract."
- 19 3. Page 4, by striking lines 6 through 9 and
- 20 inserting the following: "amended by adding the
- 21 following new paragraph:"
- 22 4. Page 5, by striking lines 11 through 22.

- 23 5. Page 7, by striking lines 11 and 12.
 24 6. Page 7, line 13, by striking the word "d." and
 25 inserting the following: "c."
 26 7. Page 7, line 15, by striking the word "e." and
 27 inserting the following: "d."
 28 8. Page 7, line 19, by striking the word "f." and
 29 inserting the following: "e."
 30 9. Page 8, by striking lines 15 through 20 and
 31 inserting the following:
 32 "e. f The offer or sale of a business opportunity
 33 for which the cash payment made by a purchaser does
 34 not exceed five hundred dollars and the payment is
 35 made for the not-for-profit sale of sales
 36 demonstration equipment, material, or samples, or the
 37 payment is made for product inventory sold to the
 38 purchaser at a bona fide wholesale price."
 39 10. Page 11, by striking lines 30 through 32, and
 40 inserting the following:
 41 "NEW SUBSECTION. 5. A complete copy of the terms
 42 of the residential service contract shall be delivered
 43 to the prospective service contract holder at or
 44 before the time that the prospective service contract
 45 holder makes application for the service contract. If
 46 there is no separate application procedure, then a
 47 complete copy of the residential service contract
 48 shall be delivered to the service contract holder at
 49 or before the time the service contract holder becomes
 50 bound under the contract."

Page 2

- 1 11. Page 13, by striking lines 21 through 26.
 2 12. By renumbering as necessary.

Amendment H-8809 was adopted.

Van Fossen of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2316)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp

Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Cataldo Holveck

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

House File 2540, a bill for an act relating to the sales, services, and use tax exemption for the sale of tangible personal property which is purchased for lease or rental, was taken up for consideration.

Myers of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2540)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs

Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, 1:

Chapman

Absent or not voting, 1:

Cataldo

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Appropriations Calendar

House File 2547, a bill for an act establishing the lowAccess system and providing for an appropriation, was taken up for consideration.

Jacobs of Polk offered amendment H-8954 filed by her as follows:

H-8954

- 1 Amend House File 2547 as follows:
- 2 1. Page 5, by inserting after line 30 the
- 3 following:
- 4 "Sec. __. Section 22.2, subsection 1, Code 1997,
- 5 is amended to read as follows:
- 6 1. Every person shall have the right to examine
- 7 and copy a public records record and to publish or
- 8 otherwise disseminate a public records record or the
- 9 information contained therein in a public record.
- 10 Unless otherwise provided for by law, the right to
- 11 examine a public record shall include the right to
- 12 examine a public record without charge while the
- 13 public record is in the physical possession of the
- 14 custodian of the public record. The right to copy a
- 15 public records record shall include the right to make
- 16 photographs or photographic copies while the records

- 17 are public record is in the possession of the
18 custodian of the ~~records~~ public record. All rights
19 under this section are in addition to the right to
20 obtain a certified copies copy of records a public
21 record under section 622.46.”
- 22 2. Page 6, line 19, by inserting before the word
23 “Notwithstanding” the following: “1.”
- 24 3. Page 6, line 27, by inserting after the figure
25 “VII.” the following: “However, not more than four
26 hundred thousand dollars shall be transferred to the
27 division of information technology services under this
28 subsection during any fiscal year.”
- 29 4. Page 6, line 28, by inserting before the word
30 “Notwithstanding” the following: “2.”
- 31 5. Page 7, by striking lines 2 through 8.
- 32 6. Title page, line 1, by inserting after the
33 word “Act” the following: “providing for public
34 information, including by”.
- 35 7. By renumbering as necessary.

Jacobs of Polk offered the following amendment H-8999, to amend-
ment H-8954, filed by her from the floor and moved its adoption:

H-8999

- 1 Amend the amendment, H-8954, to House File 2547, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 1, by striking lines 22 through 31 and
5 inserting the following:
- 6 “_ Page 7, by striking lines 2 through 8 and
7 inserting the following:
- 8 “Sec. __. IOWACCESS FUNDING LIMITATION.
9 Notwithstanding section 321A.3A, as enacted by this
10 Act, for the fiscal year beginning July 1, 1998, and
11 ending June 30, 1999, not more than \$400,000 shall be
12 transferred to the division of information technology
13 services of the department of general services as
14 provided in section 321A.3A, as enacted by this Act.”
- 15 2. By renumbering as necessary.

Amendment H-8999 was adopted.

Jacobs of Polk moved the adoption of amendment H-8954, as
amended.

Amendment H-8954, as amended, was adopted.

Jacobs of Polk moved that the bill be read a last time now and
placed upon its passage which motion prevailed and the bill was read a
last time.

On the question “Shall the bill pass?” (H.F. 2547)

The ayes were, 90:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Chapman	Chiodo	Cohoon
Connors	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Foege
Ford	Frevert	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Siegrist	Sukup	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, 8:

Bernau	Churchill	Doderer	Fallon
Garman	Huser	Moreland	Taylor

Absent or not voting, 2:

Cataldo	Shoultz
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

SPECIAL PRESENTATION

Bukta of Clinton presented to the House the Honorable Bob Johnson, former state representative from Clinton County.

The House rose and expressed its welcome.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate File 2316, House Files 2540 and 2547.**

SENATE AMENDMENTS CONSIDERED

Dix of Butler called up for consideration **Senate File 2321**, a bill for an act relating to the confidentiality of certain records and reports held by the labor commissioner, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8842:

H-8842

- 1 Amend the House amendment, S-5391, to Senate File
- 2 2321, as follows:
- 3 1. Page 1, by inserting after line 10 the
- 4 following:
- 5 "_. Page 2, line 13, by inserting after the
- 6 word "employer." the following: "This subsection
- 7 shall not affect the discovery rights of any party to
- 8 a contested case.""
- 9 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8842.

Dix of Butler moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2321)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons

Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 1:

Cataldo.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Lamberti of Polk called up for consideration **Senate File 2391**, a bill for an act allowing probation for some operating-while-intoxicated offenders after service of a mandatory minimum sentence, permitting a .15 blood alcohol level to control the penalties applicable to an offender regardless of the margin of error associated with the test device, requiring the deletion from motor vehicle records after twelve years of certain youth license revocations for alcohol violations, and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8960:

H-8960

- 1 Amend the amendment, S-5468, to Senate File 2391,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 35 through 45.
- 5 2. Page 3, by inserting before line 14 the
- 6 following:
- 7 "c. The department of public safety shall adopt
- 8 nationally accepted standards for determining
- 9 detectable levels of controlled substances in the
- 10 division of criminal investigation's initial
- 11 laboratory screening test for controlled substances."
- 12 3. Page 3, by striking lines 25 through 36.
- 13 4. Page 4, by striking lines 18 through 22.
- 14 5. Page 11, line 43, by striking the words
- 15 "reason to believe" and inserting the following: "a
- 16 reasonable suspicion".
- 17 6. Page 12, by striking lines 6 through 10 and
- 18 inserting the following: "individual is providing a
- 19 sample and collection of the sample".
- 20 7. Page 12, by striking lines 38 through 43 and

- 21 inserting the following: "requested, if the
 22 individual tested is a minor."
 23 8. Page 13, by striking lines 17 through 21.
 24 9. Page 13, line 49, by striking the words "a
 25 limitation on the".
 26 10. By striking page 13, line 50, through page
 27 14, line 1.
 28 11. Page 14, line 2, by striking the words
 29 "temporary restricted license, and providing".
 30 12. By renumbering, relettering, or redesignating
 31 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8960.

Lamberti of Polk moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2391)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, 1:

Fallon

Absent or not voting, 3:

Boddicker

Cataldo

Foege

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2321 and 2391.**

Unfinished Business Calendar

House File 2447, a bill for an act relating to mobile home dealers, was taken up for consideration.

Huser of Polk asked and received unanimous consent to withdraw amendments H-8449 and H-8450 filed by her and Moreland of Wapello on March 16, 1998.

Richardson of Warren asked and received unanimous consent to withdraw amendment H-8406 filed by him on March 16, 1998.

Rayhons of Hancock offered the following amendment H-8566 filed by him and moved its adoption:

H-8566

- 1 Amend House File 2447 as follows:
- 2 1. Page 2, by striking lines 2 through 4 and
- 3 inserting the following: "connections without having
- 4 any additional license."

Amendment H-8566 was adopted.

SENATE FILE 2109 SUBSTITUTED FOR HOUSE FILE 2447

Rayhons of Hancock asked and received unanimous consent to substitute Senate File 2109 for House File 2447.

Senate File 2109, a bill for an act relating to mobile home dealers, was taken up for consideration.

Richardson of Warren asked and received unanimous consent to withdraw amendment H-8480 filed by him on March 17, 1998.

Huser of Polk offered amendment H-8549 filed by her as follows:

H-8549

- 1 Amend Senate File 2109, as amended, passed, and

2 reprinted by the Senate, as follows:

- 3 1. Page 2, by striking lines 1 and 2 and
 4 inserting the following: "water, gas, electrical, and
 5 other utility service connections in a mobile home,
 6 space or within ten feet of such space, located in a
 7 mobile home park, and the dealer or an employee of the
 8 dealer may install a tie-down system on a mobile home
 9 located in a mobile home park."

Richardson of Warren offered the following amendment H-8733, to amendment H-8549, filed by him and moved its adoption:

H-8733

- 1 Amend the amendment, H-8549, to Senate File 2109,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 9, by inserting after the word
 5 "park." the following: "The connections are subject
 6 to inspection and approval by local building code
 7 officials and the mobile home dealer shall pay the
 8 inspection fee, if any."

Amendment H-8733 was adopted.

Huser of Polk moved the adoption of amendment H-8549, as amended.

Amendment H-8549, as amended, was adopted.

Rayhons of Hancock moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2109)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foeger
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti

Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Cataldo

Heaton

Van Fossen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SPECIAL PRESENTATION

Bradley of Clinton presented to the House Nicholas Mohr from Pleasant Valley High School. He is the first Iowan in 65 years to receive the National Good Citizen Award through the Daughters of the American Revolution.

The House rose and expressed its appreciation.

HOUSE FILE 2447 WITHDRAWN

Rayhons of Hancock asked and received unanimous consent to withdraw House File 2447 from further consideration by the House.

Carroll of Poweshiek in the chair at 2:05 p.m.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2109** be immediately messaged to the Senate.

The House resumed consideration of **Senate File 2277**, a bill for an act providing for exceptions to municipal tort liability for skateboarding, previously deferred.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-8886 filed by Fallon, et al., on April 2, 1998.

Schrader of Marion offered the following amendment H-8970 filed by him and moved its adoption:

H-8970

- 1 Amend Senate File 2277, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 11 through 17.

Roll call was requested by Schrader of Marion and Brand of Tama.

Rule 75 was invoked.

On the question "Shall amendment H-8970 be adopted?" (S.F. 2277)

The ayes were, 42:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Cohoon	Connors
Dinkla	Doderer	Dotzler	Drees
Falck	Foege	Ford	Holmes
Holveck	Jenkins	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Moreland	Mundie
Murphy	Myers	O'Brien	Osterhaus
Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise		

The nays were, 56:

Arnold	Barry	Blodgett	Boddicker
Boguess	Bradley	Brauns	Chiodo
Churchill	Corbett, Spkr.	Cormack	Dix
Dolecheck	Drake	Eddie	Fallon
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Houser	Huseman
Huser	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Reynolds-Knight	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Witt	Carroll, Presiding

Absent or not voting, 2:

Brunkhorst Cataldo

Amendment H-8970 lost.

Lamberti of Polk offered the following amendment H-9008 filed by him and Huser of Polk from the floor and moved its adoption:

H-9008

- 1 Amend Senate File 2277, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 17, by inserting after the word
- 4 "risk." the following: "This subsection shall not
- 5 apply to claims based upon gross negligence."

Amendment H-9008 was adopted.

Shoultz of Black Hawk offered the following amendment H-9006 filed by him from the floor and moved its adoption:

H-9006

- 1 Amend Senate File 2277, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 11 through 17, and
- 4 inserting the following:
- 5 "NEW SUBSECTION. 15. Any claim to recover
- 6 compensation for injuries received by a skateboarding
- 7 or in-line skating participant in a skateboarding or
- 8 in-line skating accident which occurred at a publicly
- 9 designated skateboarding or in-line skating facility,
- 10 based upon or arising out of an act or omission of an
- 11 officer or employee of the municipality or the
- 12 municipality's governing board.
- 13 For the purposes of this section, a publicly
- 14 designated skateboarding or in-line skating facility
- 15 means a site that complies with all of the following:
- 16 a. The site has been designated by a municipality
- 17 as being open to skateboarding or in-line skating.
- 18 b. The site has signs posted by the municipality
- 19 that indicate in black letters a minimum of one inch
- 20 high, the following:
- 21 WARNING. Under Iowa law, a municipality is not
- 22 liable, except under very limited circumstances, for
- 23 injuries to, or the death of, a person participating
- 24 in skateboarding or in-line skating at a designated
- 25 skateboarding or in-line skating facility pursuant to
- 26 Iowa Code chapter 670.
- 27 c. Users of the site are required by ordinance to
- 28 wear helmets, elbow pads, and knee pads, and the site
- 29 has signs posted notifying users of the requirement,
- 30 and that any person failing to comply with the
- 31 ordinance will be subject to citation.
- 32 Nothing in this subsection is intended to limit the
- 33 liability of a public entity with respect to any other
- 34 duty imposed pursuant to existing law, including the
- 35 duty to protect against dangerous conditions of public
- 36 property."

Amendment H-9006 lost.

Vande Hoef of Osceola moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2277)

The ayes were, 66:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogess	Bradley	Brauns
Brunkhorst	Chapman	Chiодо	Churchill
Corbett, Spkr.	Cormack	Dix	Dolecheck
Drake	Eddie	Fallon	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Huser	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Martin
May	Mertz	Metcalf	Meyer
Millage	Mundie	Nelson	O'Brien
Rants	Rayhons	Reynolds-Knight	Richardson
Siegrist	Sukup	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Witt	Carroll,		
	Presiding		

The nays were, 33:

Bernau	Brand	Bukta	Burnett
Cohoon	Connors	Dinkla	Doderer
Dotzler	Drees	Falck	Foege
Ford	Holveck	Jenkins	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	Moreland	Murphy	Myers
Osterhaus	Scherrman	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Whitead
Wise			

Absent or not voting, 1:

Cataldo

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2277** be immediately messaged to the Senate.

Speaker pro tempore Van Maanen of Marion in the chair at 4:10 p.m.

Appropriations Calendar

House File 2548, a bill for an act relating to the creation of a certified school to career program, providing refunds for certain wages paid to and amounts held in trust for individuals in the program, making an appropriation, providing for the program's repeal, and including an effective and applicability date provision, was taken up for consideration.

Heaton of Henry offered the following amendment H-8991 filed by him and moved its adoption:

H-8991

- 1 Amend House File 2548 as follows:
- 2 1. Page 1, line 8, by inserting before the word
- 3 "secondary" the following: "sequenced and
- 4 articulated".
- 5 2. Page 1, line 11, by striking the word
- 6 "certified" and inserting the following: "approved".
- 7 3. Page 1, line 33, by striking the word
- 8 "certified" and inserting the following: "approved".
- 9 4. Page 2, line 4, by striking the word
- 10 "certified" and inserting the following: "approved".
- 11 5. Page 2, line 5, by striking the word
- 12 "certified" and inserting the following: "approved".
- 13 6. Page 2, by inserting after line 19 the
- 14 following:
- 15 "___ The program involves an eligible
- 16 postsecondary institution as defined in section
- 17 261C.3."
- 18 7. Page 4, by striking lines 24 through 30 and
- 19 inserting the following: "participant may be made on
- 20 a single form."
- 21 8. Page 4, line 32, by striking the words and
- 22 figures "2000, and ending June 30, 2005" and inserting
- 23 the following: "1999, and ending June 30, 2004".
- 24 9. Page 4, line 35, by inserting after the word
- 25 "section." the following: "If the amount appropriated
- 26 in a fiscal year is insufficient to pay all refund
- 27 claims for the calendar year in full, each claimant
- 28 shall receive a proportion of the claimant's refund
- 29 claim equal to the ratio of the amount appropriated to
- 30 the total amount of refund claims. Any unpaid portion
- 31 of a claim shall not be paid from a subsequent fiscal
- 32 year appropriation."
- 33 10. Page 5, line 7, by striking the figure "2005"
- 34 and inserting the following: "2004".
- 35 11. Page 5, line 8, by striking the figure "2005"
- 36 and inserting the following: "2004".
- 37 12. Page 5, line 13, by striking the figure

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2548** be immediately messaged to the Senate.

Unfinished Business Calendar

Senate File 2259, a bill for an act relating to search warrant applications, with report of committee recommending passage, was taken up for consideration.

Larson of Linn asked and received unanimous consent to withdraw amendment H-8844 filed by Larson, et al., on April 1, 1998.

Larson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2259)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Kinzer	Klemme
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Cataldo

Jochum

Koenigs

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2259** be immediately messaged to the Senate.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2553.

Appropriations Calendar

House File 2553, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations, was taken up for consideration.

Gipp of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2553)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggest	Bradley
Brand	Brauns	Bukta	Burnett
Carroll	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Scherrman	Schrader	Shoultz

Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, 4:

Brunkhorst	Fallon	Meyer	Richardson
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Absent or not voting, 2:

Cataldo	Koenigs
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2553** be immediately messaged to the Senate.

Unfinished Business Calendar

Senate File 2292, a bill for an act relating to the sex offender registry and providing for the Act's applicability, with report of committee recommending passage, was taken up for consideration.

Lamberti of Polk offered amendment H-8553 filed by him and Doderer of Johnson as follows:

H-8553

- 1 Amend Senate File 2292, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 692A.1, subsection 3,
- 6 paragraphs a and b, Code Supplement 1997, are amended
- 7 by striking the paragraphs."
- 8 2. Page 1, line 17, by inserting after the word
- 9 "kidnapping," the following: "false imprisonment."

Lamberti of Polk offered the following amendment H-9011, to amend H-8553, filed by him from the floor and moved its adoption:

H-9011

- 1 Amend the amendment, H-8553, to Senate File 2292,
- 2 as amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 1, by inserting after line 9, the

5 following:

6 " Page 11, by inserting after line 30, the

7 following:

8 "Sec. ____ MEGAN'S LAW COMPLIANCE DETERMINATION.

9 The department of public safety shall submit a request

10 to the United States department of justice for a

11 determination of whether the failure of a state to

12 include as criminal offenses against a minor the

13 offenses of kidnapping or false imprisonment of a

14 minor, committed by someone other than a parent and

15 which do not involve sexual abuse or attempted sexual

16 abuse, will result in a state being found not to be in

17 compliance with the federal Megan's Law amendment to

18 the Jacob Wetterling Crimes Against Children and

19 Sexually Violent Offender Registration Act specified

20 in section 170101(f) of Pub. L. No. 104-145, 110 Stat.

21 1345 (codified at 42 U.S.C. § 14071(f)). If the

22 department of public safety receives, as a result of

23 the request, an opinion that the failure to include

24 those offenses as criminal offenses against a minor

25 will cause a state to not be in compliance with the

26 federal Megan's Law amendment, the department shall

27 seek an exception to the requirement for inclusion of

28 those offenses and shall report the information

29 regarding the contents of the United States department

30 of justice opinion and any results of the exception

31 request at the commencement of the session of the

32 general assembly which convenes in January of 1999."

33 2. By numbering and renumbering as necessary.

Amendment H-9011 was adopted.

Lamberti of Polk moved the adoption of amendment H-8553, as amended.

Amendment H-8553, as amended, was adopted.

Sukup of Franklin offered the following amendment H-8705 filed by him and moved its adoption:

H-8705

1 Amend Senate File 2292, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1, the

4 following:

5 "Section 1. Section 692A.1, subsection 3, Code

6 Supplement 1997, is amended by adding the following

7 new paragraph after paragraph h and by relettering

8 current paragraphs i through l as paragraphs j through

9 m:

- 10 NEW PARAGRAPH. i. Incest committed against a minor.
 11 Sec. ____ Section 692A.1, subsection 3, paragraph
 12 m, Code Supplement 1997, is amended to read as
 13 follows:
 14 ~~m. n.~~ An indictable offense committed in another
 15 jurisdiction which would constitute an indictable
 16 offense under paragraphs "a" through "l" "m."
 17 2. By renumbering as necessary.

Amendment H-8705 was adopted.

Jochum of Dubuque offered the following amendment H-8614 filed by her and Murphy of Dubuque and moved its adoption:

H-8614

- 1 Amend Senate File 2292, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 8, line 24, by striking the words "as
 4 well as".
 5 2. Page 8, line 25, by inserting after the word
 6 "agencies" the following: ", and a requirement that
 7 the persons performing each risk assessment include an
 8 individual who at least meets the clinical standards
 9 for professional competence adopted in the third
 10 international congress on the treatment of sex
 11 offenders and is experienced in working with the
 12 assessment of sex offenders".

Amendment H-8614 lost.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2292)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti

Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, 1:

Fallon

Absent or not voting, 1:

Cataldo

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE INSISTS

Greiner of Washington called up for consideration **Senate File 2295**, a bill for an act relating to and making appropriations for agriculture and natural resources and providing an effective date and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED (Senate File 2295)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning **Senate File 2295**: Greiner of Washington, Chair; Dolecheck of Ringgold, Klemme of Plymouth, Murphy of Dubuque and Mertz of Kossuth.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2292 and 2295**.

SENATE AMENDMENT CONSIDERED

Garman of Story called up for consideration **House File 2539**, a bill for an act relating to and making appropriations to the justice system

and providing effective dates, amended by the Senate amendment H-8958 as follows:

H-8958

- 1 Amend House File 2539, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 10 and 11 and
- 4 inserting the following:
- 5 "..... \$ 7,564,661
- 6 FTEs 187.50"
- 7 2. Page 10, line 13, by striking the word
- 8 "officer".
- 9 3. Page 10, by striking lines 14 through 16 and
- 10 inserting the following: "pursuant to this section."
- 11 4. Page 24, by striking line 28 and inserting the
- 12 following:
- 13 "..... \$101,028,908"
- 14 5. Page 29, by striking line 10 and inserting the
- 15 following:
- 16 "..... \$ 963,551"
- 17 6. Page 31, by striking line 19 and inserting the
- 18 following:
- 19 "..... \$ 11,534,456"
- 20 7. Page 34, by inserting after line 2 the
- 21 following:
- 22 "10. For costs associated with increased
- 23 enforcement of methamphetamine-related offenses:
- 24 \$ 200,000"
- 25 8. By renumbering, relettering, or redesignating
- 26 and correcting internal references as necessary.

Garman of Story offered the following amendment H-9010, to the Senate amendment H-8958, filed by her from the floor and moved its adoption:

H-9010

- 1 Amend the Senate amendment, H-8958, to House File
- 2 2539, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 6.
- 5 2. Page 1, by striking lines 11 through 24.
- 6 3. By renumbering as necessary.

Roll call was requested by Bernau of Story and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment H-9010, to the Senate amendment H-8958, be adopted?" (H.F. 2539)

The ayes were, 55:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Drake	Eddie	Fallon	Garman
Gipp	Greig	Greiner	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Metcalf	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

The nays were, 44:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cohoon
Connors	Dotzler	Drees	Falck
Foege	Ford	Frevert	Gries
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Moreland	Mundie
Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomas	Warnstadt
Weigel	Whitead	Wise	Witt

Absent or not voting, 1:

Cataldo

Amendment H-9010 was adopted.

On motion by Garman of Story, the House concurred in the Senate amendment H-8958, as amended.

Garman of Story moved that the bill as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2539)

The ayes were, 91:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley

Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Foege	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, 4:

Fallon	Ford	Kreiman	Moreland
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Absent or not voting, 5:

Cataldo	Chapman	Doderer	Holveck
Vande Hoef			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2539** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **House File 2506**, a bill for an act relating to the taking of mussels from the waters of this state and providing an effective date, previously deferred.

Dotzler of Black Hawk asked and received unanimous consent to withdraw amendment H-8489 filed by him on March 18, 1998.

Burnett of Story asked and received unanimous consent to withdraw amendment H-8518 filed by her on March 19, 1998.

Hahn of Muscatine asked and received unanimous consent to withdraw amendment H-8473 filed by him on March 17, 1998.

Hahn of Muscatine offered amendment H-8847 filed by him and Thomas of Clayton as follows:

H-8847

1 Amend House File 2506 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 482.4, subsection 6,
5 paragraphs h and i, Code 1997, are amended to read as
6 follows:

7	h. Commercial mussel buyer,	resident \$	<u>1,000.00</u>
8			<u>1,050.00</u>
9	i. Commercial mussel buyer,	nonresident \$	<u>5,000.00</u>
10			<u>5,050.00</u>

11 Sec. 2. NEW SECTION. 482.12A MUSSEL FISHING -
12 SEASON.

13 Notwithstanding sections 481A.38, 481A.39, 482.1,
14 and 482.12, the open season for taking washboard
15 mussel each year shall be from April 1 to August 31.
16 The washboard mussel shall be taken only during the
17 hours between sunrise and sunset. The minimum size
18 limit on washboard mussel shall be four inches.

19 Sec. 3. NEW SECTION. 482.12B SCIENTIFIC STUDY OF
20 MUSSEL POPULATIONS — REPORT.

21 The department of natural resources shall conduct a
22 study of the populations of various mussel species in
23 the waters of this state with emphasis on the sublegal
24 population of washboard mussels in the waters of the
25 state. The department shall conduct independent field
26 investigations of the various mussel beds in boundary
27 waters of this state. The department shall fund up to
28 fifty percent of the cost of the field investigations
29 with the commercial mussel industry contributing the
30 remainder. The department shall contract with a
31 malacologist who is acceptable to the commercial
32 mussel industry and the department to conduct the
33 study and investigation. The department shall review
34 current scientific studies conducted by other state
35 natural resource agencies, federal wildlife and
36 natural resource agencies, and private parties
37 including commercial fishers, shell buyers, and shell
38 exporters.

39 The department shall report its findings to the
40 chairpersons and ranking members of the house
41 committee on natural resources and the senate
42 committee on natural resources and environment not
43 later than January 15, 2000. Notwithstanding section
44 482.12A, if the data in the report supports a closed
45 season for washboard mussels, the natural resource
46 commission may consider closing the season for

- 47 washboard mussels.
 48 Sec. 4. Section 482.13, Code 1997, is amended to
 49 read as follows:
 50 482.13 RECIPROCITY FOR COMMERCIAL FISHING,

Page 2

1 COMMERCIAL MUSSEL FISHING, AND COMMERCIAL TURTLE
 2 FISHING.

3 1. Reciprocal commercial fishing, commercial
 4 mussel fishing, and commercial turtle fishing
 5 privileges are contingent upon a grant of similar
 6 privileges by the appropriate state to residents of
 7 this state.

8 2. The commission may negotiate commercial
 9 reciprocity agreements with other states.

10 3. When another state confers upon commercial
 11 mussel fishing licensees of this state reciprocal
 12 rights, privileges, and immunities including the
 13 taking of washboard mussels, a commercial mussel
 14 fishing license issued by that state entitles the
 15 licensee to all rights, privileges, and immunities
 16 including the taking of washboard mussels in the
 17 public waters of this state enjoyed by the holders of
 18 equivalent licenses issued by this state, subject to
 19 duties, responsibilities, and liabilities imposed on
 20 its own licensees by the laws of this state.

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

23 2. Title page, line 2, by inserting after the
 24 word "state" the following: ", increasing license
 25 fees,".

Burnett of Story offered the following amendment H-8914, to amend-
 ment H-8847, filed by her and moved its adoption:

H-8914

1 Amend the amendment, H-8847, to House File 2506 as
 2 follows:

- 3 1. Page 1, line 8, by striking the figure
 4 "1,050.00" and inserting the following: "2,500.00".
 5 2. Page 1, line 10, by striking the figure
 6 "5,050.00" and inserting the following: "6,500.00".

Veenstra of Sioux in the chair at 5:38 p.m.

Roll call was requested by Rants of Woodbury and Larson of Linn.

On the question "Shall amendment H-8914, to amendment
 H-8847, be adopted?" (H.F. 2506)

The ayes were, 25:

Chapman	Connors	Doderer	Fallon
Foege	Ford	Holveck	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	Moreland	Myers	Osterhaus
Shoultz	Taylor	Warnstadt	Whitead
Witt			

The nays were, 73:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Bukta	Carroll	Chiodo	Churchill
Cohoon	Corbett, Spkr.	Cormack	Dix
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Huser
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
May	Mertz	Metcalf	Meyer
Millage	Mundie	Murphy	Nelson
O'Brien	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Siegrist
Sukup	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Weidman	Weigel	Welter	Wise
Veenstra, Presiding			

Absent or not voting, 2:

Cataldo Dinkla

Amendment H-8914 lost.

Hahn of Muscatine offered the following amendment H-8985, to amendment H-8847, filed by him and Thomas of Clayton and moved its adoption:

H-8985

- 1 Amend the amendment, H-8847, to House File 2506 as
- 2 follows:
- 3 1. Page 1, line 18, by inserting after the word
- 4 "inches." the following: "The taking of mussels shall
- 5 be limited to the Mississippi river and its connected
- 6 backwaters."

Amendment H-8985 was adopted.

Dotzler of Black Hawk offered the following amendment H-8913, to amendment H-8847, filed by him and moved its adoption:

H-8913

- 1 Amend the amendment, H-8847, to House File 2506 as
2 follows:
3 1. Page 1, by striking lines 11 through 18 and
4 inserting the following:
5 "Sec. ___ NEW SECTION. 482.12A MUSSEL FISHING
6 MORATORIUM.
7 The season for taking washboard mussels shall be
8 closed from July 1, 1998, through June 30, 2000."
9 2. Page 1, by striking lines 43 through 47 and
10 inserting the following: "later than January 15,
11 2000. After June 30, 2000, the department may
12 continue the moratorium for taking washboard mussels
13 or reopen the season if the study data shows a healthy
14 population of washboard mussels that can support a
15 commercial harvest season."

A non-record roll call was requested.

The ayes were 31, nays 47.

Amendment H-8913 lost.

Dotzler of Black Hawk asked and received unanimous consent to withdraw amendment H-8895, to amendment H-8847, filed by him on April 3, 1998.

Dotzler of Black Hawk offered the following amendment H-8955, to amendment H-8847, filed by him and moved its adoption:

H-8955

- 1 Amend the amendment, H-8847, to House File 2506 as
2 follows:
3 1. Page 1, by inserting after line 38 the
4 following:
5 "The department shall establish two study control
6 refuge areas for mussels along the Mississippi river.
7 One refuge shall be pool no. 15, which is the region
8 of the upper Mississippi river system that is
9 impounded by lock and dam no. 15. The second refuge
10 shall be a healthy pool of the upper Mississippi river
11 system that is impounded by a lock and dam as
12 determined by the department and the commercial mussel
13 industry. The refuge areas shall be closed for mussel
14 fishing during the study."

Amendment H-8955 lost.

Siegrist of Pottawattamie asked and received unanimous consent to reconsider the vote by which amendment H-8955, to amendment H-8847, failed to be adopted.

On motion by Hahn of Muscatine, amendment H-8955 was adopted.

Hahn of Muscatine offered the following amendment H-8915, to amendment H-8847, filed by him and Thomas of Clayton and moved its adoption:

H-8915

1 Amend the amendment, H-8847, to House File 2506 as
2 follows:

3 1. Page 2, by striking lines 10 through 20 and
4 inserting the following:
5 "3. All nonresident licensed commercial mussel
6 fishers shall conform with the regulations of the
7 state in which they are fishing. However, if the
8 regulations of the licensee's state of residence are
9 more restrictive, the licensee must conform with the
10 more restrictive regulations."

Amendment H-8915 was adopted.

Hahn of Muscatine moved the adoption of amendment H-8847, as amended.

Amendment H-8847, as amended, was adopted placing the following amendments out of order:

H-8426 filed by Dotzler of Black Hawk on March 16, 1998.

H-8427 filed by Dotzler of Black Hawk on March 16, 1998.

H-8428 filed by Dotzler of Black Hawk on March 16, 1998.

H-8429 filed by Dotzler of Black Hawk on March 16, 1998.

H-8430 filed by Dotzler of Black Hawk on March 16, 1998.

H-8482 filed by Dotzler of Black Hawk on March 18, 1998.

H-8485 filed by Dotzler of Black Hawk on March 18, 1998.

H-8488, to amendment H-8426, filed by Dotzler of Black Hawk on March 18, 1998.

H-8491, to amendment H-8429, filed by Dotzler of Black Hawk on March 18, 1998.

H-8504, to amendment H-8429, filed by Hahn of Muscatine on March 19, 1998.

SPECIAL PRESENTATION

Fallon of Polk presented to the House three college students from Denmark who are studying political science. Their names were Tanja Nielson, Anne Schmidt and Lisa Rasmussen. They are traveling throughout the United States for four months.

RULE 32 INVOKED

Siegrist of Pottawattamie invoked rule 32 to refer House File 2506 to the committee on ways and means

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2282, a bill for an act authorizing the imposition of a local option sales and services tax and use of certain federal funds for school infrastructure projects and the issuance of bonds, and providing an effective date.

Also: That the Senate has on April 8, 1998, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 114, a Senate concurrent resolution requesting that the legislative council establish an interim study committee to consider increasing the percent of oxygen by weight in motor vehicle fuel.

Also: That the Senate has on April 8, 1998, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2311, a bill for an act relating to partnerships by replacing the existing law with a uniform partnership law and providing penalties and an effective date.

Also: That the Senate has on April 8, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2376, a bill for an act relating to the operation of the lottery.

MARY PAT GUNDERSON, Secretary

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty-five Junior and Senior Government students from Lenox, accompanied by Karl Peterson and Alan Dukes. By Boggess of Taylor and Dolecheck of Ringgold.

Seventeen Senior Government students from Monticello High School, Monticello, accompanied by Mark Holtzman. By Welter of Jones.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1998\435 Jeremiah DeHeck, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\436 LeRoy Schoon, Cherokee – For being named the 1998 Iowa Small Business Person of the Year.
- 1998\437 Charles and Mamie Kyarsgaard, Clinton – For celebrating their 65th wedding anniversary.
- 1998\438 Dorothy Dierks, Clinton – For celebrating her 90th birthday.
- 1998\439 John and Mildred Haack, Clinton – For celebrating their 50th wedding anniversary.
- 1998\440 Nicholas Mohr, Pleasant Valley – For being the first Iowan to win the National Good Citizen Award through the Daughters of the American Revolution.
- 1998\441 Genevieve Hastie, Indianola – For celebrating her 80th birthday.
- 1998\442 Berniece Seymour, Indianola – For celebrating her 97th birthday.
- 1998\443 Larry White, Southeast Polk – For being named District Coach of the Year.
- 1998\444 Jessman Smith, Southeast Polk – For winning the 171-pound State Wrestling Championship
- 1998\445 Greg Roorda, Southeast Polk – For winning 2nd place at 189-pounds at the State Wrestling Meet.
- 1998\446 BJ Iseminger, Southeast Polk – For winning 6th place at 140-pounds at the State Wrestling Meet.
- 1998\447 Ryan Parlee, Southeast Polk – For placing 7th at the State Swim Meet in the 200 freestyle.
- 1998\448 Austin Kelly, Southeast Polk – For being named to the All-State Cheerleading Squad.
- 1998\449 Kristina Hansen, Southeast Polk – For being named to the All-State Cheerleading Squad.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House File 2411), relating to solid waste tonnage fees, the allocation of taxes on solid waste collection, and disposal service and making appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 1998.

Committee Bill (Formerly House File 2483), relating to employment background checks by care facilities and services, creating a single contact repository, and making appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 1998.

Committee Bill (Formerly House File 2520), relating to mental health, developmental disability, and substance abuse service and payment provisions, providing a penalty, and including an applicability provision and an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 1998.

COMMITTEE ON WAYS AND MEANS

Senate File 2416, a bill for an act relating to the replacement of property tax on property associated with electricity and natural gas with excise taxes associated with electricity and natural gas, establishing a statewide property tax on property associated with electricity and natural gas, providing for a special utility property tax levy or tax credit, providing for the Act's retroactive applicability, providing an effective date, and providing penalties.

Fiscal Note is required.

Recommended **Do Pass** April 8, 1998.

RESOLUTIONS FILED

HCR 118, by Churchill, a concurrent resolution requesting that the federal government take all necessary and appropriate action to ensure that Japan establishes and maintains an open and competitive market for United States exports.

Laid over under **Rule 25**.

HCR 119, by Tyrrell, a concurrent resolution urging federal Congressional support for widows and widowers under the federal Railroad Retirement Act of 1974.

Laid over under **Rule 25**.

HCR 120, by Connors and Fallon, a concurrent resolution congratulating Dr. Joan Roberts for being named the 1997 Iowa Secondary Principal of the Year.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-8994	H.F.	2164	Senate Amendment
H-8995	H.F.	2335	Senate Amendment
H-8996	H.F.	2166	Senate Amendment
H-8997	H.F.	667	Senate Amendment
H-8998	H.F.	2537	Dolecheck of Ringgold Arnold of Lucas
H-9000	S.F.	58	Bukta of Clinton
H-9001	S.F.	187	Arnold of Lucas Dotzler of Black Hawk
H-9002	S.F.	2061	Huser of Polk
H-9003	S.F.	2381	Whitead of Woodbury
H-9004	S.F.	2410	Huser of Polk
H-9005	S.F.	2410	Huser of Polk
H-9007	S.F.	2311	Senate Amendment
H-9009	H.F.	2164	Wise of Lee Heaton of Henry Larkin of Lee
H-9012	S.F.	58	Moreland of Wapello
H-9013	S.F.	2410	Witt of Black Hawk
H-9014	S.F.	2410	Osterhaus of Jackson
H-9015	S.F.	2410	Jochum of Dubuque
H-9016	S.F.	2410	Jochum of Dubuque
H-9017	S.F.	2410	Jochum of Dubuque
H-9018	S.F.	2410	Osterhaus of Jackson
H-9019	S.F.	2410	Foege of Linn
H-9020	S.F.	2363	Brand of Tama
H-9021	H.F.	2164	Weigel of Chickasaw
H-9022	S.F.	2410	Jochum of Dubuque Richardson of Warren
H-9023	S.F.	2410	Houser of Pottawattamie

H—9024	S.F.	2410	Houser of Pottawattamie Barry of Harrison
H—9025	H.F.	2538	Dix of Butler
H—9026	S.F.	367	Holveck of Polk Kreiman of Davis Doderer of Johnson
H—9027	S.F.	367	Holveck of Polk Kreiman of Davis Doderer of Johnson
H—9028	S.F.	367	Holveck of Polk Kreiman of Davis Doderer of Johnson
H—9029	S.F.	547	Bernau of Story Jochum of Dubuque
H—9030	S.F.	2410	Houser of Pottawattamie
H—9031	S.F.	2410	Hansen of Pottawattamie Van Fossen of Scott Sukup of Franklin Houser of Pottawattamie
H—9032	S.F.	2410	Houser of Pottawattamie
H—9033	S.F.	2061	Dix of Butler
H—9034	S.F.	2410	Houser of Pottawattamie Osterhaus of Jackson Hansen of Pottawattamie

On motion by Siegrist of Pottawattamie, the House adjourned at 6:40 p.m., until 9:00 a.m., Thursday, April 9, 1998.

JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day - Sixtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 9, 1998

The House met pursuant to adjournment at 9:05 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Rich Milliken, Christian Church, Grinnell.

The Journal of Wednesday, April 8, 1998 was approved.

INTRODUCTION OF BILL

House File 2554, by committee on ways and means, a bill for an act relating to annual reporting on urban renewal areas.

Read first time and placed on the **ways and means calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2494, a bill for an act regulating animal feeding operations and making penalties applicable and providing an effective date.

Also: That the Senate has on April 8, 1998, appointed the conference committee to Senate File 2295, a bill for an act relating to and making appropriations for agriculture and natural resources and providing an effective date, and the members of the Senate are: The Senator from Mahaska, Senator Hedge, Chair; the Senator from Fremont, Senator McLaren; the Senator from Boone, Senator Behn; the Senator from Jasper, Senator Black; the Senator from Monroe, Senator Judge.

MARY PAT GUNDERSON, Secretary

SPECIAL PRESENTATION

Osterhaus of Jackson presented Pharmacist Almar Grimsson of Iceland to the House. Almar is a former chairman of Europharm (Pharmacists of Europe) and is a visiting scholar at the University of Iowa.

The House rose and expressed its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cataldo of Polk on request of Moreland of Wapello; Koenigs of Mitchell on request of Weigel of Chickasaw.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 120

Connors of Polk asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 120, a concurrent resolution congratulating Dr. Joan Roberts for being named the 1997 Iowa Secondary Principal of the Year, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
Unfinished Business Calendar

Senate File 2268, a bill for an act relating to rural water services by authorizing rural water districts to enter into agreements with other governmental entities to provide for the ownership, acquisition, construction, and equipping of sewer systems, and authorizing the issuance of revenue obligations to finance the projects and providing procedures for detaching property from one district and attaching it to another district, with report of committee recommending amendment and passage, was taken up for consideration.

Arnold of Lucas offered the following amendment H-8529 filed by the committee on local government and moved its adoption:

H-8529

- 1 Amend Senate File 2268, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 31, by striking the figure "504B"
- 4 and inserting the following: "504A".

The committee amendment H-8529 was adopted.

Arnold of Lucas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2268)

The ayes were, 90:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Churchill
Cohoon	Connors	Cormack	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Foege	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen

Holmes	Holveck	Houser	Huseman
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, 2:

Fallon Huser

Absent or not voting, 8:

Cataldo	Chiodo	Dinkla	Dix
Ford	Heaton	Koenigs	Thomson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Concurrent Resolution 120** and **Senate File 2268**.

SENATE AMENDMENTS CONSIDERED

Greig of Emmet called up for consideration **House File 2335**, a bill for an act relating to persons holding interests in agricultural land and providing penalties and an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-8995:

H-8995

- 1 Amend House File 2335, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 7 and 8 and
- 4 inserting the following:
- 5 "___ "Actively engaged in farming" means that a
- 6 natural person, including a shareholder or an officer,
- 7 director, or employee of a corporation, or a member or
- 8 manager of a limited liability company, does any of

9 the following:

10 a. Inspects the production activities periodically
11 and furnishes at least half of the value of the tools
12 used for crop or livestock production and pays at
13 least half the direct cost of crop or livestock
14 production.

15 b. Regularly and frequently makes or takes an
16 important part in making management decisions
17 substantially contributing to or affecting the success
18 of the farm operation.

19 c. Performs physical work which significantly
20 contributes to crop or livestock production.”

21 2. Page 1, by inserting after line 14 the
22 following:

23 “___ “Commodity share landlord” means a natural
24 person or a general partnership as provided in chapter
25 486 in which all partners are natural persons, who
26 owns at least one hundred fifty acres of agricultural
27 land, if the owner receives rent on a commodity share
28 basis, which may be either a share of the crops or
29 livestock produced on the land.”

30 3. Page 1, by striking lines 27 through 29 and
31 inserting the following:

32 “___ “Farmers cooperative association” means a
33 cooperative association organized under chapter 490 or
34 499, if all of the following conditions are satisfied:

35 a. All of the following apply:

36 (1) Qualified farmers must hold at least a fifty-
37 one percent equity interest in the cooperative
38 association, including fifty-one percent of each class
39 of members' equity.

40 (2) The following persons must hold at least a
41 seventy percent equity interest in the cooperative
42 association, including seventy percent of each class
43 of members' equity:

44 (a) A qualified farmer.

45 (b) A family farm entity.

46 (c) A commodity share landlord.

47 b. As used in this subsection, “members' equity”

48 includes but is not limited to issued shares;

49 including common stock or preferred stock, regardless
50 of a right to receive dividends or earning

Page 2

1 distributions. However, “members' equity” does not
2 include nonvoting common stock or nonvoting membership
3 interests. A security such as a warrant or option
4 that may be converted to voting stock shall be
5 considered as issued shares.

6 c. For purposes of this subsection, a person who
7 was a qualified person within the last ten years shall
8 be treated as a qualified person.”

9 4. By striking page 1, line 31, through page 2,
10 line 1, and inserting the following: "limited
11 liability company organized under chapter 490A, if
12 cooperative associations hold one hundred percent of
13 all membership interests in the limited liability
14 company. Farmers cooperative associations must hold
15 at least seventy percent of all membership interests
16 in the limited liability company. If more than one
17 type of membership interest is established, including
18 any series as provided in section 490A.305 or any
19 class or group as provided in section 490A.307,
20 farmers cooperative associations must hold at least
21 seventy percent of all membership interests of that
22 type."

23 5. Page 2, by inserting after line 6 the
24 following:

25 "_. "Intra-company loan agreement" means an
26 agreement involving a loan, if the parties to the
27 agreement are members of the same farmers cooperative
28 limited liability company, and according to the terms
29 of the loan a member which is a regional cooperative
30 association directly or indirectly loans money to a
31 member which is a farmers cooperative association, on
32 condition that the money, including any interest, must
33 be repaid by the member which is a farmers cooperative
34 association to the regional cooperative association or
35 another person. A loan agreement does not include an
36 operating loan agreement, in which all of the
37 following apply:

38 a. The money is required to be repaid within
39 ninety days from the date that the farmers cooperative
40 association receives the money, and the money is
41 actually repaid by that date.

42 b. The money is used to pay for reasonable and
43 ordinary expenses of the farmers cooperative
44 association in conducting its affairs."

45 6. Page 2, by striking lines 14 through 17 and
46 inserting the following:

47 "a. All of the following apply:

48 (1) Qualified farmers must hold at least fifty-one
49 percent of all issued shares of the corporation. If
50 more than one class of shares is authorized, qualified

Page 3

1 farmers must hold at least fifty-one percent of all
2 issued shares in each class.

3 (2) Qualified persons must hold at least seventy
4 percent of all issued shares of the corporation. If
5 more than one class of shares is authorized, qualified
6 persons must hold at least seventy percent of all
7 issued shares in each class.

8 b. As used in paragraph "a", "issued shares"

9 includes but is not limited to common stock or
 10 preferred stock, or each class of common stock or
 11 preferred stock, regardless of voting rights or a
 12 right to receive dividends or earning distributions.
 13 A security such as a warrant or option that may be
 14 converted to stock shall be considered as issued
 15 shares."

16 7. Page 2, by striking lines 24 through 28 and
 17 inserting the following:

18 "a. Qualified farmers must hold at least fifty-one
 19 percent of all membership interests in the limited
 20 liability company. If more than one type of
 21 membership interest is established, including any
 22 series as provided in section 490A.305 or any class or
 23 group as provided in section 490A.307, qualified
 24 farmers must hold at least fifty-one percent of all
 25 membership interests of that type.

26 b. Qualified persons must hold at least seventy
 27 percent of all membership interests in the limited
 28 liability company. If more than one type of
 29 membership interest is established, including any
 30 series as provided in section 490A.305 or any class or
 31 group as provided in section 490A.307, qualified
 32 persons must hold at least seventy percent of all
 33 membership interests of that type.

34 _____. "Operation of law" means a transfer by
 35 inheritance, devise, or bequest, court order,
 36 dissolution decree, order in bankruptcy, insolvency,
 37 replevin, foreclosure, execution sale, the execution
 38 of a judgment, the foreclosure of a real estate
 39 mortgage, the forfeiture of a real estate contract, or
 40 a transfer resulting from a decree for specific
 41 performance."

42 8. Page 2, line 29, by striking the word "person"
 43 and inserting the following: "farmer".

44 9. By striking page 2, line 34, through page 3,
 45 line 5, and inserting the following:

46 "_____. A farm estate.

47 _____. "Qualified commodity share landlord" means a
 48 commodity share landlord, if the owner of the
 49 agricultural land was actively engaged in farming the
 50 land or a family member of the owner is or was

Page 4

1 actively engaged in farming the land, if the family
 2 member is related to the owner as a spouse, parent,
 3 grandparent, lineal ascendant of a grandparent or
 4 spouse, or other lineal descendant of a grandparent or
 5 spouse.

6 _____. "Qualified person" means a person who is any
 7 of the following:

8 a. A qualified farmer.

- 9 b. A family farm entity.
10 c. A qualified commodity share landlord.”
11 10. Page 3, by inserting before line 6 the
12 following:
13 “___.” Regional cooperative association” means a
14 cooperative association other than a farmers
15 cooperative association.”
16 11. Page 3, lines 27 and 28, by striking the
17 words “one thousand five hundred” and inserting the
18 following: “six hundred forty”.
19 12. Page 3, lines 34 and 35, by striking the
20 words “a ten percent or greater” and inserting the
21 following: “an”.
22 13. Page 4, line 13, by striking the words “one
23 thousand five hundred” and inserting the following:
24 “six hundred forty”.
25 14. Page 4, by striking lines 20 through 22 and
26 inserting the following: “networking farmers
27 corporation by operation of law, the corporation may
28 disregard the transfer for”.
29 15. Page 5, by inserting after line 4 the
30 following:
31 “___.” A qualified commodity share landlord who
32 owns an interest in a networking farmers corporation
33 holding agricultural land under section 10.3 must rent
34 an additional one hundred fifty acres of agricultural
35 land on a commodity share basis for each farmers
36 entity holding agricultural land under this chapter in
37 which the commodity share landlord acquires an
38 interest.”
39 16. Page 5, lines 13 and 14, by striking the
40 words “one thousand five hundred” and inserting the
41 following: “six hundred forty”.
42 17. Page 5, line 21, by striking the words “a ten
43 percent or greater” and inserting the following:
44 “an”.
45 18. Page 5, line 35, by striking the words “one
46 thousand five hundred” and inserting the following:
47 “six hundred forty”.
48 19. Page 6, by striking lines 8 and 9 and
49 inserting the following: “law, the networking farmers
50 limited”.

Page 5

- 1 20. Page 6, by inserting after line 27 the
2 following:
3 “___.” A qualified commodity share landlord who
4 owns an interest in a networking farmers limited
5 liability company holding agricultural land under
6 section 10.5 must rent an additional one hundred fifty
7 acres of agricultural land on a commodity share basis
8 for each farmers entity holding agricultural land

9 under this chapter in which the commodity share
10 landlord acquires an interest."

11 21. Page 7, line 3, by striking the words "grain
12 or forage" and inserting the following: "forage or
13 grain".

14 22. Page 7, line 5, by striking the word "has"
15 and inserting the following: "holds".

16 23. Page 7, line 10, by striking the word "crop"
17 and inserting the following: "grain".

18 24. Page 7, line 16, by striking the word "An"
19 and inserting the following: "Except as provided in
20 this section, an".

21 25. Page 7, lines 18 and 19, by striking the
22 words "a ten percent or greater" and inserting the
23 following: "an".

24 26. Page 7, by striking line 28 and inserting the
25 following: "However, notwithstanding section 9H.4,
26 all of the following shall apply:

27 (1) A cooperative".

28 27. Page 7, line 32, by striking the words "one
29 thousand five hundred" and inserting the following:
30 "six hundred forty".

31 28. Page 7, by inserting after line 32 the
32 following:

33 "(2) An interest in agricultural land held by a
34 farmers cooperative association shall not be
35 attributable to a member who is an entity organized
36 under state law, if the entity holds a five percent or
37 less interest in the farmers cooperative association."

38 29. Page 8, by striking lines 4 through 6 and
39 inserting the following: "coöperative association by
40 operation of law, the association may disregard the
41 transfer for".

42 30. Page 8, by inserting after line 23 the
43 following:

44 "Sec. ____ NEW SECTION. 10.8A PROCEDURE FOR
45 ACQUISITION - REVERSE REFERENDUM; DISSENT.

46 A farmers cooperative association shall not acquire
47 an interest in agricultural land or in a farmers
48 entity, unless all of the following apply:

49 1. The board of directors of the farmers
50 cooperative association adopts a resolution

Page 6

1 authorizing the acquisition. Except as provided in
2 this section, the resolution shall become effective
3 thirty-one days from the date that the resolution was
4 adopted. The farmers cooperative association is not
5 required to comply with the procedures of this section
6 for as long as the resolution remains in effect. The
7 resolution shall contain all of the following:

8 a. A declaration stating that the farmers

9 cooperative association reserves the right to acquire
10 agricultural land or an interest in a farmers entity
11 under this chapter.

12 b. A description of a planned acquisition, if any,
13 including the location of agricultural land planned to
14 be acquired, the identity of any farmers entity in
15 which the farmers cooperative association plans to
16 acquire an interest, and the nature of any farming
17 operation which is planned to occur on land acquired
18 by the farmers cooperative association or conducted by
19 the farmers entity.

20 c. The date that the resolution was adopted and
21 the date that it will take effect.

22 2. Within five days following the date that the
23 resolution authorizing the farmers cooperative
24 association to acquire an interest in agricultural
25 land or acquire an interest in a farmers entity is
26 adopted, the farmers cooperative association must
27 provide notice of the resolution as provided in this
28 section. The notice shall be in the following form:

29 NOTICE

30 MEMBERS OF THE (INSERT NAME OF THE FARMERS
31 COOPERATIVE ASSOCIATION)
32 THE (INSERT NAME OF THE FARMERS COOPERATIVE
33 ASSOCIATION) IS PLANNING ON ACQUIRING AN INTEREST IN
34 AGRICULTURAL LAND WHICH MAY BE USED FOR FARMING OR
35 ACQUIRING AN INTEREST IN A BUSINESS THAT OWNS
36 AGRICULTURAL LAND THAT MAY BE USED FOR FARMING. UNDER
37 IOWA CODE CHAPTER 10, THE (INSERT NAME OF THE FARMERS
38 COOPERATIVE ASSOCIATION) IS A FARMERS COOPERATIVE
39 ASSOCIATION. WITHIN A LIMITED TIME PERIOD: (1)
40 VOTING MEMBERS MAY PETITION A FARMERS COOPERATIVE
41 ASSOCIATION TO REQUIRE A MEMBERSHIP VOTE TO APPROVE
42 THE ACQUISITION; AND (2) ALL HOLDERS OF MEMBERS'
43 EQUITY MAY DEMAND PAYMENT OF THE FAIR VALUE OF THEIR
44 INTERESTS.

45 a. The notice must be published in a newspaper
46 having a general circulation in the county where the
47 farmers cooperative association is located as provided
48 in section 618.3. The notice shall be printed as
49 provided in section 618.17.

50 b. The notice shall be delivered to all holders of

Page 7

1 members' equity in the farmers cooperative
2 association, including members and shareholders, by
3 mailing the notice to the holder's last known address
4 as shown on the books of the farmers cooperative
5 association. The notice shall be accompanied by a
6 copy of the resolution adopted by the board pursuant
7 to this section; and a copy of this section.

8 3. Within thirty days following the date that the

9 resolution authorizing the farmers cooperative
10 association to acquire an interest in agricultural
11 land or acquire an interest in a farmers entity is
12 adopted, at least twenty percent of the voting members
13 of the farmers cooperative association may file a
14 petition with the board of directors demanding a
15 referendum under this subsection.

16 a. If a valid petition is filed, the board of
17 directors shall call a special referendum of voting
18 members at a regular or special meeting, as provided
19 in section 499.27. The filing of the petition
20 suspends the effectiveness of the resolution until a
21 referendum is conducted as provided in this
22 subsection.

23 b. The resolution shall not become effective as
24 otherwise provided in this section, until the
25 resolution is approved by a majority vote of the
26 voting members of the farmers cooperative association
27 casting ballots at the meeting to conduct the
28 referendum.

29 4. a. Within thirty days following the date that
30 the resolution authorizing the farmers cooperative
31 association to acquire an interest in agricultural
32 land or acquire an interest in a farmers entity is
33 adopted, a holder of members' equity, including a
34 member or shareholder, may dissent to an acquisition
35 as expressed in the resolution adopted by the board of
36 directors under this section.

37 b. The holder of members' equity shall dissent by
38 filing a demand with the board of directors. The
39 farmers cooperative association shall pay the holder
40 the fair value of that holder's interest as if the
41 holder were a member dissenting to a merger or
42 consolidation, as provided in section 499.66, upon
43 surrender of the holder's evidence of equity in the
44 farmers cooperative association, including a
45 certificate of membership or shares.

46 c. The farmers cooperative association is not
47 required to pay the holder of members' equity the fair
48 value of that holder's interest as provided in this
49 subsection, if the resolution provided for in this
50 section does not become effective."

Page 8

1 31. Page 8, line 35, by striking the words "grain
2 or" and inserting the following: "forage or grain".

3 32. Page 9, line 1, by striking the word
4 "forage".

5 33. Page 9, line 2, by striking the word "has"
6 and inserting the following: "holds".

7 34. Page 9, line 8, by striking the word "crop"
8 and inserting the following: "grain".

9 35. Page 9, by inserting after line 13 the
10 following:

11 "c. Less than fifty percent of the interest in the
12 farmers cooperative limited liability company is held
13 by members which are parties to intra-company loan
14 agreements. If more than one type of membership
15 interest is established, including any series as
16 provided in section 490A.305 or any class or group as
17 provided in section 490A.307, less than fifty percent
18 of the interest in each type of membership shall be
19 held by members which are parties to intra-company
20 loan agreements.

21 d. The farmers cooperative limited liability
22 company does not own swine or contract for the care
23 and feeding of swine, if a member of the farmers
24 cooperative limited liability company is a regional
25 cooperative association."

26 36. Page 9, line 31, by striking the words "one
27 thousand five hundred" and inserting the following:
28 "six hundred forty".

29 37. Page 10, by striking lines 5 and 6 and
30 inserting the following: "law, the farmers
31 cooperative limited liability".

32 38. Page 10, line 18, by striking the figure
33 "10.13" and inserting the following: "10.12".

34 39. Page 10, line 32, by striking the figure
35 "10.13" and inserting the following: "10.12".

36 40. Page 12, by striking line 13 and inserting
37 the following: "corporation as defined in section
38 9H.1 or networking farmers corporation as defined in
39 section 10.1, holding an".

40 41. Page 12, by striking lines 29 through 31 and
41 inserting the following: "including an authorized
42 limited liability company as defined in section 9H.1,
43 or a networking farmers limited liability company or
44 farmers cooperative limited liability company as
45 defined in section 10.1, holding an interest in
46 agricultural".

47 42. Page 14, line 16, by striking the words "ten
48 percent or less of" and inserting the following:
49 "less than a ten percent interest in".

50 43. Page 15, by striking lines 9 through 13.

Page 9

1 44. Page 15, by striking lines 25 and 26.

2 45. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8995.

Greig of Emmet moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2335)

The ayes were, 75:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Chapman	Churchill	Cohoon
Connors	Cormack	Doderer	Dolecheck
Dotzler	Drake	Eddie	Falck
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Jochum	Klemme	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Siegrist
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Mr. Speaker	
		Corbett	

The nays were, 20:

Bernau	Dix	Drees	Fallon
Foege	Frevert	Garman	Holveck
Huser	Kinzer	Kreiman	Moreland
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Sukup	Whitead	Witt

Absent or not voting, 5:

Cataldo	Chiodo	Dinkla	Ford
Koenigs			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2335** be immediately messaged to the Senate.

Carroll of Poweshiek called up for consideration **House File 2049**, a bill for an act relating to redemption by a county of certain parcels sold at property tax sale, amended by the Senate, and moved that the House concur in the following Senate amendment H-8864:

H-8864

- 1 Amend House File 2049, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 331.341, subsection 4, Code
 6 1997, is amended to read as follows:
 7 4. If the contract price for a public improvement
 8 is five fifteen thousand dollars or more, the board
 9 shall require a contractor's bond in accordance with
 10 chapter 573."
 11 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8864.

Carroll of Poweshiek moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2049)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Churchill
Cohoon	Connors	Cormack	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Cataldo
Shoultz

Chiodo

Dinkla

Koenigs

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

House File 2538, a bill for an act relating to eligible housing businesses qualifying for incentives and assistance in enterprise zones, providing additional incentives and assistance for approved eligible businesses located in an enterprise zone, and requiring consideration of building codes and zoning, was taken up for consideration.

Larkin of Lee asked and received unanimous consent to withdraw amendment H-8633 filed by him on March 24, 1998.

Speaker pro tempore Van Maanen of Marion in the chair at 9:49 a.m.

Weigel of Chickasaw offered amendment H-8746 filed by him as follows:

H-8746

- 1 Amend House File 2538 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 15E.192, subsection 2, Code
- 5 Supplement 1997, is amended to read as follows:
- 6 2. A city with a population of twenty four
- 7 thousand or more, as shown by the 1990 certified
- 8 federal census, may create an economic development
- 9 enterprise zone as authorized in this division,
- 10 subject to certification by the department of economic
- 11 development, by designating one or more contiguous
- 12 census tracts, block numbering areas, or block groups,
- 13 or by designating census-designated places, as
- 14 determined in the most recent federal census, or
- 15 designating other geographic units approved by the
- 16 department of economic development for that purpose.
- 17 If there is an area in the city which meets the
- 18 requirements for eligibility for an urban or rural
- 19 enterprise community under Title XIII of the federal
- 20 Omnibus Budget Reconciliation Act of 1993, such area
- 21 shall be designated by the state an economic
- 22 development enterprise zone. The area meeting the
- 23 requirements for eligibility for an urban or rural
- 24 enterprise community shall not be included for the

25 purpose of determining the area limitation pursuant to
 26 subsection 3. In creating an enterprise zone, a city
 27 with a population of twenty-four thousand or more, as
 28 shown by the 1990 certified federal census, may
 29 designate as part of the area tracts, block numbering
 30 areas, block groups, designated places, or approved
 31 geographic units located in a contiguous city if such
 32 tracts, block numbering areas, block groups,
 33 designated places, or approved geographic units meet
 34 the criteria and the city agrees to being included.
 35 The city may establish more than one enterprise zone.
 36 Reference in this division to "city" means a city with
 37 a population of twenty-four thousand or more, as shown
 38 by the 1990 certified federal census."
 39 2. Title page, line 1, by inserting after the
 40 word "to" the following: "creation of enterprise
 41 zones by cities,".
 42 3. By renumbering as necessary.

Jenkins of Black Hawk rose on a point of order that amendment H-8746 was not germane.

The Speaker ruled the point well taken and amendment H-8746 not germane.

Weigel of Chickasaw moved to suspend the rules to consider amendment H-8746.

Roll call was requested by Weigel of Chickasaw and Kreiman of Davis.

On the question "Shall the rules be suspended to consider amendment H-8746?" (H.F. 2538)

The ayes were, 43:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Cohoon	Connors
Doderer	Dotzler	Drees	Falck
Foege	Ford	Frevert	Garman
Holveck	Huser	Jochum	Kinzer
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomas	Warnstadt
Weigel	Whitead	Wise	

The nays were, 49:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Carroll

Churchill	Corbett, Spkr.	Cormack	Dix
Dolecheck	Drake	Eddie	Fallon
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Nelson	Rants	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 8:

Brunkhorst	Cataldo	Chiodo	Dinkla
Hansen	Heaton	Koenigs	Witt

The motion to suspend the rules lost.

The House stood at ease at 10:05 a.m., until the fall of the gavel.

The House resumed session at 11:20 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-six members present, thirty-four absent.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-8793 filed by him and Whitead of Woodbury on March 30, 1998.

Grundberg of Polk offered the following amendment H-8990 filed by her and moved its adoption:

H-8990

- 1 Amend House File 2538 as follows:
- 2 1. Page 1, line 9, by striking the words "a
- 3 minimum of four" and inserting the following: "one or
- 4 more".
- 5 2. Page 1, line 11, by striking the word
- 6 "twenty".
- 7 3. Page 1, line 14, by striking the word "three"
- 8 and inserting the following: "two".
- 9 4. Page 1, line 28, by striking the word "homes"
- 10 and inserting the following: "home".
- 11 5. Page 2, by striking lines 2 and 3.
- 12 6. Page 2, line 22, by striking the words "a

- 13 minimum of four" and inserting the following: "one or
 14 more".
 15 7. Page 2, line 24, by striking the word "three"
 16 and inserting the following: "two".
 17 8. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 27, nays 34.

Amendment H-8990 lost.

Dix of Butler offered the following amendment H-9025 filed by him and moved its adoption:

H-9025

- 1 Amend House File 2538 as follows:
 2 1. Page 3, by inserting after line 3 the
 3 following:
 4 "6A. Any housing and residential development which
 5 is part of an urban renewal project in an urban
 6 renewal area and any property receiving a tax
 7 exemption pursuant to chapter 404 shall not be
 8 eligible to receive incentives and assistance provided
 9 in subsection 6."

Roll call was requested by Jenkins of Black Hawk and Larson of Linn.

Rule 75 was invoked.

On the question "Shall amendment H-9025 be adopted?" (H.F. 2538)

The ayes were, 48:

Bell	Bernau	Boddicker	Bradley
Brand	Brunkhorst	Bukta	Burnett
Carroll	Cormack	Dix	Doderer
Drees	Eddie	Foege	Ford
Frevert	Garman	Grundberg	Houser
Huseman	Huser	Jochum	Klemme
Kreiman	Kremer	Mascher	May
Mertz	Meyer	Moreland	Murphy
Myers	O'Brien	Osterhaus	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Sukup	Thomas	Thomson	Tyrrell
Vande Hoef	Weidman	Weigel	Witt

The nays were, 49:

Arnold	Barry	Boggess	Brauns
Chapman	Chiodo	Churchill	Cohon

Connors	Corbett, Spkr.	Dinkla	Dolecheck
Dotzler	Drake	Falck	Fallon
Gipp	Greig	Greiner	Gries
Hahn	Hansen	Heaton	Holmes
Holveck	Jacobs	Jenkins	Kinzer
Lamberti	Larkin	Larson	Lord
Martin	Metcalf	Millage	Mundie
Nelson	Rants	Shoultz	Siegrist
Taylor	Teig	Van Fossen	Veenstra
Warnstadt	Welter	Whitead	Wise
Van Maanen, Presiding			

Absent or not voting, 3:

Blodgett	Cataldo	Koenigs
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Amendment H-9025 lost.

Wise of Lee asked and received unanimous consent to withdraw amendment H-8938 filed by him on April 6, 1998.

Jenkins of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Carroll of Poweshiek in the chair at 12:30 p.m.

On the question "Shall the bill pass?" (H.F. 2538)

The ayes were, 82:

Arnold	Barry	Bell	Boguess
Bradley	Brand	Brauns	Bukta
Burnett	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Doderer	Dolecheck	Dotzler
Drake	Eddie	Falck	Fallon
Foege	Frevert	Gipp	Greig
Greiner	Gries	Hahn	Hansen
Holmes	Holveck	Houser	Huseman
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Kreiman	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Scherrman
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Veenstra	Warnstadt
Weidman	Weigel	Whitead	Wise
Witt	Carroll, Presiding		

The nays were, 12:

Bernau	Boddicker	Brunkhorst	Dix
Drees	Garman	Huser	Kremer
Richardson	Schrader	Vande Hoef	Welter

Absent or not voting, 6:

Blodgett	Cataldo	Ford	Grundberg
Heaton	Koenigs		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **House Files 2049** and **2538** be immediately messaged to the Senate.

Unfinished Business Calendar

Senate File 2313, a bill for an act relating to child support, providing penalties, and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

Boddicker of Cedar offered amendment H-8509 filed by the committee on human resources as follows:

H-8509

- 1 Amend Senate File 2313, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 28, by inserting after line 19 the
- 4 following:
- 5 "It is also the intent of the general assembly to
- 6 enhance employment opportunities for families,
- 7 including those for noncustodial parents, to improve
- 8 the ability of both parents to support their children.
- 9 In doing so, the department of human services and the
- 10 department of workforce development shall cooperate to
- 11 assist both parents in obtaining and maintaining
- 12 employment including through the mechanisms provided
- 13 under the family investment program, the job
- 14 opportunities and basic skills (JOBS) program, the
- 15 welfare-to-work program, and the child support
- 16 recovery program.

DIVISION XI

- 18 SATISFACTION OF ACCRUED SUPPORT DEBT
- 19 Sec. ____ Section 252B.3, Code Supplement 1997, is
- 20 amended by adding the following new subsection:

21 NEW SUBSECTION. 5. On or after July 1, 1999, the
 22 department shall implement a program for the
 23 satisfaction of accrued support debts, based upon
 24 timely payment by the obligor of both current support
 25 due and any payments due for accrued support debt
 26 under a periodic payment plan. The unit shall adopt
 27 rules pursuant to chapter 17A to establish the
 28 criteria and procedures for obtaining satisfaction
 29 under the program. The rules adopted under this
 30 subsection shall specify the cases and amounts to
 31 which the program is applicable, and may provide for
 32 the establishment of the program as a pilot program.
 33 Sec. ____ Section 598.22A, Code Supplement 1997,
 34 is amended by adding the following new subsection:
 35 NEW SUBSECTION. 4. Payment of accrued support
 36 debt due the department of human services shall be
 37 credited pursuant to section 252B.3, subsection 5.

38 DIVISION XII

39 ALTERNATIVES TO MEDIAN INCOME

40 Sec. ____ Section 252B.7A, subsection 1, paragraph
 41 d, unnumbered paragraph 1, Code Supplement 1997, is
 42 amended to read as follows:

43 By July 1, 1999, the department shall adopt rules
 44 for imputing income, whenever possible, based on the
 45 earning capacity of a parent who does not provide
 46 income information or for whom income information is
 47 not available. Until such time as the department
 48 adopts rules establishing a different standard for
 49 determining the income of a parent who does not
 50 provide income information or for whom income

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1 information is not available, the estimated state
 2 median income for a one-person family as published
 3 annually in the Federal Register for use by the
 4 federal office of community services, office of energy
 5 assistance, for the subsequent federal fiscal year.

6 DIVISION XIII

7 INCOME WITHHOLDING ARREARAGE RATES

8 Sec. ____ Section 252D.18, subsection 1, Code
 9 1997, is amended by adding the following new
 10 paragraph:
 11 NEW PARAGRAPH. d. There has been a change in the
 12 rules adopted by the department pursuant to chapter
 13 17A regarding the amount of income to be withheld to
 14 pay a delinquency.

15 Sec. ____ INCOME WITHHOLDING RATES.

16 1. Beginning July 1, 1998, the amount of income
 17 withheld for the payment of delinquent support, as
 18 determined by the child support recovery unit under
 19 chapter 252D, shall be decreased on a prospective
 20 basis from the current level of fifty percent of the

21 current child support obligation.

22 2. The department of human services may adopt
23 rules pursuant to section 17A.4, subsection 2, and
24 section 17A.5, subsection b, paragraph "b", to
25 implement this section and the rules shall become
26 effective immediately upon filing, unless the
27 effective date is delayed by the administrative rules
28 review committee, notwithstanding section 17A.4,
29 subsection 5, and section 17A.8, subsection 9, or a
30 later effective date is specified in the rules. Any
31 rules adopted in accordance with this section shall
32 not take effect before the rules are reviewed by the
33 administrative rules review committee. Any rules
34 adopted in accordance with the provision of this
35 section shall also be published as notice of intended
36 action as provided in section 17A.4.

37 3. The department of human services may modify the
38 rules adopted under this section regarding the rate of
39 withholding established for payment of delinquent
40 support, based upon the results of implementation of
41 this section including but not limited to the
42 resulting impact on collections.

43 DIVISION XIV

44 SATISFACTION OF SUPPORT OWED TO PARENT

45 Sec. ____ Section 252B.20, subsection 2, paragraph
46 b, Code Supplement 1997, is amended to read as
47 follows:

48 b. Approve the request and prepare an order which
49 shall be submitted, along with the affidavit, to a
50 judge of a district court for approval, suspending the

Page 3

1 accruing support obligation and, if requested by the
2 obligor, and if not prohibited by chapter 252K,
3 satisfying the obligation of support due the obligee.

4 Sec. ____ Section 252B.20, subsections 3, 10, and
5 11, Code Supplement 1997, are amended to read as
6 follows:

7 3. An order approved by the court for suspension
8 of an accruing support obligation is effective upon
9 the date of filing of the suspension order. The
10 satisfaction of an obligation of support due the
11 obligee shall be final upon the filing of the
12 suspension order. A support obligation which is
13 satisfied is not subject to the reinstatement
14 provisions of this section.

15 10. This section does not provide for the
16 suspension, ~~waiver, satisfaction,~~ or retroactive
17 modification of support obligations which accrued
18 prior to the entry of an order suspending enforcement
19 and collection of support pursuant to this section.
20 However, if in the application for suspension, an

21 obligee elects to satisfy an obligation of accrued
 22 support due the obligee, the suspension order may
 23 satisfy the obligation of accrued support due the
 24 obligee.

25 11. Nothing in this section shall prohibit or
 26 limit the unit or a party entitled to receive support
 27 from enforcing and collecting any unpaid or
 28 unsatisfied support that accrued prior to the
 29 suspension of the accruing obligation.

30 DIVISION XV

31 PASS THROUGH OF CHILD SUPPORT

32 Sec. ____ FEDERAL PERMISSION - PASS THROUGH OF
 33 CHILD SUPPORT.

34 1. The department of human services shall seek
 35 permission from the United States department of health
 36 and human services for a statewide initiative to pass
 37 the full amount of child support collected, on behalf
 38 of family investment program participants, through to
 39 those families without being required to reimburse the
 40 federal government for the federal share of the child
 41 support collected. If the department of human
 42 services receives unconditional approval from the
 43 United States department of health and human services,
 44 the department shall submit an implementation proposal
 45 to the general assembly that provides for a net offset
 46 in family investment program benefits which is
 47 equivalent to the amount of child support passed
 48 through to the family.

49 2. The goals of the initiative shall include all
 50 of the following:

Page 4

1 a. Encouraging payment of child support by
 2 providing a direct connection between the act of
 3 paying child support and the receipt of child support
 4 by the child.

5 b. Reinforcing the value of employment for family
 6 investment program participants by more clearly
 7 identifying the actual level of income necessary to
 8 become independent from the receipt of benefits under
 9 the family investment program when child support is
 10 also being received."

Boddicker of Cedar offered the following amendment H-8554, to the committee amendment H-8509, filed by him and moved its adoption:

H-8554

1 Amend the Committee amendment, H-8509, to Senate
 2 File 2313, as amended, passed, and reprinted by the

3 Senate, as follows:

- 4 1. Page 3, line 2, by striking the word "obligor"
5 and inserting the following: "obligee".

Amendment H-8554 was adopted.

Boddicker of Cedar moved the adoption of the committee amendment H-8509, as amended.

The committee amendment H-8509, as amended, was adopted.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-8684 filed by him and Millage of Scott on March 25, 1998.

Rayhons of Hancock asked and received unanimous consent to withdraw amendment H-8899 filed by him on April 3, 1998.

Boddicker of Cedar offered amendment H-9055 filed by him and Millage of Scott from the floor as follows:

H-9055

- 1 Amend Senate File 2313 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 28, by inserting after line 19 the
4 following:
5 "Division XI
6 VISITATION — DEVIATION FROM GUIDELINES
7 Sec. ____ Section 598.21, Code Supplement 1997, is
8 amended by adding the following new subsection:
9 NEW SUBSECTION. 4C. If visitation is awarded to a
10 parent in excess of the average liberal visitation
11 rights award, the court shall do all of the following:
12 a. Deem the presumption that the amount of child
13 support which would result from application of the
14 guidelines prescribed by the supreme court is the
15 correct amount of child support rebutted.
16 b. Deviate from the guidelines in calculating the
17 child support obligation.
18 c. Provide a record or written finding that
19 application of the child support guidelines under such
20 award of visitation rights would be unjust or
21 inappropriate."
22 2. By renumbering as necessary.

Speaker pro tempore Van Maanen of Marion in the chair at 1:00 p.m.

Moreland of Wapello rose on a point of order that amendment H-9055 was not germane.

The Speaker ruled the point well taken and amendment H-9055 not germane.

Millage of Scott moved to suspend the rules to consider amendment H-9055.

A non-record roll call was requested.

The ayes were 47, nays 39.

The motion to suspend the rules lost.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2313)

The ayes were, 93:

Arnold	Barry	Bell	Bernau
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Falck
Fallon	Foegle	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Blodgett	Cataldo	Eddie	Ford
Hansen	Koenigs	Nelson	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2313** be immediately messaged to the Senate.

Appropriations Calendar

Senate File 2410, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care, and providing effective dates and an applicability provision, with report of committee recommending passage, was taken up for consideration.

Houser of Pottawattamie asked and received unanimous consent to withdraw amendment H-8993 filed by him and Osterhaus of Jackson on April 7, 1998.

Houser of Pottawattamie offered amendment H-9034 filed by Houser, et al., as follows:

H-9034

1 Amend Senate File 2410, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 33, by striking the word "The"
4 and inserting the following: "In addition to the
5 full-time equivalent positions authorized in this Act,
6 1.00 FTE is authorized and the".

7 2. Page 7, line 1, by inserting after the word
8 "states." the following: "Notwithstanding any other
9 legislation enacted by the Seventy-seventh General
10 Assembly, 1998 Session, any retailer fees established
11 shall not apply to any electronic benefit transfer
12 pilot project until such time as the department begins
13 implementation of the electronic benefit transfer
14 program to counties in addition to the pilot project
15 counties. An acquirer's fee for each transaction
16 shall also not apply to any electronic benefit
17 transfer pilot project until such time as the
18 department begins implementation of the electronic
19 benefit transfer program to counties in addition to
20 the pilot project counties."

21 3. Page 7, line 15, by striking the word "forty-
22 eight" and inserting the following: "thirty-six".

23 4. Page 9, line 34, by striking the word "The"
24 and inserting the following: "In addition to the
25 full-time equivalent positions authorized in this Act,

- 26 1.00 FTE is authorized and the".
- 27 5. Page 17, line 35, by inserting after the
28 figure "1999." the following: "The department shall
29 provide not more than \$50,000 in funding for
30 administrative expenses, ongoing expenses,
31 consultation costs, and other support of the work
32 group."
- 33 6. Page 18, line 16, by striking the word "A".
- 34 7. Page 18, by striking lines 17 through 22 and
35 inserting the following: "The waiver shall be limited
36 in".
- 37 8. Page 18, line 26, by inserting after the word
38 "days." the following: "The base number of persons to
39 be served under this waiver at any one time is 35. In
40 addition, a maximum of ten persons with physical
41 disabilities who are at imminent risk of placement in
42 a medical institution shall be approved for waiver
43 services."
- 44 9. Page 19, by striking lines 17 through 24.
- 45 10. Page 20, line 6, by inserting after the
46 figure "1998," the following: "contingent upon
47 receiving federal approval,".
- 48 11. Page 20, line 10, by inserting after the word
49 "employment" the following: "and other services".
- 50 12. Page 20, line 12, by inserting after the word

Page 2

- 1 "employment" the following: "and other services".
- 2 13. Page 21, line 32, by inserting after the word
3 "industry." the following: "Prior to submission of
4 the report, the task force shall receive input
5 concerning the recommendations and findings from
6 interested legislators convened by the co-chairpersons
7 of the joint appropriations subcommittee on human
8 services."
- 9 14. Page 32, by inserting after line 21 the
10 following:
11 "____. The department shall perform an evaluation
12 of public and private residential treatment programs,
13 including those programs providing highly structured
14 juvenile program beds. The evaluation shall include
15 but is not limited to a review of the curriculum and
16 treatment approaches used by the programs, the
17 recidivism rate of juveniles who have completed the
18 programs, and other selected variables, subject to the
19 availability of this information. A report of the
20 evaluation shall be submitted to the general assembly
21 by January 1, 1999."
- 22 15. Page 36, line 24, by striking the figure
23 "1998" and inserting the following: "1997".
- 24 16. Page 42, line 10, by inserting after the word
25 "paragraph." the following: "Counties are not

26 responsible for the costs of PMIC services established
27 pursuant to this paragraph.”

28 17. Page 44, by inserting after line 2 the
29 following:

30 “4. For the fiscal year beginning July 1, 1998, in
31 addition to the net budgeting requirements under this
32 section, each state mental health institute shall
33 implement a net budgeting accounting test of managing
34 revenues and expenditures attributable to the mental
35 health institute in a manner that permits the net
36 state expenditure amount to be determined. Each
37 mental health institute shall submit a preliminary
38 report in January 1999, and a status report in October
39 1999, to the governor and to the persons required to
40 be submitted reports by this Act. The preliminary and
41 status reports shall identify advantages and
42 disadvantages of utilizing the net budgeting approach.
43 and any changes in policy or statute recommended to
44 improve implementation of the approach.”

45 18. Page 54, by striking lines 33 and 34 and
46 inserting the following:

47 “j. When applying the reimbursement increases
48 authorized in this subsection, the”.

49 19. Page 58, line 4, by inserting after the word
50 “appropriateness” the following: “and the level”.

Page 3

1 20. Page 66, by inserting after line 27 the
2 following:

3 “Sec. ____ FRAUD AND RECOUPMENT ACTIVITIES.

4 During the fiscal year beginning July 1, 1998,
5 notwithstanding the restrictions in section 279B.11,
6 the department of human services may expend recovered
7 moneys generated through fraud and recoupment
8 activities for additional fraud and recoupment
9 activities performed by the department of human
10 services or the department of inspections and appeals,
11 subject to both of the following conditions:

12 1. The director of human services or the director
13 of inspections and appeals determines that the
14 investment can reasonably be expected to increase
15 recovery of assistance paid in error, due to
16 fraudulent or nonfraudulent actions, in excess of the
17 amount recovered in the fiscal year beginning July 1,
18 1997.

19 2. The amount expended for the additional fraud
20 and recoupment activities shall not exceed the amount
21 of the projected increase in assistance recovered.”

22 21. Page 79, line 3, by striking the words “date
23 of” and inserting the following: “date of the county
24 received the”.

25 22. Page 79, lines 6 and 7, by striking the words

26 "date of" and inserting the following: "date of the
27 county received the".

28 23. Page 80, line 29, by striking the words "date
29 of" and inserting the following: "date of the county
30 received the".

31 24. Page 80, line 32, by striking the words "date
32 of" and inserting the following: "date of the county
33 received the".

34 25. Page 81, lines 5 and 6, by striking the words
35 "certified by the superintendent" and inserting the
36 following: "certified received by the superintendent
37 county".

38 26. Page 81, line 9, by striking the word
39 "certified" and inserting the following: "certified
40 received by the county".

41 27. Page 81, by inserting after line 14 the
42 following:

43 "Sec. ____ Section 234.12A, if enacted by 1998
44 Iowa Acts, House File 2468, is amended by adding the
45 following new subsection:

46 NEW SUBSECTION. 3. For the purposes of this
47 section, "retailer" means a business authorized by the
48 United States department of agriculture to accept food
49 stamp benefits."

50 28. Page 83, by inserting after line 25 the

Page 4

1 following:

2 "____. Section 15, subsection 18, paragraph "b",
3 relating to authority to use moneys for support of the
4 child welfare services work group."

5 29. By renumbering as necessary.

Houser of Pottawattamie offered the following amendment H-9054,
to amendment H-9034, filed by him from the floor and moved its adop-
tion:

H-9054

1 Amend the amendment, H-9034, to Senate File 2410,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by striking lines 45 through 48 and
5 inserting the following:

6 "____. Page 54, by striking line 34 and inserting
7 the following: "physician, chiropractic, and dental
8 services and durable medical equipment under this
9 subsection, the"."

10 2. Page 3, line 5, by striking the figure
11 "279B.11" and inserting the following: "239B.11".

12 3. By renumbering as necessary.

Amendment H-9054 was adopted.

Foege of Linn asked and received unanimous consent to withdraw amendment H-9050, to amendment H-9034, filed by him from the floor.

Houser of Pottawattamie moved the adoption of amendment H-9034, as amended.

Amendment H-9034, as amended, was adopted.

Murphy of Dubuque offered the following amendment H-9053 filed by him from the floor and moved its adoption:

H-9053

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by striking line 19 and inserting the
- 4 following:
- 5 " \$ 26,587,871"
- 6 2. Page 21, by striking line 4 and inserting the
- 7 following:
- 8 " \$ 11,000,000"
- 9 3. Page 30, by striking line 30 and inserting the
- 10 following:
- 11 " \$ 92,744,904"

Roll call was requested by Murphy of Dubuque and Jochum of Dubuque.

On the question "Shall amendment H-9053 be adopted?" (S.F. 2410)

The ayes were, 43:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Kreiman	Larkin	Mascher
May	Mertz	Moreland	Mundie
Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 51:

Arnold	Barry	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	Cormack	Dinkla

Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Veenstra
Weidman	Welter	Van Maanen, Presiding	

Absent or not voting, 6:

Blodgett	Cataldo	Koenigs	Schrader
Van Fossen	Vande Hoef		

Amendment H-9053 lost.

Huser of Polk offered the following amendment H-9005 filed by her and moved its adoption:

H-9005

1 Amend Senate File 2410, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 8, line 30, by inserting after the word
 4 "decisions." the following: "The performance measures
 5 identified pursuant to this subparagraph shall be
 6 designed to reinforce the goal of supporting families
 7 in moving into employment and away from welfare
 8 dependency. The department and the family development
 9 and self-sufficiency council shall also identify
 10 existing performance measures reported by grantees
 11 that can be eliminated and shall take steps to
 12 simplify and streamline existing reporting
 13 requirements."

Amendment H-9005 was adopted.

Jochum of Dubuque offered the following amendment H-9016 filed by her and moved its adoption:

H-9016

1 Amend Senate File 2410, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 9, line 28, by inserting after the word
 4 "payment" the following: ", a loan,".
 5 2. Page 9, line 31, by inserting after the word
 6 "incentives." the following: "The department may
 7 provide for a loan from the diversion subaccount to be
 8 repaid with money or community service or with a
 9 combination of the two."

A non-record roll call was requested.

The ayes were 42, nays 47.

Amendment H-9016 lost.

Hansen of Pottawattamie asked and received unanimous consent that amendment H-9049 be deferred.

Dotzler of Black Hawk offered the following amendment H-8989 filed by Dotzler, et al., and moved its adoption:

H-8989

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 17, line 22, by inserting after the word
- 4 "responses." the following: "The contract shall
- 5 include a requirement, as specified in rules adopted
- 6 for this purpose by the council on human services,
- 7 that the managed care contractor and the contractor's
- 8 agent shall exercise ordinary care when making
- 9 behavioral care treatment decisions and are liable for
- 10 damages for harm to a medical assistance recipient
- 11 proximately caused by the contractor's or contractor's
- 12 agent's failure to exercise the ordinary care in a
- 13 reasonable manner. As used in this paragraph,
- 14 "contractor's agent" means an employee, agent, or
- 15 representative of the managed care contractor selected
- 16 by the state to provide managed care coverage under
- 17 this paragraph who is acting on behalf of the
- 18 contractor and over whom the contractor has the right
- 19 to exercise influence or control."

Roll call was requested by Dotzler of Black Hawk and Falck of Fayette.

On the question "Shall amendment H-8989 be adopted?" (S.F. 2410)

The ayes were, 41:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shultz	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 50:

Arnold	Barry	Boddicker	Bogges
Bradley	Brunkhorst	Churchill	Corbett, Spkr.
Cormack	Dinkla	Dix	Dolecheck
Drake	Eddie	Garman	Gipp
Greig	Greiner	Gries	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen, Presiding		

Absent or not voting, 9:

Blodgett	Brauns	Carroll	Cataldo
Grundberg	Koenigs	Kreiman	Myers
Taylor			

Amendment H-8989 lost.

Gipp of Winneshiek in the chair at 2:20 p.m.

Murphy of Dubuque offered the following amendment H-9040 filed by him from the floor and moved its adoption:

H-9040

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 17, line 27, by inserting after the word
- 4 "subsection." the following: "Additionally, the
- 5 contractor shall pay for services to a person enrolled
- 6 in the plan whether the person is involuntarily or
- 7 voluntarily committed for treatment at a state mental
- 8 health institute."

Amendment H-9040 lost.

Witt of Black Hawk asked and received unanimous consent that amendment H-9013 be deferred.

Veenstra of Sioux offered the following amendment H-8967 filed by Blodgett of Cerro Gordo and moved its adoption:

H-8967

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:

3 1. Page 20, by inserting after line 16 the
4 following:
5 "____. If approved by the federal government, adult
6 residential environments licensed as intermediate or
7 residential care facilities for persons with mental
8 retardation using a campus or village setting
9 approach, in not more than three counties, may convert
10 to a residential program under the provisions of a
11 medical assistance home and community-based services
12 waiver for persons with mental retardation, provided
13 the adult residential environments meet all of the
14 following requirements:
15 a. The intermediate or residential care facility
16 for persons with mental retardation license is
17 surrendered.
18 b. The environment's bed capacity is reduced by at
19 least twenty-five percent to a maximum capacity of no
20 more than twelve beds.
21 c. The environment submits a five-year plan for
22 further bed capacity reduction to the department of
23 human services and the plan is acceptable to the
24 department of human services.
25 The director of human services may authorize
26 reimbursement of the costs of environments converted
27 in accordance with this subsection from moneys
28 appropriated for state supplementary assistance at a
29 rate which does not exceed the maximum allowed for a
30 residential program under state supplementary
31 assistance requirements. The departments of human
32 services and inspections and appeals shall develop
33 standards and a monitoring process for environments
34 converted under this subsection. If the provisions of
35 this subsection are implemented, the department of
36 human services shall submit amendments to the general
37 assembly in accordance with section 2.16 to codify the
38 provisions."

Amendment H-8967 was adopted.

Brand of Tama asked and received unanimous consent that amendment H-9052 be deferred.

Mundie of Webster asked and received unanimous consent that amendment H-9072 be deferred.

Hansen of Pottawattamie offered the following amendment H-9031 filed by Hansen, et al., and moved its adoption:

H-9031

1 Amend Senate File 2410, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 21, line 13, by inserting after the word

4 "assembly." the following: "The department, in
 5 consultation with the board established for the child
 6 health care program, shall develop and utilize an
 7 application form, which does not exceed two pages in
 8 length, for coordination of the child health care
 9 program and the medical assistance program."

Amendment H-9031 was adopted.

Houser of Pottawattamie asked and received unanimous consent to withdraw amendment H-8957 filed by Blodgett of Cerro Gordo on April 6, 1998, placing amendment H-9014 filed by Osterhaus of Jackson on April 8, 1998 out of order.

Houser of Pottawattamie asked and received unanimous consent to withdraw amendment H-8965 filed by Blodgett of Cerro Gordo on April 6, 1998, placing amendment H-9018 filed by Osterhaus of Jackson on April 8, 1998 out of order.

Osterhaus of Jackson asked and received unanimous consent to withdraw amendment H-8930 filed by him on April 6, 1998.

Houser of Pottawattamie asked and received unanimous consent to withdraw amendment H-9032 filed by him on April 8, 1998.

Taylor of Linn offered the following amendment H-9066 filed by him and Nelson of Marshall from the floor and moved its adoption:

H-9066

1 Amend Senate File 2410, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 22, line 4, by inserting after the word
 4 "project" the following: "to develop recruitment and
 5 retention strategies and".

Amendment H-9066 was adopted.

Osterhaus of Jackson asked and received unanimous consent to withdraw amendment H-8920 filed by him on April 3, 1998.

Jochum of Dubuque offered amendment H-8931 filed by her as follows:

H-8931

1 Amend Senate File 2410, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 24, lines 7 and 8 by striking the words
 4 "for at least 30 consecutive days immediately prior to
 5 discharge".

Jochum of Dubuque offered the following amendment H-9045, to amendment H-8931, filed by her from the floor and moved its adoption:

H-9045

- 1 Amend the amendment, H-8931, to Senate File 2410,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 5, by inserting after the word
- 5 "discharge" the following: "and inserting the
- 6 following: "or were at risk of institutional
- 7 placement, not to exceed 100 slots"."

Amendment H-9045 was adopted.

Jochum of Dubuque moved the adoption of amendment H-8931, as amended.

Amendment H-8931, as amended, was adopted.

Grundberg of Polk offered the following amendment H-9044 filed by her and Jacobs of Polk, Huser of Polk, Martin of Scott, Burnett of Story, Barry of Harrison, Jochum of Dubuque, Metcalf of Polk, Bukta of Clinton, Nelson of Marshall, Chapman of Linn, Doderer of Johnson, Frevert of Palo Alto, Mascher of Johnson, Mertz of Kossuth, Reynolds-Knight of Van Buren, Boggess of Taylor and Garman of Story from the floor and moved its adoption:

H-9044

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 26, line 33, by inserting after the word
- 4 "implementing" the following: "by April 1, 1999".
- 5 2. Page 26, lines 34 and 35, by striking the
- 6 words and figures "assistance, by April 1, 1999." and
- 7 inserting the following: "assistance."
- 8 3. Page 27, by striking lines 10 through 13 and
- 9 inserting the following: "receive reports submitted
- 10 by the department. The department shall pursue every
- 11 available option to identify and secure additional
- 12 federal funding which may be used for child day care.
- 13 If sufficient federal funding which may be used for
- 14 child day care is identified and secured in addition
- 15 to the amount budgeted for this purpose for the fiscal
- 16 year beginning July 1, 1998, the single point of
- 17 access program shall be implemented by April 1, 1999.
- 18 If the amount of additional federal funding identified
- 19 and secured is also sufficient for the reimbursement
- 20 provisions for JOBS program child care assistance to
- 21 be made consistent with the reimbursement provisions

22 for state child care assistance, the department shall
 23 include this reimbursement change as part of the
 24 implementation of the single point of access program."

Amendment H-9044 was adopted.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-9017 filed by her on April 8, 1998.

Huser of Polk asked and received unanimous consent to withdraw amendment H-9004 filed by her on April 8, 1998.

Foege of Linn asked and received unanimous consent to withdraw amendment H-8922 filed by him on April 3, 1998.

Speaker pro tempore Van Maanen of Marion in the chair at 3:15 p.m.

Burnett of Story offered the following amendment H-8964 filed by her and moved its adoption:

H-8964

1 Amend Senate File 2410 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 30, by striking line 30, and inserting
 4 the following:
 5 "..... \$ 97,330,033"
 6 2. Page 37, by inserting after line 14, the
 7 following:
 8 "___ Of the moneys appropriated in this section,
 9 \$585,129 shall be used for foster family basic daily
 10 maintenance rate reimbursement as provided in this
 11 Act. It is the intent of the General Assembly that
 12 this rate be increased each year by 2.5 percent until
 13 the rate reflects 75 percent of the United States
 14 Department of Agriculture's estimated regional cost of
 15 raising a child."
 16 3. Page 55, line 34, by striking the figure
 17 "13.45" and inserting the following: "13.93".
 18 4. Page 55, line 35, by striking the figure
 19 "14.25" and inserting the following: "14.76".
 20 5. Page 56, line 1, by striking the figure
 21 "15.96" and inserting the following: "16.53".
 22 6. Page 56, line 2, by striking the figure
 23 "15.96" and inserting the following: "16.53".

Amendment H-8964 lost.

Foege of Linn offered the following amendment H-9035 filed by him from the floor and moved its adoption:

H-9035

1 Amend Senate File 2410, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 31, line 6, by striking the figure
 4 "30,923,872" and inserting the following:
 5 "31,113,468".

Amendment H-9035 was adopted.

Houser of Pottawattamie offered the following amendment H-9059 filed by him from the floor and moved its adoption:

H-9059

1 Amend Senate File 2410, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 31, by striking lines 9 through 13 and
 4 inserting the following:
 5 "b. (1) If at any time after September 30, 1998,
 6 annualization of a region's current expenditures
 7 indicates a region is at risk of exceeding its group
 8 foster care expenditure target under section 232.143
 9 by more than five percent, the department and juvenile
 10 court services shall examine all group foster care
 11 placements in that region in order to identify those
 12 which might be appropriate for termination. In
 13 addition, any aftercare services believed to be needed
 14 for the children whose placements may be terminated
 15 shall be identified. The department and juvenile
 16 court services shall initiate action to set
 17 dispositional review hearings for the placements
 18 identified. In such a dispositional review hearing,
 19 the juvenile court shall determine whether needed
 20 aftercare services are available and whether
 21 termination of the placement is in the best interest
 22 of the child and the community.
 23 (2) The department shall provide quarterly reports
 24 to the judicial department, juvenile court services,
 25 the legislative fiscal bureau, and decategorization
 26 boards on the number of children placed in group
 27 foster care and the amount of expenditure for group
 28 foster care by county. The department shall
 29 coordinate with the child welfare services work group
 30 created in November 1997, by the legislative council
 31 and with interested decategorization counties to
 32 identify information systems and reports across all
 33 services and placements that would support utilization
 34 management decisions. The department shall identify
 35 the resources needed to develop and implement such a
 36 system and its fiscal benefits, and report to the
 37 general assembly by February 1, 1999."
 38 2. By renumbering as necessary.

Amendment H-9059 was adopted.

The following amendments were withdrawn by unanimous consent:

H-8921 filed by Foege of Linn on April 3, 1998.

H-8948 filed by Foege of Linn on April 6, 1998.

H-9019 filed by Foege of Linn on April 8, 1998.

H-9023 filed by Houser of Pottawattamie on April 8, 1998.

Houser of Pottawattamie offered the following amendment H-9030 filed by him and moved its adoption:

H-9030

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 37, by inserting after line 23 the
- 4 following:
- 5 "It is the intent of the general assembly that the
- 6 admissions requirements of the consent decree shall
- 7 also be applied to the state university of Iowa
- 8 hospital-school for children with disabilities. The
- 9 state board of regents shall submit to the general
- 10 assembly proposed amendments to chapter 263 to codify
- 11 the admissions requirements of the consent decree."
- 12 2. By renumbering as necessary.

Amendment H-9030 was adopted.

Heaton of Henry offered the following amendment H-9038 filed by him and Houser of Pottawattamie from the floor and moved its adoption:

H-9038

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 43, by inserting after line 27 the
- 4 following:
- 5 "(3) The department shall work with the Iowa state
- 6 association of counties in reviewing the reimbursement
- 7 methodology provided in this lettered paragraph to
- 8 determine whether modifications in the methodology or
- 9 implementation of an alternate methodology are
- 10 appropriate. The department shall report on the
- 11 review in December 1998 to the persons required by
- 12 this Act for submission of reports."

Amendment H-9038 was adopted.

Veenstra of Sioux asked and received unanimous consent to withdraw amendment H-8969 filed by him and Vande Hoef of Osceola on April 7, 1998.

Grundberg of Polk offered the following amendment H-9039 filed by her and Houser of Pottawattamie from the floor and moved its adoption:

H-9039

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 48, line 34, by striking the figure
- 4 "17,281,138" and inserting the following:
- 5 "17,530,000".
- 6 2. Page 49, by striking lines 22 through 30.
- 7 3. By renumbering as necessary.

Amendment H-9039 was adopted.

Gipp of Winneshiek in the chair at 3:58 p.m.

Jochum of Dubuque offered amendment H-9022 filed by her and Richardson of Warren as follows:

H-9022

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 52, by inserting after line 4 the
- 4 following:
- 5 "If a resignation, retirement, or other change in
- 6 staffing reducing the number of full-time equivalent
- 7 positions responsible for mental health or mental
- 8 retardation services in a local office of the
- 9 department causes the county to which the local office
- 10 is assigned to assume responsibilities previously
- 11 performed by the department's positions, the
- 12 department shall reimburse the county for the increase
- 13 in costs connected with the responsibilities assumed."

Murphy of Dubuque asked and received unanimous consent for the adoption of amendment H-9097, to amendment H-9022, filed by him from the floor as follows:

H-9097

- 1 Amend the amendment H-9022, to Senate File 2410,
- 2 as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 5, by striking the words "or other
- 5 change" and inserting the word "dismissal".

Jochum of Dubuque moved the adoption of amendment H-9022, as amended.

Amendment H-9022, as amended, was adopted.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-9042 filed by him from the floor.

Osterhaus of Jackson offered the following amendment H-9067 filed by him from the floor and moved its adoption:

H-9067

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 54, line 33, by inserting after the word
- 4 "for" the following: "pharmacist."

Amendment H-9067 was adopted.

Veenstra of Sioux offered the following amendment H-9041 filed by him and Vande Hoef of Osceola from the floor and moved its adoption:

H-9041

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 56, line 26, by striking the word "paid"
- 4 and inserting the following: "established".
- 5 2. Page 56, line 27, by striking the word "two"
- 6 and inserting the following: "three".

Amendment H-9041 was adopted.

Houser of Pottawattamie offered the following amendment H-9024 filed by him and Barry of Harrison and moved its adoption:

H-9024

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 66, by inserting after line 27 the
- 4 following:
- 5 "Sec. ____ MEDICAL AND SURGICAL TREATMENT OF
- 6 INDIGENT PERSONS - STUDY. The legislative council is
- 7 requested to establish a 1998 legislative interim
- 8 committee to review the medical and surgical treatment
- 9 of indigent persons in the state through the
- 10 university of Iowa hospitals and clinics under chapter
- 11 255 and 255A. The review should include but is not
- 12 limited to the programs and services provided and the
- 13 possibility of providing these programs and services

- 14 at alternative locations throughout the state.”
15 2. By renumbering as necessary.

Amendment H-9024 was adopted.

Murphy of Dubuque offered the following amendment H-9056 filed by him from the floor and moved its adoption:

H-9056

- 1 Amend Senate File 2410 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 66, by inserting after line 27, the
4 following:
5 “Sec. ____ HAWK-I TRUST FUND.
6 1. If House File 2517 is enacted by the Seventy-
7 seventh General Assembly, 1998 Session, a HAWK-I trust
8 fund is created in the state treasury under the
9 authority of the department of human services, to
10 which all state appropriations shall be deposited and
11 used to carry out the purposes of this chapter. Other
12 revenues of the program such as grants, contributions,
13 and participant payments shall not be considered
14 revenue of the state, but rather shall be funds of the
15 program.
16 2. The trust fund shall be separate from the
17 general fund of the state and shall not be considered
18 part of the general fund of the state. The moneys in
19 the trust fund are not subject to section 8.33 and
20 shall not be transferred, used, obligated,
21 appropriated, or otherwise encumbered except as
22 provided in this chapter. Notwithstanding section
23 12C.7, subsection 2, interest or earnings on moneys
24 deposited in the trust fund shall be credited to the
25 trust fund.”
26 2. By renumbering as necessary.

Amendment H-9056 was adopted, placing amendment H-9043 filed by Murphy of Dubuque from the floor out of order.

Osterhaus of Jackson asked and received unanimous consent to withdraw amendment H-8923 filed by Osterhaus, et al., on April 3, 1998.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-9015 filed by her on April 8, 1998, placing amendment H-9051 filed by Carroll of Poweshiek and Myers of Johnson from the floor out of order.

Houser of Pottawattamie offered the following amendment H-8988 filed by him and moved its adoption:

H-8988

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 83, line 31, by striking the figure "56"
- 4 and inserting the following: "58".
- 5 2. Page 83, line 32, by striking the word and
- 6 figures "58 and 59" and inserting the following: "60
- 7 and 61".
- 8 3. Page 83, line 34, by striking the figure "66"
- 9 and inserting the following: "68".
- 10 4. Title page, lines 4 and 5, by striking the
- 11 words "an applicability provision" and inserting the
- 12 following: "a retroactive applicability provision".

Amendment H-8988 was adopted.

Veenstra of Sioux offered the following amendment H-9058 filed by him from the floor and moved its adoption:

H-9058

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by striking line 19 and inserting the
- 4 following:
- 5 \$ 23,587,871

Amendment H-9058 was adopted.

Hansen of Pottawattamie offered amendment H-9049 filed by him and Houser of Pottawattamie, Millage of Scott, Lamberti of Polk and Boddicker of Cedar from the floor as follows:

H-9049

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 14, line 32, by striking the figure
- 4 "386,013,305" and inserting the following:
- 5 "385,963,305".
- 6 2. Page 53, by inserting after line 2 the
- 7 following:
- 8 "Sec. ____ SEXUALLY VIOLENT PREDATORS. There is
- 9 appropriated from the general fund of the state to the
- 10 department of human services for the fiscal year
- 11 beginning July 1, 1998, and ending June 30, 1999, the
- 12 following amount, or so much thereof as is necessary,
- 13 to be used for the purpose designated:
- 14 For costs associated with the commitment and
- 15 treatment of sexually violent predators:
- 16 \$ 500,000"

- 17 3. Page 66, line 3, by inserting after the word
- 18 "population." the following: "The task force
- 19 deliberations shall incorporate the provisions of any
- 20 initial program created by law for the commitment and
- 21 treatment of sexually violent predators."
- 22 4. By renumbering as necessary.

Hansen of Pottawattamie asked and received unanimous consent to withdraw amendment H-9057, to amendment H-9049, filed by him from the floor.

Hansen of Pottawattamie offered the following amendment H-9068, to amendment H-9049, filed by him from the floor and moved its adoption:

H-9068

- 1 Amend the amendment, H-9049, to Senate File 2410,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 5, by striking the figure
- 5 "385,963,305" and inserting the following:
- 6 "385,513,305".

Amendment H-9068 was adopted.

Hansen of Pottawattamie moved the adoption of amendment H-9049, as amended.

Amendment H-9049, as amended, was adopted.

Witt of Black Hawk offered the following amendment H-9013 filed by him and moved its adoption:

H-9013

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 18, by striking lines 25 and 26 and
- 4 inserting the following: "assistance."

Amendment H-9013 was adopted.

Brand of Tama asked and received unanimous consent to withdraw amendment H-9052 filed by him from the floor.

Mundie of Webster offered the following amendment H-9072 filed by him from the floor and moved its adoption:

H-9072

- 1 Amend Senate File 2410, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 20, by inserting after line 16 the

4 following:

5 "___ Effective with the fiscal year beginning

6 July 1, 1998, the department shall revise the

7 eligibility provision for the home and community-based

8 services waiver for persons with brain injury which

9 requires that a person must reside in a medical

10 institution to eliminate the requirement for a minimum

11 of thirty days' residence."

12 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 33, nays 44.

Amendment H-9072 lost.

Houser of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2410)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Gipp,	
		Presiding	

The nays were, 2:

Kreiman O'Brien

Absent or not voting, 3:

Blodgett Cataldo Koenigs

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2410** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 9, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2400, a bill for an act providing a procedure for the preservation of a mechanic's lien for materials or labor furnished to a subcontractor and providing for related matters.

Also: That the Senate has on April 9, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2161, a bill for an act relating to the reporting and partner notification requirements relative to the human immunodeficiency virus.

Also: That the Senate has on April 9, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2188, a bill for an act relating to debt collection.

Also: That the Senate has on April 9, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2312, a bill for an act providing for child day care requirements for volunteers and for the number of children receiving care under the child care home pilot projects and providing an effective date.

MARY PAT GUNDERSON, Secretary

The House stood at ease at 4:00 p.m., until the fall of the gavel.

The House resumed session at 4:12 p.m., Gipp of Winneshiek in the chair.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 8, 1998. Had I been present, I would have voted "aye" on House Files 2532, 2539, 2540, 2547, 2548, 2553, amendments H-8914 to House File 2506 and H-9010 to House File 2539, Senate Files 490, 540, 2037, 2109, 2200, 2259, 2274, 2292, 2316, 2321, 2368, 2377, 2391, amendment H-8970 to Senate File 2277, and "nay" on Senate File 2277.

CATALDO of Polk

I was necessarily absent from the House chamber on the morning of April 9, 1998. Had I been present, I would have voted "aye" on House Files 2049, 2335 and Senate File 2268.

CHIODO of Polk

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 9th day of April, 1998: House Files 721, 2168, 2211, 2369, 2394, 2476 and 2527.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 9, 1998, he approved and transmitted to the Secretary of State the following bills:

House File 2339, an act relating to limits on coverage of the remedial account of the Iowa comprehensive petroleum underground storage tank fund, the minimum copayment provisions in regard to the remedial account, and creating a no further action fund.

House File 2468, an act establishing an electronic benefits transfer program in the department of human services.

House File 2482, an act relating to certain criminal acts committed on or against the property of railway corporations and providing and applying penalties.

House File 2490, an act relating to the administration of the insurance account of the comprehensive petroleum underground storage tank fund, creating an underground storage tank insurance board, an underground storage tank insurance fund, and transferring assets and liabilities of the insurance account of the comprehensive petroleum underground storage tank fund.

House File 2523, an act relating to the reimbursement of certain providers of services under the medical assistance program.

Senate File 2288, an act relating to the sales and use tax on optional service or warranty contracts and to the sales and use tax exemption on certain computers, equipment, machinery, and fuel, relating to the definition of manufacturer for purposes of the exemption, and providing a retroactive applicability date.

Senate File 2338, an act relating to adoptions including the process for adoption of a deceased person and relating to the entities responsible for assisting in international adoptions and providing an effective date.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-seven 8th grade students from West Central Middle School, Redfield, accompanied by Principal Wendy Parker and Teachers Stacie Noble and Leslie Wiles. By Lord of Dallas.

Thirty-two International students, accompanied by Mrs. Smith, Mr. Burgis, Mrs. Evans and Mrs. Gardner. By Richardson of Warren.

Eight 7th and 8th grade students from the Christian School, Ocheyedon, accompanied by Mr. Corwin Slagter, Ellen Bosma and Laura Vander Meulen. By Vande Hoef of Osceola.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

CITIZENS' AIDE/OMBUDSMAN

The Annual Report, pursuant to Chapter 2C, Code of Iowa.

CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

1998\450 Joshua McGrath, New Hampton - For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

RESOLUTION FILED

SCR 114, by committee on natural resources and environment, a concurrent resolution requesting that the legislative council establish an

interim study committee to consider increasing the percent of oxygen by weight in motor vehicle fuel.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—9036	S.J.R.	2004	Larkin of Lee
H—9037	S.J.R.	2004	Larkin of Lee
H—9046	S.J.R.	2004	Osterhaus of Jackson
H—9047	S.F.	2038	Jochum of Dubuque Grundberg of Polk
H—9048	H.F.	2494	Senate Amendment
H—9060	S.J.R.	2004	Doderer of Johnson
H—9061	S.J.R.	2004	Frevert of Palo Alto
H—9062	S.J.R.	2004	Weigel of Chickasaw
H—9063	S.J.R.	2004	Myers of Johnson
H—9064	S.J.R.	2004	Myers of Johnson
H—9065	S.J.R.	2004	Chapman of Linn
H—9069	S.J.R.	2004	Richardson of Warren
H—9070	S.J.R.	2004	Richardson of Warren
H—9071	S.J.R.	2004	Weigel of Chickasaw
H—9073	S.J.R.	2004	Doderer of Johnson Osterhaus of Jackson
H—9074	S.J.R.	2004	Jochum of Dubuque
H—9075	S.J.R.	2004	Bernau of Story
H—9076	S.J.R.	2004	Bernau of Story
H—9077	S.J.R.	2004	Jochum of Dubuque
H—9078	S.J.R.	2004	Bernau of Story
H—9079	S.J.R.	2004	Chapman of Linn
H—9080	S.J.R.	2004	Richardson of Warren
H—9081	S.J.R.	2004	Weigel of Chickasaw
H—9082	S.J.R.	2004	Bernau of Story
H—9083	S.J.R.	2004	Shoultz of Black Hawk
H—9084	S.J.R.	2004	Bernau of Story
H—9085	S.J.R.	2004	Doderer of Johnson
H—9086	S.J.R.	2004	Frevert of Palo Alto
H—9087	S.J.R.	2004	Frevert of Palo Alto
H—9088	S.J.R.	2004	Weigel of Chickasaw
H—9089	S.J.R.	2004	Bernau of Story
H—9090	S.J.R.	2004	Bernau of Story
H—9091	S.J.R.	2004	Shoultz of Black Hawk
H—9092	S.J.R.	2004	Chapman of Linn
H—9093	S.J.R.	2004	Bernau of Story

H—9094	S.J.R.	2004	Wise of Lee
H—9095	S.F.	58	Mascher of Johnson
H—9096	H.F.	2400	Senate Amendment
H—9098	S.J.R.	2004	Jochum of Dubuque
H—9099	S.J.R.	2004	Weigel of Chickasaw
H—9100	S.J.R.	2004	Larkin of Lee
H—9101	S.J.R.	2004	Bernau of Story
H—9102	S.J.R.	2004	Bernau of Story
H—9103	S.J.R.	2004	Bernau of Story
H—9104	S.J.R.	2004	Weigel of Chickasaw
H—9105	S.J.R.	2004	Warnstadt of Woodbury
H—9106	S.F.	367	Holveck of Polk Kreiman of Davis Doderer of Johnson
H—9107	S.J.R.	2004	Warnstadt of Woodbury
H—9108	S.F.	2332	Meyer of Sac
H—9109	H.F.	2164	Warnstadt of Woodbury Whitead of Woodbury
H—9110	S.F.	492	Taylor of Linn
H—9111	S.F.	492	Dotzler of Black Hawk
H—9112	S.J.R.	2004	Chapman of Linn
H—9113	S.J.R.	2004	Jochum of Dubuque
H—9114	S.J.R.	2004	Bernau of Story
H—9115	S.J.R.	2004	Warnstadt of Woodbury
H—9116	S.J.R.	2004	Warnstadt of Woodbury

On motion by Siegrist of Pottawattamie, the House adjourned at 4:15 p.m., until 11:00 a.m., Monday, April 13, 1998.

JOURNAL OF THE HOUSE

Ninety-second Calendar Day - Sixty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 13, 1998

The House met pursuant to adjournment at 11:10 a.m., Speaker Corbett in the chair.

Prayer was offered by Bishop Christopher Epting, Episcopal Diocese of Iowa. Harriet Vande Hoef, wife of the Honorable State Representative Richard Vande Hoef, from Osceola, sang "The Lord's Prayer."

The Journal of Thursday, April 9, 1998 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by House Page Emily Paul who sang "The Star Spangled Banner." She was accompanied by House Page Joel Norton who played the trumpet.

INTRODUCTION OF BILLS

House File 2555, by committee on appropriations, a bill for an act relating to solid waste tonnage fees, the allocation of taxes on solid waste collection and disposal service, making appropriations, and providing an effective date.

Read first time and placed on the **appropriations calendar**.

House File 2556, by Churchill, a bill for an act providing for the reduction of a punitive damage award that duplicates other awards of punitive damages arising from the same act or course of conduct.

Read first time and referred to committee on **judiciary**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 9, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2119, a bill for an act providing for the creation of an Iowa educational savings plan trust, addressing tax aspects, and containing applicability provisions.

Also: That the Senate has on April 9, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2498, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

Also: That the Senate has on April 9, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2517, a bill for an act establishing a healthy and well kids in Iowa (HAWK-I) program to provide health insurance to eligible children and providing an effective date.

Also: That the Senate has on April 9, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2553, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

Also: That the Senate has on April 9, 1998, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2052, a bill for an act relating to programs involving government finance, by providing for the issuance of private activity bonds to administer programs by governmental entities, including the Iowa agricultural development authority and political subdivisions, and providing program assistance to beginning farmers.

Also: That the Senate has on April 9, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2331, a bill for an act to provide for the sharing of certain habilitative and treatment resources with the department of human services.

Also: That the Senate has on April 9, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2353, a bill for an act relating to an allocation of state aid for purposes of school-based youth services programs.

Also: That the Senate has on April 9, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2404, a bill for an act relating to cooperatives organized under Code chapter 501.

Also: That the Senate has on April 9, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2417, a bill for an act establishing a railroad revolving loan fund and making an appropriation.

SENATE MESSAGE CONSIDERED

Senate File 2417, by committee on appropriations, a bill for an act establishing a railroad revolving loan fund and making an appropriation.

Read first time and referred to committee on **appropriations**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cataldo of Polk on request of Moreland of Wapello.

SENATE AMENDMENTS CONSIDERED

Arnold of Lucas called for consideration **House File 2290**, a bill for an act relating to the civil damages and penalties for the illegal taking of antlered deer, amended by the Senate amendment H-8758 as follows:

H-8758

1 Amend House File 2290, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 481A.93, Code 1997, is amended
6 to read as follows:

7 481A.93 HUNTING BY ARTIFICIAL LIGHT.

8 1. A person shall not throw or cast the rays of a
9 spotlight, headlight, or other artificial light on a
10 highway, or in a field, woodland, or forest for the
11 purpose of spotting, locating, or taking or attempting
12 to take or hunt a bird or animal, except raccoons or
13 other fur-bearing animals when treed with the aid of
14 dogs, while having in possession or control, either
15 singly or as one of a group of persons, any firearm,
16 bow, or other implement or device whereby a bird or
17 animal could be killed or taken.

18 2. This section does not apply to deer being taken
19 by or under the control of a local governmental body
20 within its corporate limits pursuant to an approved
21 special deer population control plan."

22 2. Page 1, by inserting after line 12 the
23 following:

24 "Sec. ____ Section 481C.2, Code Supplement 1997,
25 is amended to read as follows:

26 481C.2 DUTIES.

27 The director of the department of natural resources
28 shall enter into a memorandum of agreement with the
29 United States department of agriculture, animal damage
30 control division. The wild animal depredation unit

31 shall serve and act as the liaison to the department
32 for the producers in the state who suffer crop and
33 nursery damage due to wild animals. The department
34 shall issue depredation permits ~~as necessary to reduce~~
35 to any landowner who incurs crop and nursery damage of
36 one thousand dollars or more due to wild animals. The
37 criteria for issuing depredation permits shall be
38 established in administrative rules in consultation
39 with the farmer advisory committee created in section
40 481A.10A. The administrative rules adopted pursuant
41 to this section shall not require a producer to erect
42 or maintain fencing at a cost exceeding one thousand
43 dollars as a requisite for receiving a depredation
44 permit or for participation in a depredation plan.
45 Sec. ____ Section 483A.8, subsection 3, Code 1997,
46 is amended to read as follows:
47 3. A nonresident deer hunter is required to have
48 only a nonresident deer license and a wildlife habitat
49 stamp. The commission shall annually limit to five
50 seven thousand five hundred licenses the number of

Page 2

1 nonresidents allowed to have deer hunting licenses.
2 The number of nonresident deer hunting licenses shall
3 be determined as provided in section 481A.38. The
4 commission shall allocate the nonresident deer hunting
5 licenses issued among the zones based on the
6 populations of deer. However, a nonresident applicant
7 may request one or more hunting zones, in order of
8 preference, in which the applicant wishes to hunt. If
9 the request cannot be fulfilled, the applicable fees
10 shall be returned to the applicant. A nonresident
11 applying for a deer hunting license must exhibit proof
12 of having successfully completed a hunter safety and
13 ethics education program as provided in section
14 483A.27 or its equivalent as determined by the
15 department before the license is issued.

16 Sec. 101. Section 483A.8, Code 1997, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 4. The commission may provide, by
19 rule, for the issuance of an additional antlerless
20 deer license to a person who has been issued an
21 antlerless deer license. The rules shall specify the
22 number of additional antlerless deer licenses which
23 may be issued, and the season and zone in which the
24 license is valid. The fee for an additional
25 antlerless deer license shall be ten dollars for
26 residents. If the commission provides for antlerless
27 deer licenses for nonresidents, the fee shall be
28 twenty-five dollars.

29 Sec. ____ EFFECTIVE DATE. Section 101 of this
30 Act, being deemed of immediate importance, takes

31 effect upon enactment.”
 32 3. Title page, line 1, by inserting after the
 33 word “to” the following: “the regulation of the deer
 34 population and to”.

Dotzler of Black Hawk asked and received unanimous consent to withdraw amendment H-8855, to the Senate amendment H-8758, filed by him on April 1, 1998, and amendments H-8812, H-8813 and H-8823, all to the Senate amendment H-8758, filed by him on March 31, 1998.

Dotzler of Black Hawk offered the following amendment H-8987, to the Senate amendment H-8758, filed by him and Arnold of Lucas and moved its adoption:

H-8987

1 Amend the Senate amendment, H-8758, to House File
 2 2290, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 2, line 1, by inserting the word
 5 “licenses.” the following: “Of the first six thousand
 6 nonresident deer licenses issued, not more than
 7 thirty-five percent of the licenses shall be bow
 8 season licenses and, after the first six thousand
 9 nonresident deer licenses have been issued, all
 10 additional licenses shall be issued for antlerless
 11 deer only.”
 12 2. Page 2, by striking lines 26 through 28 and
 13 inserting the following: “residents.”

Amendment H-8987 was adopted.

On motion by Arnold of Lucas, the House concurred in the Senate amendment H-8758, as amended.

Arnold of Lucas moved that the bill as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 2290)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chiodo	Churchill
Cohoon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler

Drake	Drees	Eddie	Falck
Fallon	Foege	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Kenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Murphy	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker Corbett		

The nays were, none.

Absent or not voting, 6:

Cataldo	Chapman	Ford	Mundie
Myers	Vande Hoef		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2290** be immediately messaged to the Senate.

Richardson of Warren called up for consideration **House File 2175**, a bill for an act relating to the creation of, and annexation of property to, a sanitary sewer district, amended by the Senate, and moved that the House concur in the following Senate amendment H-8888:

H-8888

- 1 Amend House File 2175, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 11, by inserting after the word
- 4 "district." the following: "The property to be
- 5 annexed must be located within the watershed of a
- 6 natural lake or navigable water as defined in section
- 7 462A.2 in the existing district."
- 8 2. Page 3, line 16, by striking the words "
- 9 without naming the owners,".
- 10 3. Page 4, line 8, by inserting after the word

- 11 "hearing." the following: "A representative of the
 12 sanitary district board of trustees shall attend the
 13 public hearing and be available to answer questions
 14 regarding the proposed annexation."

The motion prevailed and the House concurred in the Senate amendment H-8888.

Richardson of Warren moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2175)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chiodo	Churchill
Cohoon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Murphy	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Cataldo	Chapman	Ford	Mundie
Myers			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Klemme of Plymouth called up for consideration **House File 2472**, a bill for an act relating to fines imposed for violations of city or county ordinances or city or county infractions and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-8759:

H-8759

- 1 Amend House File 2472, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 13.
- 4 2. By striking page 1, line 29, through page 2,
- 5 line 5.
- 6 3. Page 2, by striking lines 26 through 31.
- 7 4. Title page, line 1, by striking the word
- 8 "fines" and inserting the following: "civil
- 9 penalties".
- 10 5. Title page, by striking lines 2 and 3 and
- 11 inserting the following: "ordinances or city or
- 12 county infractions."
- 13 6. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8759.

Klemme of Plymouth moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2472)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chiodo	Churchill
Cohoon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Murphy	Nelson	O'Brien

Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 6:

Cataldo	Chapman	Ford	Mundie
Myers	Vande Hoef		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Sukup of Franklin called up for consideration **House File 2487**, a bill for an act relating to the fines and penalties and other requirements applicable to the sale of alcohol and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-8863:

H-8863

- 1 Amend House File 2487, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 9.
- 4 2. Title page, line 1, by striking the words "and
- 5 other requirements".
- 6 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8863.

Sukup of Franklin moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2487)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chiodo	Churchill
Cohoon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler

Drake	Drees	Eddie	Falck
Fallon	Foege	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holyeck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Kenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Murphy	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Cataldo	Chapman	Ford	Mundie
Myers			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2175, 2472 and 2487.**

Houser of Pottawattamie called up for consideration **House File 8**, a bill for an act relating to the funding of state mandates, amended by the Senate amendment H-8002 as follows:

H-8002

- 1 Amend House File 8, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 9, by striking the figure "1997"
- 4 and inserting the following: "1998".
- 5 2. Page 1, line 14, by striking the figure "1997"
- 6 and inserting the following: "1998".
- 7 3. Page 1, line 16, by inserting after the word
- 8 "mandate" the following: "as identified pursuant to
- 9 section 25B.5, subsections 1 and 2".
- 10 4. Page 1, line 18, by inserting after the word

- 11 "liabilities" the following: "imposed by the state".
 12 5. Page 1, line 23, by inserting after the figure
 13 "411" the following: "or to the enforcement of
 14 chapter 321J or the Iowa Criminal Code pursuant to
 15 chapters 701 to 728".
 16 6. By striking page 1, line 29, through page 2,
 17 line 1.
 18 7. By renumbering, relettering, or redesignating
 19 and correcting internal references as necessary.

Kreiman of Davis offered amendment H-8005, to the Senate amendment H-8002, filed by him as follows:

H-8005

- 1 Amend the Senate amendment, H-8002, to House File
 2 8, as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 14, by striking the word
 5 "pursuant" and inserting the following: "including
 6 but not limited".
 7 2. Page 1, line 15, by inserting after the figure
 8 "728" the following: "or any other public offense
 9 which is punishable by fine or imprisonment".

Siegrist of Pottawattamie asked and received unanimous consent that House File 8 be deferred and that the bill retain its place on the calendar. (Senate amendment H-8002 and amendment H-8005 pending.)

CONSIDERATION OF BILL Unfinished Business Calendar

Senate File 187, a bill for an act relating to the issuance of licenses and the imposition of fees for the fishing, trapping, hunting, pursuing, catching, killing, or taking of wild animals, birds, game, or fish, providing for other properly related matters, and subjecting violators to existing penalties, and providing effective and applicability dates, with report of committee recommending amendment and passage, was taken up for consideration.

Klemme of Plymouth offered amendment H-8505 filed by the committee on natural resources as follows:

H-8505

- 1 Amend Senate File 187, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 33, by inserting after the word
 4 "Code" the following: "Supplement".

5 2. Page 5, by striking lines 27 through 29 and
6 inserting the following: "wildlife habitat ~~stamp~~ fee.
7 The commission shall annually limit to two thousand
8 licenses the number of nonresidents allowed to have
9 wild turkey hunting licenses. The number of".

10 3. Page 6, by striking lines 14 through 16 and
11 inserting the following: "habitat ~~stamp~~ fee. The
12 commission shall annually limit to ~~five~~ six thousand
13 licenses the number of nonresidents allowed to have
14 deer hunting licenses. The number of nonresident
15 deer".

16 4. Page 7, line 10, by inserting after the word
17 "fee." the following: "A person authorized to issue a
18 license or collect a fee pursuant to this chapter or
19 chapter 484A shall charge the fee specified in this
20 chapter or chapter 484A only plus a writing fee if
21 applicable."

22 5. Page 8, line 8, by inserting after the word
23 "depository." the following: "A license depository
24 may charge and retain a writing fee of one dollar for
25 the issuance of a free deer hunting license or a free
26 wild turkey hunting license as authorized under
27 section 483A.24, subsection 2."

28 6. Page 8, line 32, by inserting after the word
29 "original." the following: "The license depository
30 may charge and retain a writing fee of one dollar for
31 each duplicate license issued pursuant to this
32 section."

33 7. Page 9, line 11, by inserting after the word
34 "Code" the following: "Supplement".

35 8. Page 12, by striking lines 4 and 5.

36 9. Page 12, line 7, by striking the figure "1997"
37 and inserting the following: "1998".

38 10. Page 12, line 10, by striking the figure
39 "1998" and inserting the following: "1999".

40 11. By renumbering, relettering, or redesignating
41 and correcting internal references as necessary.

Klemme of Plymouth asked and received unanimous consent to withdraw amendments H-8869 and H-8885, both to the committee amendment H-8505, filed by him on April 2, 1998.

Dolecheck of Ringgold asked and received unanimous consent to withdraw amendment H-8916, to the committee amendment H-8505, filed by him on April 3, 1998.

Arnold of Lucas asked and received unanimous consent to withdraw amendment H-9001, to the committee amendment H-8505, filed by him on April 8, 1998.

Klemme of Plymouth moved the adoption of the committee amendment H-8505.

The committee amendment H-8505 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carroll of Poweshiek, until his return, on request of Siegrist of Pottawattamie.

Schrader of Marion asked and received unanimous consent that amendment H-8519 be deferred.

Whitead of Woodbury offered amendment H-8547 filed by him and Warnstadt of Woodbury as follows:

H-8547

1 Amend Senate File 187, as passed by the Senate, as
 2 follows:
 3 1. Page 2, by inserting after line 11 the
 4 following:
 5 "Sec. ____ Section 481A.68, subsection 2, Code
 6 1997, is amended to read as follows:
 7 2. A person shall not use more than three tip-up
 8 fishing devices for fishing in the waters of the
 9 Mississippi river, the Missouri river, and the Big
 10 Sioux river, and its their connected backwater. A
 11 person may use two or three hooks on the same line,
 12 but the total number of hooks used by each person
 13 shall not exceed three. Each tip-up fishing device
 14 used in fishing shall have attached a tag plainly
 15 labeled with the owner's name and address. A person
 16 shall not use a tip-up fishing device for fishing
 17 within three hundred feet of a dam or spillway or in a
 18 part of the river which is closed or posted against
 19 use of the device. Three tip-up fishing devices may
 20 be used in addition to the two lines with no more than
 21 two hooks per line, as specified in section 481A.72."

Klemme of Plymouth rose on a point of order that amendment H-8547 was not germane.

The Speaker ruled the point well taken and amendment H-8547 not germane.

Brand of Tama offered amendment H-8613 filed by him as follows:

H-8613

1 Amend Senate File 187, as passed by the Senate, as
 2 follows:
 3 1. Page 2, by inserting after line 11 the
 4 following:
 5 "Sec. ____ Section 481A.54, Code 1997, is amended

6 by adding the following new subsection:

7 NEW SUBSECTION. 2A. A person shall not discharge
8 a shotgun with a slug load or a muzzleloader from a
9 highway during the gun deer seasons. As used in this
10 section, "highway" means the same as defined in
11 section 321.1."
12 2. By renumbering as necessary.

Klemme of Plymouth rose on a point of order that amendment H-8613 was not germane.

The Speaker ruled the point well taken and amendment H-8613 not germane.

Barry of Harrison asked and received unanimous consent to withdraw amendment H-8747 filed by her on March 26, 1998.

Dotzler of Black Hawk asked and received unanimous consent to withdraw amendment H-8874 filed by him on April 2, 1998.

Klemme of Plymouth offered the following amendment H-8764 filed by him and moved its adoption:

H-8764

1 Amend Senate File 187, as passed by the Senate, as
2 follows:
3 1. Page 2, line 23, by striking the words "
4 seasonal, individual".
5 2. Page 3, line 3, by striking the word "
6 seasonal".

Amendment H-8764 was adopted.

Fallon of Polk offered the following amendment H-8816 filed by him and Boddicker of Cedar and moved its adoption:

H-8816

1 Amend Senate File 187, as passed by the Senate, as
2 follows:
3 1. Page 5, line 24, by inserting after the word
4 "fee." the following: Upon application and payment of
5 the required fees for archery-only licenses, a
6 resident archer shall be issued two wild turkey
7 licenses for the spring season."

Amendment H-8816 was adopted.

Weidman of Cass asked and received unanimous consent to withdraw amendment H-8917 filed by him and Hahn of Muscatine on April 3, 1998.

Weidman of Cass offered the following amendment H-8956 filed by him and Hahn of Muscatine and moved its adoption:

H-8956

1 Amend Senate File 187, as passed by the Senate, as
2 follows:
3 1. Page 9, by inserting after line 5 the
4 following:
5 "Sec. ____ Section 483A.19, Code 1997, is amended
6 to read as follows:
7 483A.19 SHOWING LICENSE TO OFFICER.
8 Every person shall, while fishing, hunting, or fur
9 harvesting, show the person's license, certificate, or
10 permit, to any peace officer or the owner or person in
11 lawful control of the land or water upon which
12 licensee may be hunting, fishing, or fur harvesting
13 when requested by the persons to do so. Any failure
14 to so carry or refusal to show or so exhibit the
15 person's license, certificate, or permit shall be a
16 violation of this chapter. However, except for
17 possession and exhibition of deer licenses and tags or
18 wild turkey licenses and tags, a person charged with
19 violating this section shall not be convicted if the
20 person produces in court, within a reasonable time, a
21 license, certificate, or permit for hunting, fishing,
22 or fur harvesting issued to that person and valid when
23 the person was charged with a violation of this
24 section."

Amendment H-8956 was adopted.

Brauns of Muscatine offered the following amendment H-8524 filed by him and moved its adoption:

H-8524

1 Amend Senate File 187, as passed by the Senate, as
2 follows:
3 1. Page 9, by inserting after line 10 the
4 following:
5 "Sec. ____ Section 483A.24, subsection 2,
6 paragraph b, Code Supplement 1997, is amended to read
7 as follows:
8 b. Upon written application on forms furnished by
9 the department, the department shall issue annually
10 without fee one deer or one wild turkey license, or
11 both, to the owner of a farm unit or to a member of
12 the owner's family, but not to both, and to the tenant
13 or to a member of the tenant's family, but not to
14 both. The deer hunting license or wild turkey hunting
15 license issued shall be valid only on the farm unit

16 for which an applicant qualifies pursuant to this
 17 subsection and shall be equivalent to the least
 18 restrictive license issued under section 481A.38. The
 19 owner or the tenant need not reside on the farm unit
 20 to qualify for a free license to hunt on that farm
 21 unit. A free deer hunting license issued pursuant to
 22 this subsection shall be valid during all shotgun deer
 23 seasons."

Amendment H-8524 was adopted.

Dotzler of Black Hawk asked and received unanimous consent to withdraw amendment H-8517 filed by him on March 19, 1998.

Schrader of Marion asked and received unanimous consent to withdraw amendment H-8519 filed by Myers of Johnson on March 19, 1998.

Speaker pro tempore Van Maanen of Marion in the chair at 12:13 p.m.

Klemme of Plymouth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 187)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Brand
Brauns	Brunkhorst	Bukta	Burnett
Chapman	Chiodo	Churchill	Cohoon
Connors	Corbett, Spkr.	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Hoef	Veestra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Bradley
Mundie

Carroll

Cataldo

Grundberg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:18 p.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened at 1:15 p.m., Speaker Corbett in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 316, a bill for an act relating to the training and probationary periods for certain law enforcement officers.

Also: That the Senate has on April 13, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 347, a bill for an act relating to the disposal of public nuisances seized by the department of natural resources.

Also: That the Senate has on April 13, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 518, a bill for an act relating to the administration of state government, by providing for the practices of the department of general services, state procurement, motor vehicles, and state printing.

Also: That the Senate has on April 13, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2109, a bill for an act relating to mobile home dealers.

Also: That the Senate has on April 13, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2339, a bill for an act relating to an inmate's right to counsel in a postconviction proceeding pertaining to a forfeiture of a reduction in sentence or the unlawful holding of a person in custody or restraint.

Also: That the Senate has on April 13, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2368, a bill for an act relating to the management of public rights-of-way by local government units, eliminating the power of cities to grant franchises to erect, maintain, and operate plants and systems for telecommunications services within the city, and providing an effective date.

MARY PAT GUNDERSON, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-one members present, twenty-nine absent.

SENATE-AMENDMENT CONSIDERED

Hansen of Pottawattamie called up for consideration **House File 2120**, a bill for an act prohibiting the use of self-service displays in the offering for sale or sale of cigarettes or tobacco products, and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H-8933:

H-8933

- 1 Amend House File 2120 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 2 through 9.
- 4 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 42, nays 38.

The motion prevailed and the House concurred in the Senate amendment H-8933.

Hansen of Pottawattamie moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2120)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunckhorst	Bukta
Burnett	Carroll	Chapman	Chiodo

Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Murphy	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, 2:

Doderer Myers

Absent or not voting, 2:

Cataldo Mundie

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONSIDERATION OF BILL Unfinished Business Calendar

Senate File 466, a bill for an act relating to the theft of video rental property and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 466)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta

Burnett	Carroll	Chapman	Churchill
Cohoon	Connors	Cormack	Dinkla
Dix	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Millage	Moreland	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker Corbett		

The nays were, 2:

Doderer Fallon

Absent or not voting, 4:

Cataldo Chiodo Meyer Mundie

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 466** be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Sukup of Franklin called up for consideration **House File 2400**, a bill for an act providing a procedure for the preservation of a mechanic's lien for materials or labor furnished to a subcontractor and providing for related matters, amended by the Senate, and moved that the House concur in the following Senate amendment H-9096:

H-9096

1 Amend House File 2400, as passed by the House, as

2 follows:

3 1. Page 2, line 2, by inserting after the word

4 "land," the following: "However, this presumption
 5 shall not pertain to recoveries sought under a surety
 6 bond."

7 2. Page 2, by inserting before line 3 the
 8 following:

9 "Sec. ____ Section 572.14, subsection 2, Code
 10 1997, is amended to read as follows:

11 2. In the case of an owner-occupied dwelling, a
 12 mechanic's lien perfected under this chapter is
 13 enforceable only to the extent of the ~~balance due from~~
 14 ~~the owner to the principal contractor at the time~~
 15 ~~written notice, in the form amount due the principal~~
 16 contractor by the owner-occupant under the contract,
 17 less any payments made by the owner-occupant to the
 18 principal contractor prior to the owner-occupant being
 19 served with the notice specified in subsection 3, ~~is~~
 20 ~~served on the owner.~~ This notice may be served by
 21 delivering it to the owner or the owner's spouse
 22 personally, or by mailing it to the owner by certified
 23 mail with restricted delivery and return receipt to
 24 the person mailing the notice, or by personal service
 25 as provided in the rules of civil procedure."

26 3. Page 2, line 13, by striking the words "the
 27 principal contractor" and inserting the following:
 28 "the owner and the principal contractor".

29 4. By renumbering, relettering, or redesignating
 30 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amend-
 ment H-9096.

Sukup of Franklin moved that the bill, as amended by the Senate
 and concurred in by the House, be read a last time now and placed upon
 its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2400)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Chapman	Chiodo	Churchill
Cohoon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman

Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veestra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker Corbett	

The nays were, none.

Absent or not voting, 5:

Bogges	Cataldo	Foege	Mundie
Rants			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2400** be immediately messaged to the Senate.

Larson of Linn called up for consideration **Senate File 2311**, a bill for an act relating to partnerships by replacing the existing law with a uniform partnership law and providing penalties and an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-9007:

H-9007

- 1 Amend the House amendment, S-5503, to Senate File
- 2 2311, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 4 the
- 5 following:
- 6 "_. Page 55, by inserting after line 28 the
- 7 following:
- 8 "Sec. 1001. CODE EDITOR DIRECTIVE. In order to
- 9 distinguish between chapter 486, Code and Code
- 10 Supplement 1997, which is not repealed until January
- 11 1, 2001, and which will appear in Code 1999, and the
- 12 new sections of chapter 486 which are created by this
- 13 Act, which are effective January 1, 1999, and which
- 14 will also appear in Code 1999, the Code editor shall

- 15 codify the new sections of chapter 486, as enacted by
 16 this Act, as a new chapter 486A.”
 17 2. Page 55, by inserting after line 28 the
 18 following:
 19 “Sec. ____ EFFECTIVE DATE. Section 1001 of this
 20 Act, being deemed of immediate importance, takes
 21 effect upon enactment.”
 22 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-9007.

Larson of Linn moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 2311)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Moreland
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 2:

Greiner

Millage

Absent or not voting, 3:

Cataldo

Jenkins

Mundie

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Teig of Hamilton called up for consideration **House File 2494**, a bill for an act regulating animal feeding operations and making penalties applicable and providing an effective date, amended by the Senate amendment H-9048 as follows:

H-9048

1 Amend House File 2494, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 7D.10A ALLOCATION TO
6 MANURE STORAGE INDEMNITY FUND.

7 If moneys are not sufficient to support the manure
8 storage indemnity fund as provided in chapter 204, the
9 executive council may allocate from moneys in the
10 general fund of the state, which are not otherwise
11 obligated or encumbered, an amount to the manure
12 storage indemnity fund as provided under section
13 204.2. However, not more than a total of one million
14 dollars shall be allocated to the manure storage
15 indemnity fund at any time.

16 Sec. 2. Section 204.1, subsections 4, 8, and 9,
17 Code 1997, are amended to read as follows:

18 4. "Department" means the department of
19 agriculture and land stewardship natural resources.

20 8. "Manure storage structure" means ~~a structure~~
21 ~~used to store manure as part of a confinement feeding~~
22 ~~operation subject to a construction permit issued by~~
23 ~~the department of natural resources pursuant to~~
24 ~~section 455B.173. A manure storage structure~~
25 ~~includes, but is not limited to, an anaerobic lagoon,~~
26 ~~formed manure storage structure, or earthen manure~~
27 ~~storage basin, the same~~ as defined in section 455B.161
28 455B.171.

29 9. "Permittee" means a person who, pursuant to
30 section 455B.200A, obtains a permit for the
31 construction of a manure storage structure, or a
32 confinement feeding operation, if a manure storage
33 structure is connected to the confinement feeding
34 operation.

35 Sec. 3. Section 204.2, subsections 2, 3, and 5,
36 Code 1997, are amended to read as follows:

37 2. The fund consists of moneys from indemnity fees
38 remitted by permittees to the department of ~~natural~~

39 resources and transferred to the department of
 40 agriculture and land stewardship as provided in
 41 section 204.3; moneys from indemnity fees remitted by
 42 persons required to submit manure management plans to
 43 the department pursuant to section 204.3A; sums
 44 collected on behalf of the fund by the department
 45 through legal action or settlement; moneys required to
 46 be repaid to the department by a county pursuant to
 47 this chapter; civil penalties assessed and collected
 48 by the department of natural resources or the attorney
 49 general pursuant to chapter 455B, against permittees
 50 animal feeding operations; moneys paid as a settlement

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1 involving an enforcement action for a civil penalty
 2 subject to assessment and collection against
 3 permittees by the department of ~~natural resources or~~
 4 the attorney general pursuant to chapter 455B;
 5 interest, property, and securities acquired through
 6 the use of moneys in the fund; or moneys contributed
 7 to the fund from other sources.
 8 3. The moneys collected under this section ~~and~~
 9 shall be deposited in the fund ~~and~~ shall be
 10 appropriated to the department for the exclusive
 11 purpose of ~~indemnifying a county for expenses related~~
 12 ~~to cleaning up the site of the confinement feeding~~
 13 ~~operation, including removing and disposing of manure~~
 14 ~~from a manure storage structure providing moneys for~~
 15 cleanup of abandoned facilities as provided in section
 16 204.4, and to pay the department for costs related to
 17 administering the provisions of this chapter. For
 18 each fiscal year, the department shall not use more
 19 than one percent of the total amount which is
 20 available in the fund or ten thousand dollars,
 21 whichever is less, to pay for the costs of
 22 administration. Moneys in the fund shall not be
 23 subject to appropriation or expenditure for any other
 24 purpose than provided in this section.
 25 5. The following shall apply to moneys in the
 26 fund:
 27 a. On August 31 following the close of each fiscal
 28 year, moneys in the fund which are not obligated or
 29 encumbered on June 30 of the past fiscal year, less
 30 not counting the department's estimate of the cost to
 31 the fund for pending or unsettled claims and any
 32 amount required to be credited to the general fund of
 33 the state under this subsection, and which are in
 34 excess of one three million dollars, shall be
 35 deposited in the organic nutrient management fund as
 36 created in section 161C.5 for purposes of supporting
 37 the organic nutrient management program.
 38 b. The executive council may allocate moneys from

39 the general fund of the state as provided in section
40 7D.10A in an amount necessary to support the fund,
41 including payment of claims as provided in section
42 204.4. However, an allocation of moneys from the
43 general fund of the state shall be made only if the
44 amount of moneys in the fund, which are not obligated
45 or encumbered, and not counting the department's
46 estimate of the cost to the fund for pending or
47 unsettled claims and any amount required to be
48 credited to the general fund of the state under this
49 subsection, is less than one million dollars.
50 c. The department shall credit an amount to the

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1 general fund of the state which is equal to an amount
2 allocated to the fund by the executive council under
3 paragraph "b". The department shall credit the moneys
4 to the general fund of the state, if the moneys in the
5 fund which are not obligated or encumbered, and not
6 counting the department's estimate of the cost to the
7 fund for pending or unsettled claims and any amount
8 required to be transferred to the general fund under
9 this paragraph, are in excess of two million five
10 hundred thousand dollars. The department is not
11 required to credit the total amount to the general
12 fund of the state during any one fiscal year.

13 Sec. 4. Section 204.3, Code 1997, is amended to
14 read as follows:

15 204.3 FEES.

16 An indemnity fee shall be assessed upon permittees
17 which shall be paid to and collected by the department
18 of natural resources, prior to issuing a permit for
19 the construction of a confinement feeding operation as
20 provided in section 455B-173 455B.200A. The amount of
21 the fees shall be based on the following:

22 1. If the confinement feeding operation has an
23 animal weight capacity of less than six hundred
24 twenty-five thousand pounds, the following shall
25 apply:

26 a. For all animals other than poultry, the amount
27 of the fee shall be ~~five~~ ten cents per animal unit of
28 capacity for confinement feeding operations.

29 b. For poultry, the amount of the fee shall be ~~two~~
30 four cents per animal unit of capacity for confinement
31 feeding operations.

32 2. If the confinement feeding operation has an
33 animal weight capacity of six hundred twenty-five
34 thousand or more pounds but less than one million two
35 hundred fifty thousand pounds, the following shall
36 apply:

37 a. For all animals other than poultry, the amount
38 of the fee shall be ~~seven and one-half~~ fifteen cents

39 per animal unit of capacity for confinement feeding
40 operations.

41 b. For poultry, the amount of the fee shall be
42 ~~three~~ six cents per animal unit of capacity for
43 confinement feeding operations.

44 3. If the confinement feeding operation has an
45 animal weight capacity of one million two hundred
46 fifty thousand or more pounds, the following shall
47 apply:

48 a. For all animals other than poultry, the amount
49 of the fee shall be ~~ten~~ twenty cents per animal unit
50 of capacity for confinement feeding operations.

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1 b. For poultry, the amount of the fee shall be
2 ~~four~~ eight cents per animal unit of capacity for
3 confinement feeding operations.

4 The department of ~~natural resources~~ shall deposit
5 moneys collected from the fees into the fund according
6 to procedures adopted by the department of ~~agriculture~~
7 ~~and land stewardship~~.

8 Sec. 5. NEW SECTION. 204.3A MANURE MANAGEMENT
9 PLAN - INDEMNITY FEE REQUIRED.

10 An indemnity fee shall be assessed upon persons
11 required to submit a manure management plan as
12 provided in section 455B.203, but not required to
13 obtain a construction permit pursuant to section
14 455B.200A. The amount of the fees shall be ten cents
15 per animal unit of capacity for confinement feeding
16 operations.

17 Sec. 6. Section 204.4, subsections 1 and 2, Code
18 1997, is amended to read as follows:

19 1. A county that has acquired real estate
20 containing a manure storage structure following
21 nonpayment of taxes pursuant to section 446.19, may
22 make a claim against the fund to pay ~~the costs of~~
23 ~~cleaning up the site of the confinement feeding~~
24 ~~operation, including the costs of removing and~~
25 ~~disposing of the manure from a manure storage~~
26 structure cleanup costs incurred by the county as
27 provided in section 204.5. Each claim shall include a
28 bid by a qualified person, other than a governmental
29 entity, to remove and dispose of the manure for a
30 fixed amount specified in the bid.

31 2. ~~The~~ If a county provides cleanup under section
32 204.5 after acquiring real estate following nonpayment
33 of taxes, the department shall determine if a claim is
34 eligible to be satisfied under this ~~section~~
35 subsection, and do one of the following:

36 a. Pay the amount of the claim required in this
37 section, based on the fixed amount specified in the
38 bid submitted by the county upon completion of the

39 work.

40 b. Obtain a lower fixed amount bid for the work
41 from another qualified person, other than a
42 governmental entity, and pay the amount of the claim
43 required in this section, based on the fixed amount in
44 this bid upon completion of the work. The department
45 is not required to comply with section 18.6 in
46 implementing this section.

47 2A. If a county provides cleanup of a condition
48 causing a clear, present, and impending danger to the
49 public health or environment, as provided in section
50 204.5, the county may make a claim against the fund to

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1 pay cleanup costs incurred by the county, according to
2 procedures and requirements established by rules
3 adopted by the department. The department shall
4 determine if a claim is eligible to be satisfied under
5 this subsection, and pay the amount of the claim
6 required in this section.

7 Sec. 7. NEW SECTION. 204.4A USE OF FUND FOR
8 EMERGENCY CLEANUP.

9 If the department provides cleanup of a condition
10 caused by a confinement feeding operation as provided
11 in section 204.5, the department may use moneys in the
12 fund for purposes of supporting the cleanup. The
13 department shall reimburse the fund from moneys
14 recovered by the department as reimbursement for the
15 cleanup as provided in section 204.5.

16 Sec. 8. Section 204.5, Code 1997, is amended to
17 read as follows:

18 204.5 SITE CLEANUP.

19 1. a. A county which that has acquired real
20 estate containing on which there is located a
21 confinement feeding operation structure, as defined in
22 section 455B.161, following the nonpayment of taxes
23 pursuant to section 446.19, may clean up the site
24 provide for cleanup, including removing and disposing
25 of manure at any time, remediating contamination which
26 originates from the confinement feeding operation, or
27 demolishing and disposing of structures relating to
28 the confinement feeding operation. The county may
29 seek reimbursement including by bringing an action for
30 the costs of the removal and disposal cleanup from the
31 person abandoning the real estate.

32 b. If the confinement feeding operation has caused
33 a clear, present, and impending danger to the public
34 health or the environment, the department may clean up
35 the confinement feeding operation and remediate
36 contamination which originates from the confinement
37 feeding operation, pursuant to sections 455B.381
38 through 455B.399. If the department fails to commence

39 cleanup within twenty-four hours after being notified
40 of a condition requiring cleanup, the county may
41 provide for the cleanup as provided in this paragraph.
42 The department or county may seek reimbursement
43 including by bringing an action for the costs of the
44 cleanup from a person liable for causing the
45 condition.
46 2. A person cleaning up a site confinement feeding
47 operation located on real estate acquired by a county
48 may demolish or dispose of any building or equipment
49 used in of the confinement feeding operation located
50 on the land according to rules adopted by the

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1 department of natural resources pursuant to chapter
2 17A, which apply to the disposal of farm buildings or
3 equipment by an individual or business organization.
4 Sec. 9. NEW SECTION. 331.304A LIMITATIONS ON
5 COUNTY LEGISLATION.
6 1. As used in this section:
7 a. "Aerobic structure", "animal", "animal feeding
8 operation", "animal feeding operation structure", and
9 "manure" mean the same as defined in section 455B.161.
10 b. "County legislation" means any ordinance,
11 motion, resolution, or amendment adopted by a county
12 pursuant to section 331.302.
13 2. A county shall not adopt or enforce county
14 legislation regulating a condition or activity
15 occurring on land used for the production, care,
16 feeding, or housing of animals unless the regulation
17 of the production, care, feeding, or housing of
18 animals is expressly authorized by state law. County
19 legislation adopted in violation of this section is
20 void and unenforceable and any enforcement activity
21 conducted in violation of this section is void. A
22 condition or activity occurring on land used for the
23 production, care, feeding, or housing of animals
24 includes but is not limited to the construction,
25 operation, or management of an animal feeding
26 operation, an animal feeding operation structure, or
27 aerobic structure, and to the storage, handling, or
28 application of manure or egg washwater.
29 Sec. 10. Section 455B.104, Code 1997, is amended
30 to read as follows:
31 455B.104 DEPARTMENTAL DUTIES - PERMITS -
32 REQUIREMENTS AND ASSISTANCE.
33 1. The department shall either approve or deny a
34 permit to a person applying for a permit under this
35 chapter, within six months from the date that the
36 department receives a completed application for the
37 permit. An application which is not approved or
38 denied within the six-month period shall be approved

39 by default. The department shall issue a permit to
40 the applicant within ten days following the date of
41 default approval. However, this ~~section~~ subsection
42 shall not apply to applications for permits which are
43 issued under division II, or division IV, parts 2
44 through 7.

45 2. For five years after the date of the last
46 violation of this chapter committed by a person or by
47 a confinement feeding operation in which the person
48 holds a controlling interest during which the person
49 or confinement feeding operation was classified as a
50 habitual violator under section 455B.191, all of the

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1 following shall apply:

2 a. The department may not issue a new permit under
3 this chapter to the person or confinement feeding
4 operation.

5 b. The department may revoke or refuse to renew an
6 existing permit issued under this chapter, to the
7 person or confinement feeding operation, if the permit
8 relates to a confinement feeding operation, and the
9 department determines that the continued operation of
10 the confinement feeding operation under the existing
11 permit constitutes a clear, present, and impending
12 danger to the public health or environment.

13 3. The department shall assist persons applying
14 for assistance to establish and operate renewable fuel
15 production facilities pursuant to the value-added
16 agricultural products and processes financial
17 assistance program established in section 15E.111.

18 Sec. 11. Section 455B.110, Code 1997, is amended
19 to read as follows:

20 455B.110 ANIMAL FEEDING OPERATIONS — COMMISSION
21 APPROVAL OF INVESTIGATIONS AND ENFORCEMENT ACTIONS.

22 1. A person may file a complaint alleging that an
23 animal feeding operation is in violation of this
24 chapter, including rules adopted by the department, or
25 environmental standards or regulations subject to
26 federal law and enforced by the department.

27 a. The complaint may be filed with the department
28 according to procedures required by the department or
29 with the county board of supervisors in the county
30 where the violation is alleged to have occurred,
31 according to procedures required by the board. The
32 county auditor may accept the complaint on behalf of
33 the board.

34 b. If the county board of supervisors receives a
35 complaint, it shall conduct a review to determine if
36 the allegation contained in the complaint constitutes
37 a violation, without investigating whether the facts
38 supporting the allegation are true or untrue.

39 (1) If the county board of supervisors determines
40 that the allegation does not constitute a violation,
41 it shall notify the complainant, the animal feeding
42 operation which is the subject of the complaint, and
43 the department, according to rules adopted by the
44 department.

45 (2) If the county board of supervisors determines
46 that the allegation constitutes a violation, it shall
47 forward the complaint to the department which shall
48 investigate the complaint as provided in this section.

49 c. If the department receives a complaint from a
50 complainant or a county forwarding a complaint, the

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1 department shall conduct an investigation of the
2 complaint, if the department determines that the
3 complaint is legally sufficient and an investigation
4 is justified. The department shall receive a
5 complaint filed by a complainant, regardless of
6 whether the complainant has filed a complaint with a
7 county board of supervisors.

8 (1) The department in its discretion shall
9 determine the urgency of the investigation, and the
10 time and resources required to complete the
11 investigation, based upon the circumstances of the
12 case, including the severity of a threat to the
13 quality of surface or subsurface water.

14 (2) The department shall notify the county board
15 of supervisors in the county where the violation is
16 alleged to occur prior to investigating the premises
17 of the alleged violation. However, the department is
18 not required to provide notice if the department
19 determines that a clear, present, and impending danger
20 to the public health or environment requires immediate
21 action.

22 (3) The county board of supervisors may designate
23 a county employee to accompany a departmental official
24 during the investigation of the premises of a
25 confinement feeding operation. The county designee
26 shall have the same right of access to the real estate
27 of the premises as the departmental official
28 conducting the inspection during the period that the
29 county accompanies the departmental official.

30 (4) Upon the completion of an investigation, the
31 department shall notify the complainant of the results
32 of the investigation, including any anticipated,
33 pending, or completed enforcement action arising from
34 the investigation. The department shall deliver a
35 copy of the notice to the animal feeding operation
36 that is the subject of the complaint and the board of
37 supervisors of the county where the violation is
38 alleged to have occurred.

39 d. A county board of supervisors or the department
40 is not required to divulge information regarding the
41 identity of the complainant.
42 2. When entering the premises of an animal feeding
43 operation, a person who is a departmental official, an
44 agent of the department, or a person accompanying the
45 departmental official or agent shall comply with
46 section 455B.103. The person shall also comply with
47 standard biosecurity requirements customarily required
48 by the animal feeding operation which are necessary in
49 order to control the spread of disease among an animal
50 population.

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1 3. The department shall not initiate an
2 enforcement action in response to a violation by an
3 animal feeding operation as provided in this chapter
4 or a rule adopted pursuant to this chapter, or request
5 the commencement of legal action by the attorney
6 general pursuant to section 455B.141, unless the
7 commission has approved the intended action. This
8 section subsection shall not apply to an enforcement
9 action in which the department enforces a civil
10 penalty of three thousand dollars or less. This
11 section subsection shall also not apply to an order to
12 terminate an emergency issued by the director pursuant
13 to section 455B.175.

14 Sec. 12. Section 455B.161, Code 1997, is amended
15 by adding the following new subsections:

16 NEW SUBSECTION. 0A. "Aerobic structure" means an
17 animal feeding operation structure other than an egg
18 washwater storage structure which employs bacterial
19 action which is maintained by the utilization of air
20 or oxygen and which includes aeration equipment.

21 NEW SUBSECTION. 5A. "Cemetery" means a space held
22 for the purpose of permanent burial, entombment, or
23 interment of human remains that is owned or managed by
24 a political subdivision or private entity, or a
25 cemetery regulated pursuant to chapter 523I or 566A.
26 However, "cemetery" does not include a pioneer
27 cemetery as defined in section 331.325.

28 NEW SUBSECTION. 19A. "Spray irrigation equipment"
29 means the same as defined in section 455B.171.

30 NEW SUBSECTION. 21. "Unformed manure storage
31 structure" means a covered or uncovered animal feeding
32 operation structure in which manure is stored, other
33 than a formed manure storage structure, which is an
34 anaerobic lagoon, aerobic structure, or earthen manure
35 storage basin.

36 Sec. 13. Section 455B.161, subsection 17, Code
37 1997, is amended to read as follows:

38 17. "Public use area" means that any of the

39 following:

40 a. A portion of land owned by the United States,
 41 the state, or a political subdivision with facilities
 42 which attract the public to congregate and remain in
 43 the area for significant periods of time, as provided
 44 by rules which shall be adopted by the department
 45 pursuant to chapter 17A.

46 b. A cemetery.

47 Sec. 14. NEW SECTION. 455B.161A CONFINEMENT
 48 FEEDING OPERATIONS – SPECIAL TERMS.

49 For purposes of this part, all of the following
 50 shall apply:

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1 1. Two or more confinement feeding operations are
 2 adjacent if all of the following apply:

3 a. An animal feeding operation structure which is
 4 part of one confinement feeding operation is located
 5 within the following distance from an animal feeding
 6 operation structure which is part of the other
 7 confinement feeding operation:

8 (1) One thousand two hundred fifty feet for all of
 9 the following:

10 (a) Confinement feeding operations having an
 11 animal weight capacity of less than one million two
 12 hundred fifty thousand pounds for animals other than
 13 bovine.

14 (b) Confinement feeding operations having an
 15 animal weight capacity of less than four million
 16 pounds for bovine.

17 (2) One thousand five hundred feet for all of the
 18 following:

19 (a) Confinement feeding operations having an
 20 animal weight capacity of one million two hundred
 21 fifty thousand pounds or more but less than two
 22 million pounds for animals other than swine kept in a
 23 farrow-to-finish operation or bovine.

24 (b) Confinement feeding operations having an
 25 animal weight capacity of one million two hundred
 26 fifty thousand pounds or more but less than two
 27 million five hundred thousand pounds for swine kept in
 28 a farrow-to-finish operation.

29 (c) Confinement feeding operations having an
 30 animal weight capacity of four million or more pounds
 31 but less than six million pounds for bovine.

32 (3) Two thousand five hundred feet for all of the
 33 following:

34 (a) Confinement feeding operations having an
 35 animal weight capacity of two million pounds or more
 36 for animals other than swine kept in a farrow-to-
 37 finish operation or bovine.

38 (b) Confinement feeding operations having an

39 animal weight capacity of two million five hundred
40 thousand pounds for swine kept in a farrow-to-finish
41 operation.

42 (c) Confinement feeding operations having an
43 animal weight capacity of six million or more pounds
44 for bovine.

45 b. An animal feeding operation structure subject
46 to the distance requirements of this subsection is
47 constructed after March 20, 1996.

48 2. An animal feeding operation structure is
49 "constructed" when any of the following occurs:

50 a. Excavation for a proposed animal feeding

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1 operation structure or proposed expansion of an
2 existing animal feeding operation structure, including
3 excavation for the footings of the animal feeding
4 operation structure.

5 b. Forms for concrete are installed for a proposed
6 animal feeding operation structure or the proposed
7 expansion of an existing animal feeding operation
8 structure.

9 c. Piping for the movement of manure is installed
10 within or between animal feeding operation structures
11 as proposed or proposed to be expanded.

12 Sec. 15. Section 455B.162, unnumbered paragraph 1,
13 Code 1997, is amended to read as follows:

14 The following shall apply to animal feeding
15 operation structures:

16 1. Except as provided in subsection 2, and
17 sections 455B.163 and 455B.165, this subsection
18 applies to animal feeding operation structures
19 constructed on or after May 31, 1995, but prior to the
20 effective date of this section; and to the expansion
21 of structures constructed on or after May 31, 1995;
22 or, except as provided in section 455B.163, to the
23 expansion of structures constructed prior to May 31,
24 1995; the effective date of this section.

25 Sec. 16. Section 455B.162, subsection 1, Code
26 1997, is amended to read as follows:

27 1. Except as provided in subsection 2, the
28 following table shall apply to animal feeding
29 operation structures:

30 a. The following table represents the minimum
31 separation distance in feet required between an animal
32 feeding operation structure and a residence not owned
33 by the owner of the animal feeding operation, or a
34 commercial enterprise, bona fide religious
35 institution, or an educational institution:

36 Minimum
37 separation
38 distance in

39		feet for	
40		operations	
41	Minimum	having an	
42	separation	animal	Minimum
43	distance in	weight	separation
44	feet for	capacity of	distance in
45	operations	625,000 or	feet for
46	having an	more pounds	operations
47	animal	but less than	having an
48	weight	1,250,000	animal
49	capacity of	pounds for	weight
50	less than	animals other	capacity of

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1	625,000	than bovine,	1,250,000 or
2	pounds for	or 1,600,000	more pounds
3	animals other	or more	for animals
4	than bovine,	pounds but	other than
5	or less than	less than	bovine, or
6	1,600,000	4,000,000	4,000,000 or
7	pounds for	pounds for	more pounds
8	<u>Type of structure</u>	<u>bovine</u>	<u>for bovine</u>
9	Anaerobic		
10	lagoon	1,250	1,875 2,500
11	Uncovered earthen		
12	manure storage		
13	basin	1,250	1,875 2,500
14	Uncovered formed		
15	manure storage		
16	structure	1,000	1,500 2,000
17	Covered earthen		
18	manure storage		
19	basin	750	1,000 1,500
20	Covered formed		
21	manure storage		
22	structure	750	1,000 1,500
23	Confinement		
24	building	750	1,000 1,500
25	Egg washwater		
26	storage structure	750	1,000 1,500
27	<u>1A. Except as provided in subsection 2, and</u>		
28	<u>sections 455B.163 and 455B.165, this subsection</u>		
29	<u>applies to animal feeding operation structures</u>		
30	<u>constructed on or after the effective date of this</u>		
31	<u>section and to the expansion of structures constructed</u>		
32	<u>on or after the effective date of this section. The</u>		
33	<u>following table represents the minimum separation</u>		
34	<u>distance in feet required between an animal feeding</u>		
35	<u>operation structure and a residence not owned by the</u>		
36	<u>owner of the animal feeding operation, or a commercial</u>		
37	<u>enterprise, bona fide religious institution, or an</u>		
38	<u>educational institution:</u>		

39		<u>Minimum</u>	
40		<u>separation</u>	
41		<u>distance in</u>	
42		<u>feet for</u>	
43		<u>operations</u>	
44	<u>Minimum</u>	<u>having an</u>	
45	<u>separation</u>	<u>animal</u>	<u>Minimum</u>
46	<u>distance in</u>	<u>weight</u>	<u>separation</u>
47	<u>feet for</u>	<u>capacity of</u>	<u>distance in</u>
48	<u>operations</u>	<u>625,000 or</u>	<u>feet for</u>
49	<u>having an</u>	<u>more pounds</u>	<u>operations</u>
50	<u>animal</u>	<u>but less than</u>	<u>having an</u>

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1	<u>weight</u>	<u>1,250,000</u>	<u>animal</u>
2	<u>capacity of</u>	<u>pounds for</u>	<u>weight</u>
3	<u>less than</u>	<u>animals other</u>	<u>capacity of</u>
4	<u>625,000</u>	<u>than bovine.</u>	<u>1,250,000 or</u>
5	<u>pounds for</u>	<u>or 1,600,000</u>	<u>more pounds</u>
6	<u>animals other</u>	<u>or more</u>	<u>for animals</u>
7	<u>than bovine.</u>	<u>pounds but</u>	<u>other than</u>
8	<u>or less than</u>	<u>less than</u>	<u>bovine or</u>
9	<u>1,600,000</u>	<u>4,000,000</u>	<u>4,000,000 or</u>
10	<u>pounds for</u>	<u>pounds for</u>	<u>more pounds</u>
11	<u>bovine</u>	<u>bovine</u>	<u>for bovine</u>
12	<u>Type of structure</u>		
13	<u>Anaerobic</u>		
14	<u>lagoon</u>	<u>1,250</u>	<u>1,875</u>
15	<u>Uncovered earthen</u>		
16	<u>manure storage</u>		
17	<u>basin</u>	<u>1,250</u>	<u>1,875</u>
18	<u>Uncovered formed</u>		
19	<u>manure storage</u>		
20	<u>structure</u>	<u>1,250</u>	<u>1,500</u>
21	<u>Covered earthen</u>		
22	<u>manure storage</u>		
23	<u>basin</u>	<u>1,000</u>	<u>1,250</u>
24	<u>Covered formed</u>		
25	<u>manure storage</u>		
26	<u>structure</u>	<u>1,000</u>	<u>1,250</u>
27	<u>Confinement</u>		
28	<u>building</u>	<u>1,000</u>	<u>1,250</u>
29	<u>Egg washwater</u>		
30	<u>storage</u>		
31	<u>structure</u>	<u>750</u>	<u>1,000</u>
32			<u>1,500</u>

31 b. 1B. Except as provided in subsection 2, and
 32 sections 455B.163 and 455B.165, this subsection
 33 applies to animal feeding operation structures
 34 constructed on or after May 31, 1995; to the expansion
 35 of structures constructed on or after May 31, 1995;
 36 and to the expansion of structures constructed prior
 37 to May 31, 1995. The following table represents the
 38 minimum separation distance in feet required between

39 animal feeding operation structures and a public use
 40 area or a residence not owned by the owner of the
 41 animal feeding operation, a commercial enterprise, a
 42 bona fide religious institution, or an educational
 43 institution located within the corporate limits of a
 44 city:

45		Minimum
46		separation
47		distance in
48		feet for
49		operations
50	Minimum	having an

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1	separation	animal	Minimum
2	distance in	weight	separation
3	feet for	capacity of	distance in
4	operations	625,000 or	feet for
5	having an	more pounds	operations
6	animal	but less than	having an
7	weight	1,250,000	animal
8	capacity of	pounds for	weight
9	less than	animals other	capacity of
10	625,000	than bovine,	1,250,000 or
11	pounds for	or 1,600,000	more pounds
12	animals other	or more	for animals
13	than bovine,	pounds but	other than
14	or less than	less than	bovine, or
15	1,600,000	4,000,000	4,000,000 or
16	pounds for	pounds for	more pounds
17	<u>Type of structure</u>	<u>bovine</u>	<u>bovine</u>
18	<u>Animal feeding</u>		<u>for bovine</u>
19	<u>operation</u>		
20	<u>structure</u>	1,250	1,875
21			2,500

21 1C. Except as provided in section 455B.165, on and
 22 after the effective date of this section an animal
 23 feeding operation structure shall not be constructed
 24 or expanded within one hundred feet from a
 25 thoroughfare, including a road, street, or bridge
 26 which is constructed or maintained by the state or a
 27 political subdivision.

28 1D. Except as provided in section 455B.165, a
 29 person shall not apply liquid manure from a
 30 confinement feeding operation on land located within
 31 seven hundred fifty feet from a residence not owned by
 32 the titleholder of the land, a commercial enterprise,
 33 a bona fide religious institution, an educational
 34 institution, or a public use area.

35 Sec. 17. Section 455B.162, subsection 2, paragraph
 36 a, Code 1997, is amended to read as follows:

37 a. As used in this subsection, a "qualified
 38 confinement feeding operation" means a confinement

39 feeding operation having an animal weight capacity of
40 two million or more pounds for animals other than
41 animals kept in a swine farrow-to-finish operation or
42 bovine kept in a confinement feeding operation; a
43 swine farrow-to-finish operation having an animal
44 weight capacity of two million five hundred thousand
45 or more pounds; or a confinement feeding operation
46 having an animal weight capacity of ~~six~~ eight million
47 or more pounds for bovine.

48 Sec. 18. Section 455B.163, Code 1997, is amended
49 to read as follows:

50 455B.163 SEPARATION DISTANCE REQUIREMENTS FOR

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1 ANIMAL FEEDING OPERATIONS – EXPANSION OF STRUCTURES
2 ~~CONSTRUCTED PRIOR TO MAY 31, 1995~~ PRIOR CONSTRUCTED
3 OPERATIONS.

4 An animal feeding operation constructed or expanded
5 prior to the date that a distance requirement became
6 effective under section 455B.162 and which does not
7 comply with the ~~section's~~ distance requirements of
8 ~~section 455B.162 on May 31, 1995,~~ requirement may
9 continue to operate regardless of those separation
10 distances ~~the distance requirement.~~ The animal
11 feeding operation may be expanded ~~on or after May 31,~~
12 1995, regardless of those separation distances, if
13 either ~~any~~ of the following applies:

14 1. a. The ~~An~~ animal feeding operation structure
15 as constructed or expanded ~~prior to the effective date~~
16 of this section, complies with the distance
17 requirements of applying to that structure as provided
18 in section 455B.162.

19 b. An animal feeding operation structure as
20 constructed or expanded on or after the effective date
21 of this section complies with the distance
22 requirements applying to that structure as provided in
23 section 455B.162.

24 2. All of the following apply to the expansion of
25 the animal feeding operation:

26 a. No portion of the animal feeding operation
27 after expansion is closer than before expansion to a
28 location or object for which separation is required
29 under section 455B.162.

30 b. The animal weight capacity of the animal
31 feeding operation as expanded is not more than the
32 lesser of the following:

33 (1) Double its capacity on May 31, 1995, for an
34 animal feeding operation structure constructed prior
35 to the effective date of this section, or on the
36 effective date of this section, for an animal feeding
37 operation structure constructed on or after the
38 effective date of this section.

- 39 (2) Either of the following:
40 (a) Six hundred twenty-five thousand pounds animal
41 weight capacity for animals other than bovine.
42 (b) One million six hundred thousand pounds animal
43 weight capacity for bovine.
44 3. The animal feeding operation was constructed
45 prior to the effective date of this section and is
46 expanded by replacing one or more unformed manure
47 storage structures with one or more formed manure
48 storage structures, if all of the following apply:
49 a. The animal weight capacity is not increased for
50 that portion of the animal feeding operation that

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- 1 utilizes all replacement formed manure storage
2 structures.
3 b. Use of each replaced unformed manure storage
4 structure is discontinued within one year after the
5 construction of the replacement formed manure storage
6 structure.
7 c. The capacity of all replacement formed manure
8 storage structures does not exceed the amount required
9 to store manure produced by that portion of the animal
10 feeding operation utilizing the formed manure storage
11 structures during any fourteen-month period.
12 d. No portion of the replacement formed manure
13 storage structure is closer to an object or location
14 for which separation is required under section
15 455B.162 than any other animal feeding operation
16 structure which is part of the operation.
17 Sec. 19. Section 455B.164, Code 1997, is amended
18 to read as follows:
19 455B.164 DISTANCE MEASUREMENTS.
20 All distances between locations or objects provided
21 in this part shall be measured from their closest
22 points, as provided by rules adopted by the
23 department. However, a distance between a
24 thoroughfare and an animal feeding operation structure
25 shall be measured from the portion of the right-of-way
26 which is closest to the animal feeding operation
27 structure.
28 Sec. 20. Section 455B.165, subsections 2, 3, and
29 5, Code 1997, are amended to read as follows:
30 2. A confinement feeding operation structure,
31 ~~other than an earthen manure storage basin~~, if the
32 structure is part of a confinement feeding operation
33 which qualifies as a small animal feeding operation.
34 However, this subsection shall not apply if the
35 confinement feeding operation structure is an unformed
36 manure storage structure.
37 3. a. An animal feeding operation structure which
38 is constructed or expanded, if the titleholder of the

39 land benefiting from the distance separation
40 requirement executes a written waiver with the
41 titleholder of the land where the structure is
42 located. If an animal feeding operation structure is
43 constructed or expanded within the separation distance
44 required between an animal feeding operation structure
45 and a thoroughfare as required pursuant to section
46 455B.162, the state or a political subdivision
47 constructing or maintaining the thoroughfare
48 benefiting from the distance separation requirement
49 may execute a written waiver with the titleholder of
50 the land where the structure is located. The animal

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1 feeding operation structure shall be constructed or
2 expanded under such terms and conditions that the
3 parties negotiate.

4 b. The A written waiver under this subsection
5 becomes effective only upon the recording of the
6 waiver in the office of the recorder of deeds of the
7 county in which the benefited land is located. The
8 filed waiver shall preclude enforcement by the state
9 of this part section 455B.162 as it relates to a
10 distance requirement between the animal feeding
11 operation structure and the location or object
12 benefiting from the separation distance requirement.

13 5. An animal feeding operation structure which is
14 located constructed or expanded within any distance
15 from a residence, educational institution, commercial
16 enterprise, bona fide religious institution, city, or
17 public use area, if the residence, educational
18 institution, commercial enterprise, or bona fide
19 religious institution was constructed or expanded, or
20 the boundaries of the city or public use area were
21 expanded, after the date that the animal feeding
22 operation was established. The date the animal
23 feeding operation was established is the date on which
24 the animal feeding operation commenced operating. A
25 change in ownership or expansion of the animal feeding
26 operation shall not change the established date of
27 operation.

28 Sec. 21. Section 455B.165, Code 1997, is amended
29 by adding the following new subsections:

30 NEW SUBSECTION. 3A. An animal feeding operation
31 structure which is constructed or expanded within a
32 separation distance required between an animal feeding
33 operation structure and a thoroughfare as required
34 pursuant to section 455B.162, if permanent vegetation
35 stands between the animal feeding operation structure
36 and that part of the right-of-way from which the
37 separation distance is measured as provided in section
38 455B.164. The permanent vegetation must stand along

39 the full length of the animal feeding operation
 40 structure. The permanent vegetation must be at least
 41 seedlings and have a mature predicted height of at
 42 least twenty feet. The department shall adopt rules
 43 to carry out this subsection.

44 NEW SUBSECTION. 6. The application of liquid
 45 manure on land within a separation distance required
 46 between the applied manure and an object or location
 47 for which separation is required under section
 48 455B.162, if any of the following apply:

49 a. The liquid manure is injected into the soil or
 50 incorporated within the soil not later than twenty-

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1 four hours from the original application, as provided
 2 by rules adopted by the commission.

3 b. The titleholder of the land benefiting from the
 4 separation distance requirement executes a written
 5 waiver with the titleholder of the land where the
 6 manure is applied.

7 c. The liquid manure originates from a small
 8 animal feeding operation.

9 d. The liquid manure is applied by spray
 10 irrigation equipment using a center pivot mechanism as
 11 provided by rules adopted by the department, if all of
 12 the following apply:

13 (1) The spray irrigation equipment uses hoses
 14 which discharge the liquid manure in a downward
 15 direction at a height of not more than nine feet above
 16 the soil.

17 (2) The spray irrigation equipment disperses
 18 manure through an orifice at a rate of not more than
 19 twenty-five pounds per square inch.

20 (3) The liquid manure is not applied within two
 21 hundred fifty feet from a residence not owned by the
 22 titleholder of the land, a commercial enterprise, a
 23 bona fide religious institution, an educational
 24 institution, or a public use area.

25 NEW SUBSECTION. 7. The distance between an animal
 26 feeding operation structure and a cemetery, if any of
 27 the following applies:

28 a. The animal feeding operation structure was
 29 constructed or expanded prior to the effective date of
 30 this section of this Act.

31 b. The construction or expansion of the animal
 32 feeding operation structure began prior to the
 33 effective date of this section of this Act.

34 Sec. 22. Section 455B.171, Code Supplement 1997,
 35 is amended by adding the following new subsections:

36 NEW SUBSECTION. 0A. "Aerobic structure" means the
 37 same as defined in section 455B.161.

38 NEW SUBSECTION. 1A. "Anaerobic lagoon" means the

39 same as defined in section 455B.161.

40 NEW SUBSECTION. 2A. "Animal feeding operation
41 structure" means the same as defined in section
42 455B.161.

43 NEW SUBSECTION. 3A. "Commercial manure
44 applicator" means a person who engages in the business
45 of and charges a fee for applying manure on the land
46 of another person.

47 NEW SUBSECTION. 7A. "Earthen manure storage
48 basin" means the same as defined in section 455B.161.

49 NEW SUBSECTION. 12A. "Manure storage structure"
50 means an animal feeding operation structure used to

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1 store manure as part of a confinement feeding
2 operation, including but not limited to a formed or
3 unformed manure storage structure.

4 NEW SUBSECTION. 23A. "Restricted spray irrigation
5 equipment" means spray irrigation equipment which
6 disperses manure through an orifice at a rate of
7 eighty pounds per square inch or more.

8 NEW SUBSECTION. 31A. "Spray irrigation equipment"
9 means mechanical equipment used for the aerial
10 application of manure, if the equipment receives
11 manure from a manure storage structure during
12 application via a pipe or hose connected to the
13 structure, and includes a type of equipment
14 customarily used for the aerial application of water
15 to aid the growing of general farm crops.

16 NEW SUBSECTION. 32A. "Unformed manure storage
17 structure" means the same as defined in section
18 455B.161.

19 Sec. 23. Section 455B.173, subsection 13, Code
20 1997, is amended by striking the subsection and
21 inserting in lieu thereof the following:

22 13. Adopt, modify, or repeal rules relating to the
23 construction or operation of animal feeding
24 operations, as provided in sections relating to animal
25 feeding operations provided in this part.

26 Sec. 24. Section 455B.191, subsection 7,
27 unnumbered paragraph 2, Code 1997, is amended to read
28 as follows:

29 This subsection shall not apply unless the
30 department of natural resources has previously
31 notified the person of the person's classification as
32 a habitual violator ~~as provided in section 455B.173.~~

33 The department shall notify persons classified as
34 habitual violators of their classification, additional
35 restrictions imposed upon the persons pursuant to
36 their classification, and special civil penalties that
37 may be imposed upon the persons. The notice shall be
38 sent to the persons by certified mail.

39 Sec. 25. NEW SECTION. 455B.200 GENERAL.
40 The commission shall establish by rule adopted
41 pursuant to chapter 17A, requirements relating to the
42 construction, including expansion, or operation of
43 animal feeding operations, including related animal
44 feeding operation structures. The requirements shall
45 include but are not limited to minimum manure control,
46 the issuance of permits, and departmental
47 investigations, inspections, and testing.
48 Sec. 26. NEW SECTION. 455B.200A PERMIT
49 REQUIREMENTS.
50 1. The department shall issue permits for the

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1 construction, including the expansion, of animal
2 feeding operation structures, including structures
3 which are part of confinement feeding operations, as
4 provided by rules adopted pursuant to section
5 455B.200. The department shall issue a permit to an
6 animal feeding operation if an application is
7 submitted according to procedures required by the
8 department and the application meets standards
9 established by the department, regardless of whether
10 the animal feeding operation is required to obtain
11 such a permit. The department shall not require that
12 a person obtain a permit for the construction of an
13 animal feeding operation structure if the structure is
14 part of a small animal feeding operation. For
15 purposes of this section, an animal feeding operation
16 structure includes a manure storage structure.
17 2. The department shall not issue a permit for the
18 construction of an animal feeding operation structure
19 which is part of a confinement feeding operation
20 unless the person submits all of the following:
21 a. An indemnity fee as provided in section 204.3
22 which the department shall deposit into the manure
23 storage indemnity fund created in section 204.2.
24 b. A manure management plan as provided in section
25 455B.203.
26 3. The department shall not issue a permit for the
27 construction of three or more animal feeding operation
28 structures unless the applicant files a statement
29 approved by a professional engineer registered
30 pursuant to chapter 542B certifying that the
31 construction of the animal feeding operation
32 structures will not impede the drainage through
33 established drainage tile lines which cross property
34 boundary lines unless measures are taken to
35 reestablish the drainage prior to completion of
36 construction.
37 4. Prior to issuing a permit to a person for the
38 construction of an animal feeding operation, the

39 department may require the installation and operation
40 of a hydrological monitoring system for an exclusively
41 earthen manure storage structure according to rules
42 which shall be adopted by the department.

43 5. An applicant for a construction permit shall
44 not begin construction at the location of a site
45 planned for the construction of an animal feeding
46 operation structure until the person has been granted
47 a permit for the construction of the animal feeding
48 operation structure by the department.

49 6. The department shall make a determination
50 regarding the approval or denial of a permit within

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1 sixty days from the date that the department receives
2 a completed application for a permit.

3 7. The department shall deliver a copy or require
4 the applicant to deliver a copy of the application for
5 a construction permit for the construction of a
6 confinement feeding operation or related animal
7 feeding operation structure, including supporting
8 documents, to the county board of supervisors in the
9 county where the confinement feeding operation or
10 related animal feeding operation structure subject to
11 the permit is proposed to be constructed.

12 The county auditor may accept the application on
13 behalf of the board. If the department requires the
14 applicant to deliver a copy of the application to the
15 county board of supervisors, the county shall notify
16 the department that it has received the application
17 according to procedures required by the department.

18 a. The county board of supervisors shall provide
19 for comment as follows:

20 (1) The board shall publish a notice that it has
21 received the application in a newspaper having a
22 general circulation in the county. The notice shall
23 include all of the following:

24 (a) The name of the person applying to receive the
25 construction permit.

26 (b) The name of the township where the confinement
27 feeding operation or animal feeding operation is to be
28 constructed or expanded.

29 (c) Each type of animal feeding operation proposed
30 to be constructed or expanded.

31 (d) The animal weight capacity of the confinement
32 feeding operation if the construction permit is
33 approved.

34 (e) The time when and the place where the
35 application may be examined as provided in section
36 22.2.

37 (f) Procedures for providing public comments to
38 the board of supervisors, as provided by the board.

- 39 (2) The board may hold a public hearing to receive
40 public comments regarding the application for the
41 construction permit. The county board of supervisors
42 may submit comments by the board and the public to the
43 department as provided in this section, including but
44 not limited to all of the following:
- 45 (a) The existence of an object or location not
46 included in the construction permit application which
47 benefits from a separation distance requirement as
48 provided in section 455B.162 or 455B.204.
- 49 (b) The suitability of soils and the hydrology of
50 the site where construction or expansion of a

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- 1 confinement feeding operation or related animal
2 feeding operation structure is proposed.
- 3 (c) The availability of land for the application
4 of manure originating from the confinement feeding
5 operation.
- 6 (d) Whether the construction or expansion of a
7 proposed animal feeding operation structure will
8 impede drainage through established tile lines,
9 laterals, or other improvements which are constructed
10 to facilitate the drainage of land not owned by the
11 person applying for the construction permit.
- 12 b. The department shall notify the county board of
13 supervisors at least three days prior to conducting an
14 inspection of the site that the construction is
15 proposed in the permit application. The county board
16 of supervisors may designate a county employee to
17 accompany a departmental official during the site
18 inspection. The county designee shall have the same
19 right to access to the site's real estate as the
20 departmental official conducting the inspection during
21 the period that the county designee accompanies the
22 departmental official.
- 23 c. The department shall not approve the
24 application until thirty days following delivery of
25 the application to the county board of supervisors.
- 26 d. The department shall consider and respond to
27 comments submitted by the county board of supervisors
28 regarding compliance by the applicant with the legal
29 requirements for approving the construction permit as
30 provided in this chapter, including rules adopted by
31 the department pursuant to section 455B.200, if the
32 comments are delivered to the department within thirty
33 days after receipt of the application by the county
34 board of supervisors. Upon written request by a
35 county resident, the county board of supervisors shall
36 forward a copy of the board's comments and the
37 department's responses to the county resident as
38 provided in chapter 22.

39 8. The department shall notify the county board of
40 supervisors of the county where a confinement feeding
41 operation or related animal feeding operation
42 structure subject to a construction permit is proposed
43 to be constructed. The notice shall state the
44 department's decision to approve or disapprove an
45 application for the construction permit. The notice
46 shall be delivered to the county within three days
47 following the department's decision. The county board
48 of supervisors may contest the decision by filing a
49 demand for a hearing before the commission as provided
50 by rules adopted by the department in conformance with

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1 chapter 17A. In contesting the decision, the county
2 shall submit a statement to the department, providing
3 all reasons why the application should be approved or
4 disapproved according to legal requirements provided
5 in this chapter.

6 a. The county board of supervisors must contest
7 the decision within fourteen days following receipt of
8 the department's notice to approve or disapprove the
9 application.

10 b. The contested decision shall be heard by the
11 commission according to procedures adopted by the
12 commission. The commission may hear the case as a
13 contested case proceeding under chapter 17A. The
14 commission shall render a decision within thirty-five
15 days from the date that the county board of
16 supervisors files a demand for a hearing. The
17 decision of the commission shall be final agency
18 action under chapter 17A.

19 9. a. The department shall not issue a permit to
20 a person under this section if an enforcement action
21 by the department, relating to a violation of this
22 chapter concerning a confinement feeding operation in
23 which the person has an interest, is pending, as
24 provided in section 455B.202.

25 b. The department shall not issue a permit to a
26 person under this section for five years after the
27 date of the last violation committed by a person or
28 confinement feeding operation in which the person
29 holds a controlling interest during which the person
30 or operation was classified as a habitual violator
31 under section 455B.191.

32 Sec. 27. NEW SECTION. 455B.200B CONFINEMENT
33 FEEDING OPERATIONS – SPECIAL TERMS.

34 For purposes of this part, all of the following
35 shall apply:

36 1. Two or more confinement feeding operations are
37 adjacent if any of the following apply:

38 a. All of the following apply:

39 (1) An animal feeding operation structure which is
 40 part of one confinement feeding operation is located
 41 within one thousand two hundred fifty feet from an
 42 animal feeding operation structure which is part of
 43 the other confinement feeding operation.

44 (2) The confinement feeding operations have a
 45 combined animal weight capacity of the following:

46 (a) For animals other than bovine, less than six
 47 hundred twenty-five thousand pounds.

48 (b) For bovine, less than one million six hundred
 49 thousand pounds.

50 (3) An animal feeding operation structure subject

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1 to the distance requirements of this paragraph must be
 2 constructed or expanded on or after the effective date
 3 of this section.

4 b. All of the following apply:

5 (1) An animal feeding operation structure which is
 6 part of one confinement feeding operation is located
 7 within two thousand five hundred feet from an animal
 8 feeding operation structure which is part of the other
 9 confinement feeding operation.

10 (2) The confinement feeding operations have a
 11 combined animal weight capacity of the following:

12 (a) For animals other than bovine, six hundred
 13 twenty-five thousand pounds or more.

14 (b) For bovine, one million six hundred thousand
 15 pounds or more.

16 (3) An animal feeding operation structure subject
 17 to the distance requirements of this paragraph must be
 18 constructed on or after the effective date of this
 19 section.

20 2. An animal feeding operation structure is
 21 "constructed" in the same manner as provided in
 22 section 455B.161A.

23 Sec. 28. Section 445B.201, subsection 4, Code
 24 1997, is amended by striking the subsection.

25 Sec. 29. Section 455B.202, Code Supplement 1997,
 26 is amended to read as follows:

27 455B.202 CONFINEMENT FEEDING OPERATIONS - PENDING
 28 ACTIONS AND HABITUAL VIOLATORS.

29 1. As used in this section, "construction" means
 30 the same as defined by rules adopted by the department
 31 applicable to the construction of animal feeding
 32 operation structures as provided in this part unless
 33 the context otherwise requires:-

34 a. "Habitual violator" means a person classified
 35 as a habitual violator pursuant to section 455B.191.

36 b. "Operation of law" means a transfer by
 37 inheritance, devise or bequest, court order,
 38 dissolution decree, order in bankruptcy, insolvency,

39 replevin, foreclosure, execution sale, the execution
 40 of a judgment, the foreclosure of a real estate
 41 mortgage, the forfeiture of a real estate contract, or
 42 a transfer resulting from a decree for specific
 43 performance.

44 c. "Suspect site" means a confinement feeding
 45 operation or land where a confinement feeding
 46 operation could be constructed, if the site is subject
 47 to a suspect transaction.

48 d. "Suspect transaction" means a transaction in
 49 which a habitual violator does any of the following:

50 (1) Transfers a controlling interest in a suspect

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1 site to any of the following:

2 (a) An employee of the habitual violator or
 3 business in which the person holds a controlling
 4 interest.

5 (b) A person who holds an interest in a business,
 6 including a confinement feeding operation, in which
 7 the habitual violator holds a controlling interest.

8 (c) A person related to the habitual violator as
 9 spouse, parent, grandparent, lineal ascendant of a
 10 grandparent or spouse and any other lineal descendant
 11 of the grandparent or spouse, or a person acting in a
 12 fiduciary capacity for a related person. This
 13 paragraph does not apply to a transaction completed by
 14 an operation of law.

15 (2) Provides financing for the construction or
 16 operation of a confinement feeding operation to any
 17 person, by providing a contribution or loan to the
 18 person, or providing cash or other tangible collateral
 19 for a contribution or loan made by a third person.

20 e. "Transaction" includes a transfer in any manner
 21 or by any means, including any of the following:

22 (1) Delivery and acceptance between two parties,
 23 including by contract or agreement with or without
 24 consideration, including by sale, exchange, barter, or
 25 gift.

26 (2) An operation of law.

27 2. a. A person shall not construct or expand an
 28 animal feeding operation structure which is part of a
 29 confinement feeding operation, if the person is a any
 30 of the following:

31 (1) A party to a pending action for a violation of
 32 this chapter concerning a confinement feeding
 33 operation in which the person has a controlling
 34 interest and the action is commenced in district court
 35 by the attorney general.

36 (2) A habitual violator.

37 b. A person shall not construct or expand an
 38 animal feeding operation structure which is part of a

39 confinement feeding operation for five years after the
 40 date of the last violation committed by a person or
 41 confinement feeding operation in which the person
 42 holds a controlling interest during which the person
 43 or operation was classified as a habitual violator
 44 ~~under section 455B.191.~~

45 ~~3. c.~~ This section subsection shall not prohi bit a
 46 person from completing the construction or expansion
 47 of an animal feeding operation structure, if any of
 48 the following apply:

49 a. (1) The person has an unexpired permit for the
 50 construction or expansion of the animal feeding

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1 operation structure.

2 b. (2) The person is not required to obtain a
 3 permit for the construction or expansion of the animal
 4 feeding operation structure.

5 d. For purposes of this subsection, "construct" or
 6 "expand" includes financing and contracting to build
 7 an animal feeding operation structure regardless of
 8 whether the person subsequently leases, owns, or
 9 operates the animal feeding operation structure.

10 3. A person who receives a controlling interest in
 11 a suspect site pursuant to a suspect transaction must
 12 submit a notice of the transaction to the department
 13 within thirty days. If, after notice and opportunity
 14 to be heard, pursuant to the contested case provisions
 15 of chapter 17A, the department finds that one purpose
 16 of the transaction was to avoid the conditions and
 17 enhanced penalties imposed upon a habitual violator,
 18 the person shall be subject to the same conditions and
 19 enhanced penalties as applied to the habitual violator
 20 at the time of the transaction.

21 4. The department shall conduct an annual review
 22 of each confinement feeding operation which is a
 23 habitual violator and each confinement feeding
 24 operation in which a habitual violator holds a
 25 controlling interest.

26 Sec. 30. Section 455B.203, subsection 1, Code
 27 1997, is amended to read as follows:

28 1. ~~In order to receive~~ The following persons shall
 29 submit a manure management plan to the department:

30 a. The owner of a confinement feeding operation,
 31 other than a small animal feeding operation, if the
 32 animal feeding operation was constructed after May 31,
 33 1985, regardless of whether the confinement feeding
 34 operation was required to be constructed pursuant to a
 35 construction permit approved by rules adopted by the
 36 department.

37 b. The owner of a confinement feeding operation,
 38 if the confinement feeding operation is required to be

39 constructed pursuant to a permit issued by the
40 department pursuant to section 455B.200A.
41 c. A person who applies manure from a confinement
42 feeding operation, other than a small animal feeding
43 operation, which is located in another state, if the
44 manure is applied on land located in this state.
45 1A. A person shall not remove manure from a manure
46 storage structure which is part of a confinement
47 feeding operation for which a manure management plan
48 is required under this section, unless the department
49 approves a manure management plan submitted by the
50 owner of the confinement feeding operation as provided

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1 by the department on forms prescribed by the
2 department. The department may adopt rules allowing a
3 person to remove manure from a manure storage
4 structure until the manure management plan is approved
5 or disapproved by the department according to terms
6 and conditions required by rules adopted by the
7 department. The department shall approve or
8 disapprove a manure management plan within sixty days
9 of the date that the department receives a completed
10 plan. The department shall not issue a permit for the
11 construction of a confinement feeding operation or a
12 related animal feeding operation structure unless the
13 applicant submits a manure management plan together
14 with an application as provided in section 455B.173, a
15 person shall submit a manure management plan to the
16 department together with the application for a
17 construction permit 455B.200A.

18 Sec. 31. Section 455B.203, subsection 4,
19 unnumbered paragraph 1, Code 1997, is amended to read
20 as follows:

21 ~~A person receiving a permit for the construction of~~
22 ~~a confinement feeding operation required to submit a~~
23 ~~manure management plan to the department shall~~
24 maintain a current manure management plan and maintain
25 records sufficient to demonstrate compliance with the
26 manure management plan. Chapter 22 shall not apply to
27 the records which shall be kept confidential by the
28 department and its agents and employees. The contents
29 of the records are not subject to disclosure except as
30 follows:

31 Sec. 32. Section 455B.203, subsection 5, Code
32 1997, is amended to read as follows:

33 5. The department may inspect the confinement
34 feeding operation at any time during normal working
35 hours, and may inspect records required to be
36 maintained as part of the manure management plan. The
37 department shall regularly inspect a confinement
38 feeding operation if the operation or a person holding

39 a controlling interest in the operation is classified
40 as a habitual violator pursuant to section 455B.191.
41 The department shall assess and the confinement
42 feeding operation shall pay the actual costs of the
43 inspection. ~~However, in order to access the~~
44 ~~operation, the departmental inspector must comply with~~
45 ~~standard disease control restrictions customarily~~
46 ~~required by the operation. The department shall~~
47 ~~comply with section 455B.103 in conducting an~~
48 ~~investigation of the premises where the animals are~~
49 ~~kept.~~
50 Sec. 33. NEW SECTION. 455B.203A MANURE

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1 APPLICATORS CERTIFICATION.
2 1. As used in this section, unless the context
3 otherwise requires:
4 a. "Commercial manure applicator" means the same
5 as defined in section 455B.171.
6 b. "Confinement site" means a site where there is
7 located a manure storage structure which is part of a
8 confinement feeding operation, other than a small
9 animal feeding operation.
10 c. "Confinement site manure applicator" means a
11 person who applies manure stored at a confinement site
12 other than a commercial manure applicator.
13 2. a. A commercial manure applicator shall not
14 apply manure to land, unless the person is certified
15 pursuant this section.
16 b. A confinement site manure applicator shall not
17 apply manure to land, unless the person is certified
18 pursuant to this section.
19 3. a. A person required to be certified as a
20 commercial manure applicator must be certified by the
21 department each year. The person shall be certified
22 after completing an educational program which shall
23 consist of an examination required to be passed by the
24 person or three hours of continuing instructional
25 courses which the person must attend each year in lieu
26 of passing the examination.
27 b. A person required to be certified as a
28 confinement site manure applicator must be certified
29 by the department each three years. The person shall
30 be certified after completing an educational program
31 which shall consist of an examination required to be
32 passed by the person or two hours of continuing
33 instructional courses which the person must attend
34 each year in lieu of passing the examination.
35 4. The department shall adopt, by rule,
36 requirements for the certification, including
37 educational program requirements. The department may
38 establish different educational programs designed for

39 commercial manure applicators and confinement site
40 manure applicators. The department shall adopt rules
41 necessary to administer this section, including
42 establishing certification standards, which shall at
43 least include standards for the handling, application,
44 and storage of manure, the potential effects of manure
45 upon surface water and groundwater, and procedures to
46 remediate the potential effects on surface water or
47 groundwater.

48 a. The department shall adopt by rule criteria for
49 allowing a person required to be certified to complete
50 either a written or oral examination.

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1 b. The department shall administer the continuing
2 instructional courses, by either teaching the courses
3 or selecting persons to teach the courses, according
4 to criteria as provided by rules adopted by the
5 department. The department shall, to the extent
6 possible, select persons to teach the continuing
7 instructional courses. The department is not required
8 to compensate persons to teach the continuing
9 instructional courses. In selecting persons, the
10 department shall consult with organizations interested
11 in the application of manure, including associations
12 representing manure applicators and associations
13 representing agricultural producers. The Iowa
14 cooperative extension service in agriculture and home
15 economics of Iowa state university of science and
16 technology shall cooperate with the department in
17 administering the continuing instructional courses.
18 The Iowa cooperative extension service may teach
19 continuing instructional courses, train persons
20 selected to teach courses, or distribute informational
21 materials to persons teaching the courses.

22 c. The department, in administering the
23 certification program under this section, and the
24 department of agriculture and land stewardship in
25 administering the certification program for pesticide
26 applicators may cooperate together.

27 5. a. This section shall not require a person to
28 be certified as a commercial manure applicator if any
29 of the following applies:

30 (1) The person is any of the following:

31 (a) Actively engaged in farming who trades work
32 with another such person.

33 (b) Employed by a person actively engaged in
34 farming not solely as a manure applicator who applies
35 manure as an incidental part of the person's general
36 duties.

37 (c) Engaged in applying manure as an incidental
38 part of a custom farming operation.

- 39 (d) Engaged in applying manure as an incidental
40 part of a person's duties as provided by rules adopted
41 by the department providing for an exemption.
42 (2) The person applies manure for a period of
43 thirty days from the date of initial employment as a
44 commercial manure applicator if the person applying
45 the manure is acting under the instructions and
46 control of a certified commercial manure applicator
47 who is both of the following:
48 (a) Physically present at the site where the
49 manure is located.
50 (b) In sight or hearing distance of the supervised

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- 1 person.
2 b. This section shall not require a person to be
3 certified as a confinement site manure applicator if
4 all of the following apply:
5 (1) The person is a part-time employee of a
6 confinement site manure applicator.
7 (2) The person is acting under the instructions
8 and control of a certified commercial manure
9 applicator who is both of the following:
10 (a) Physically present at the site where the
11 manure is located.
12 (b) In sight or hearing distance of the supervised
13 person.
14 6. a. The department may charge a fee for
15 certifying persons under this section. The fee for
16 certification shall be based on the costs of
17 administering and enforcing this section and paying
18 the expenses of the department relating to
19 certification.
20 b. All moneys received by the department under the
21 provisions of this chapter shall be handled in the
22 same manner as repayment receipts, as defined in
23 section 8.2, and shall be used solely for the
24 administration and enforcement of this chapter.
25 Sec. 34. NEW SECTION. 455B.203B APPLICATION
26 REQUIREMENTS.
27 1. The department shall adopt rules governing the
28 application of manure originating from an anaerobic
29 lagoon or aerobic structure which is part of a
30 confinement feeding operation. The rules shall
31 establish application rates and practices to minimize
32 groundwater or surface water pollution resulting from
33 application, including pollution caused by runoff or
34 other manure flow resulting from precipitation events.
35 The rules shall establish different application rates
36 and practices based on the water holding capacity of
37 the soil at the time of application.
38 2. A person shall not apply manure by spray

39 irrigation equipment, except as provided by rules
40 adopted by the department pursuant to chapter 17A.
41 However, a person shall not use restricted spray
42 irrigation equipment to apply manure originating from
43 a confinement feeding operation, unless the manure has
44 been diluted as provided by rules adopted by the
45 department, including diluted by use of an anaerobic
46 lagoon.
47 Sec. 35. Section 455B.204, Code 1997, is amended
48 to read as follows:
49 455B.204 DISTANCE REQUIREMENTS.
50 1. ~~An animal feeding operation structure shall be~~

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1 ~~located at least five hundred feet away from the~~
2 ~~surface intake of an agricultural drainage well or~~
3 ~~known sinkhole, and at least two hundred feet away~~
4 ~~from As used in this section, unless the context~~
5 ~~otherwise requires:~~

6 a. "Major water source" means a lake, reservoir,
7 river, or stream located within the territorial limits
8 of the state, any marginal river area adjacent to the
9 state, which can support a floating vessel capable of
10 carrying one or more persons during a total of a six-
11 month period in one out of ten years, excluding
12 periods of flooding which has been identified by rules
13 adopted by the commission.

14 b. "Watercourse" means any lake, river, creek,
15 ditch, or other body of water or channel having
16 definite banks and bed with water flow or the
17 occurrence of water, except lakes or ponds without
18 outlet to which only one landowner is riparian.

19 2. Except as provided in subsection 3, the
20 following shall apply:

21 a. An animal feeding operation structure shall not
22 be constructed closer than five hundred feet away from
23 a surface intake, wellhead, or cistern of an
24 agricultural drainage well or known sinkhole.

25 b. An animal feeding operation structure shall not
26 be constructed if the animal feeding operation
27 structure as constructed is closer than any of the
28 following:

29 (1) Two hundred feet away from a watercourse other
30 than a major water source.

31 (2) Five hundred feet away from a major water
32 source.

33 c. A watercourse, other than a major water source,
34 shall not be constructed, expanded, or diverted, if
35 the watercourse as constructed, expanded, or diverted
36 is closer than two hundred feet away from an animal
37 feeding operation structure.

38 d. A major water source shall not be constructed.

39 expanded, or diverted, if the water source as
40 constructed, expanded, or diverted is closer than five
41 hundred feet from an animal feeding operation
42 structure.
43 3. However, no distance A separation is distance
44 required between a in subsection 2 shall not apply to
45 any of the following:
46 a. A location or object and a farm pond or
47 privately owned lake, as defined in section 462A.2.
48 b. A manure storage structure constructed with a
49 secondary containment barrier. The department shall
50 adopt rules providing for the construction and use of

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1 a secondary containment barrier, including design
2 standards.
3 4. All distances between locations or objects
4 shall be measured from their closest points, as
5 provided by rules adopted by the department.
6 ~~2. A person shall not dispose of manure closer to~~
7 ~~a designated area than provided in section 159.27.~~
8 5. A person shall not construct or expand an
9 unformed manure storage structure within an
10 agricultural drainage well area as provided in section
11 455I.5.
12 Sec. 36. NEW SECTION. 455B.205 MANURE STORAGE
13 STRUCTURES – CONSTRUCTION STANDARDS – INSPECTIONS.
14 1. The department shall establish by rule
15 engineering standards for the construction of manure
16 storage structures required to be constructed pursuant
17 to a permit issued under section 455B.200A.
18 2. The design standards for unformed manure
19 storage structures established by the department shall
20 account for special design characteristics of animal
21 feeding operations, including all of the following:
22 a. The lining of the structure shall be
23 constructed with materials deemed suitable by the
24 department in order to minimize seepage loss through
25 the lining's seal.
26 b. The structure shall be constructed with
27 materials deemed suitable by the department in order
28 to control erosion on the structure's berm, side
29 slopes, and base.
30 c. The structure shall be constructed to minimize
31 seepage into near-surface water sources.
32 d. The top of the floor of the structure's liner
33 must be above the groundwater table as determined by
34 the department. If the groundwater table is less than
35 two feet below the top of the liner's floor, the
36 structure shall be installed with a synthetic liner.
37 If the department allows an unformed manure storage
38 structure to be located at a site by permanently

39 lowering the groundwater table, the department shall
40 confirm that the proposed system meets standards
41 necessary to ensure that the structure does not
42 pollute groundwater sources. If the department allows
43 drain tile installed to lower a groundwater table to
44 remain where located, the department shall require
45 that a device be installed to allow monitoring of the
46 water in the drain tile line. The department shall
47 also require the installation of a device to allow
48 shutoff of the drain tile lines, if the drain tile
49 lines do not have a surface outlet accessible on the
50 property where the structure is located.

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1 3. a. The department shall conduct a routine
2 inspection of each unformed manure storage structure
3 at least once each year. A routine inspection
4 conducted pursuant to this subsection shall be limited
5 to a visual inspection of the site where the unformed
6 manure storage structure is located. The department
7 shall inspect the site at a reasonable time after
8 providing at least twenty-four hours' notice to the
9 person owning or managing the confinement feeding
10 operation. The visual inspection shall include, but
11 not be limited to, determining whether any of the
12 following exists:
13 (1) An adequate freeboard level.
14 (2) The seepage of manure from the unformed manure
15 storage structure.
16 (3) Erosion.
17 (4) Inadequate vegetation cover.
18 (5) The presence of an opening allowing manure to
19 drain from the unformed manure storage structure.
20 b. Nothing in this subsection restricts the
21 department from conducting an inspection of an animal
22 feeding operation which is not routine.
23 Sec. 37. NEW SECTION. 455B.206 EXCEPTION TO
24 REGULATION.
25 1. As used in this section, "research college"
26 means an accredited public or private college or
27 university, including but not limited to a university
28 under the control of the state board of regents as
29 provided in chapter 262, or a community college under
30 the jurisdiction of a board of directors for a merged
31 area as provided in chapter 260C, if the college or
32 university performs research or experimental
33 activities regarding animal agriculture or agronomy.
34 2. The requirements of this part which regulate
35 animal feeding operations, including rules adopted by
36 the department pursuant to section 455B.200, shall not
37 apply to research activities and experiments performed
38 under the authority and regulations of a research

39 college, if the research activities and experiments
 40 relate to animal feeding operations, including but not
 41 limited to the confinement of animals and the storage
 42 and disposal of manure originating from animal feeding
 43 operations.

44 3. This section shall not apply to requirements
 45 provided in any of the following:

46 a. Section 455B.201, including rules adopted by
 47 the department under that section.

48 b. Section 455B.204, including rules adopted by
 49 the department under that section.

50 Sec. 38. Section 657.11, subsections 2, 3, 5, 6,

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1 7, and 8, Code 1997, are amended to read as follows:

2 ~~2. If a person has received all permits required~~
 3 ~~pursuant to chapter 455B for an animal feeding~~
 4 ~~operation, as defined in section 455B.161, there shall~~
 5 ~~be a rebuttable presumption that an An animal feeding~~
 6 ~~operation is, as defined in section 455B.161, shall~~
 7 ~~not be found to be a public or private nuisance under~~
 8 ~~this chapter or under principles of common law, and~~
 9 ~~that the animal feeding operation does shall not~~
 10 ~~unreasonably and continuously be found to interfere~~
 11 ~~with another person's comfortable use and enjoyment of~~
 12 ~~the person's life or property under any other cause of~~
 13 ~~action. The rebuttable presumption also applies to~~
 14 ~~persons who are not required to obtain a permit~~
 15 ~~pursuant to chapter 455B for an animal feeding~~
 16 ~~operation as defined in section 455B.161. The~~
 17 ~~rebuttable presumption However, this section shall not~~
 18 ~~apply if the person bringing the action proves that an~~
 19 ~~injury to a the person or damage to the person's~~
 20 ~~property is proximately caused by a either of the~~
 21 ~~following:~~

22 ~~a. The failure to comply with a federal statute or~~
 23 ~~regulation or a state statute or rule which applies to~~
 24 ~~the animal feeding operation.~~

25 ~~b. 3. The rebuttable presumption may be overcome~~
 26 ~~by clear and convincing evidence of both Both of the~~
 27 ~~following:~~

28 ~~a. (1) The animal feeding operation unreasonably~~
 29 ~~and continuously for substantial periods of time~~
 30 ~~interferes with another the person's comfortable use~~
 31 ~~and enjoyment of the person's life or property.~~

32 ~~b. (2) The injury or damage is proximately caused~~
 33 ~~by the negligent operation of the animal feeding~~
 34 ~~operation failed to use existing prudent generally~~
 35 ~~accepted management practices reasonable for the~~
 36 ~~operation.~~

37 ~~5. The rebuttable presumption created by this This~~
 38 ~~section shall apply regardless of the established date~~

39 of operation or expansion of the animal feeding
 40 operation. ~~The rebuttable presumption~~ A defense
 41 against a cause of action provided in this section
 42 includes, but is not limited to, a defense for actions
 43 arising out of the care and feeding of animals; the
 44 handling or transportation of animals; the treatment
 45 or disposal of manure resulting from animals; the
 46 transportation and application of animal manure; and
 47 the creation of noise, odor, dust, or fumes arising
 48 from an animal feeding operation.
 49 6. ~~An animal feeding operation that complies with~~
 50 ~~the requirements in chapter 455B for animal feeding~~

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1 operations shall be deemed to meet any common law
 2 requirements regarding the standard of a normal person
 3 living in the locality of the operation.

4 7. ~~A If a court determines that a claim is~~
 5 ~~frivolous, a person who brings the claim as part of a~~
 6 ~~losing cause of action against a person for whom the~~
 7 ~~rebuttable presumption created who may raise a defense~~
 8 ~~under this section is not rebutted, shall be liable to~~
 9 ~~the person against whom the action was brought for all~~
 10 ~~costs and expenses incurred in the defense of the~~
 11 ~~action, if the court determines that a claim is~~
 12 ~~frivolous.~~

13 8 7. ~~The rebuttable presumption created in this~~
 14 ~~This section does not apply to an injury to a person~~
 15 ~~or damages to property caused by the animal feeding~~
 16 ~~operation before May 31, 1995 the effective date of~~
 17 ~~this section.~~

18 Sec. 39. Section 657.11, subsection 4, unnumbered
 19 paragraph 1, Code 1997, is amended to read as follows:

20 ~~The rebuttable presumption~~ This section does not
 21 apply to a person during any period that the person is
 22 classified as a chronic violator under this subsection
 23 as to any confinement feeding operation in which the
 24 person holds a controlling interest, as defined by
 25 rules adopted by the department of natural resources.
 26 ~~The rebuttable presumption~~ This section shall apply to
 27 the person on and after the date that the person is
 28 removed from the classification of chronic violator.
 29 For purposes of this subsection, "confinement feeding
 30 operation" means an animal feeding operation in which
 31 animals are confined to areas which are totally
 32 roofed, and which are regulated by the department of
 33 natural resources or the environmental protection
 34 commission.

35 Sec. 40. 1995 Iowa Acts, chapter 195, section 37,
 36 is amended to read as follows:

37 SEC. 37. ANIMAL AGRICULTURE CONSULTING
 38 ORGANIZATION. The department of natural resources

39 shall request that the Iowa pork producers
 40 association, the Iowa cattlemen's association, the
 41 Iowa poultry association, the Iowa dairy products
 42 association, ~~an organization representing agricultural~~
 43 ~~producers generally~~, Iowa state university, the soil
 44 conservation division of the department of agriculture
 45 and land stewardship, and the natural resources
 46 conservation service of the United States department
 47 of agriculture, and after the effective date of this
 48 section of this Act as amended by 1998 Iowa Acts,
 49 House File 2494, two organizations representing
 50 agricultural producers generally each appoint one

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1 member to consult with the department regarding. The
 2 appointees shall consult with the department regarding
 3 this Act, rules adopted pursuant to this Act, and the
 4 Act's implementation. The department shall consult
 5 with representatives in meetings which shall be
 6 conducted by the department, upon the call of the
 7 director of the department or the director's designee,
 8 or upon the request to the department of any three
 9 members. The department shall request that the
 10 representatives provide the department with
 11 recommendations regarding the adoption of rules
 12 required to administer this Act. This section is
 13 repealed on March 31, 2005.

14 Sec. 41. 1995 Iowa Acts, chapter 195, section 38,
 15 is amended to read as follows:

16 SEC. 38. INDEMNITY FEES – PRIOR PERMITTEES.

17 1. The indemnity fee imposed upon permittees
 18 pursuant to section 204.3, as enacted in this Act,
 19 shall be imposed upon all persons who have received a
 20 permit by the department of natural resources for the
 21 construction of a confinement feeding operation with a
 22 manure storage structure as defined in section
 23 ~~455B-161~~ 204.1, as enacted in this Act, prior to the
 24 effective date of this Act. However, an indemnity fee
 25 shall not be imposed upon ~~a person~~ the following
 26 persons:

27 a. A person who has received a construction permit
 28 more than ten years prior to the effective date of
 29 this Act.

30 b. A person who has received a construction permit
 31 within ten years prior to May 31, 1995, if the
 32 confinement feeding operation was not constructed
 33 under the permit and the permit has expired.

34 2. To every extent possible, the department of
 35 natural resources shall notify all persons required to
 36 pay the fee. The notice shall be in writing. The
 37 department shall establish a date when the fees must
 38 be paid to the department, which shall be not less

39 than three months after the delivery of the notice.
40 If a person is delinquent in paying the indemnity fee
41 when due, or if upon examination, an underpayment of
42 the fee is found by the department, the person is
43 subject to a penalty of ten dollars or an amount equal
44 to the amount of deficiency for each day of the
45 delinquency, whichever is less. ~~After the date~~
46 ~~required for payment, the department shall transfer~~
47 ~~all outstanding claims to the department of~~
48 ~~agriculture and land stewardship.~~
49 3. The department of natural resources shall
50 ~~deliver to~~ receive from the department of agriculture

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1 and land stewardship the most current available
2 information regarding the persons required to pay the
3 fee and any delinquency penalty, ~~including the names~~
4 ~~and addresses of the persons, and the capacity of the~~
5 ~~confinement feeding operations subject to the permit.~~
6 The department of agriculture and land stewardship
7 natural resources, in cooperation with the attorney
8 general, may bring a court action in order to collect
9 indemnity fees and delinquency penalties required to
10 be paid under this section.

11 Sec. 42. AMNESTY PERIOD. Notwithstanding 1995
12 Iowa Acts, chapter 195, section 38, a person who has
13 not paid an indemnity fee as required by that Act, as
14 amended by this Act, shall not be subject to a
15 delinquency penalty as provided in that Act, if the
16 person pays the full amount of the indemnity fee to
17 the department of agriculture and land stewardship on
18 or before December 31, 1998, as required by the
19 department.

20 Sec. 43. EFFECT OF THIS ACT - REFUND. Nothing in
21 this Act requires the department of natural resources
22 or the department of agriculture and land stewardship
23 to refund an indemnity fee or delinquency penalty
24 payment paid by permittees pursuant to 1995 Iowa Acts,
25 chapter 195, section 38.

26 Sec. 44. INDEMNITY FEES - PRIOR MANURE MANAGEMENT
27 PLAN SUBMITTEES.

28 1. The indemnity fee imposed upon persons required
29 to submit a manure management plan pursuant to section
30 204.3A, as enacted in this Act, shall be imposed upon
31 all persons who are required to submit a manure
32 management plan under section 455B.203 as amended in
33 this Act. However, a fee shall not be imposed upon a
34 person who was not required to submit a manure
35 management plan to the department of natural resources
36 pursuant to 1995 Iowa Acts, chapter 195, and 567 IAC
37 section 65.18(455B).

38 2. To every extent possible, the department shall

39 notify all persons required to pay the fee. The
40 notice shall be in writing. The department shall
41 establish a date when the fees must be paid to the
42 department, which shall be not less than three months
43 after the delivery of the notice. If a person is
44 delinquent in paying the indemnity fee when due, or if
45 upon examination, an underpayment of the fee is found
46 by the department, the person is subject to a penalty
47 of ten dollars or an amount equal to the amount of
48 deficiency for each day of the delinquency, whichever
49 is less.

50 Sec. 45. INDEMNITY FEES – PRIOR CONSTRUCTION

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1 PERMITTEES. The department of agriculture and land
2 stewardship shall deliver to the department of natural
3 resources the most current available information
4 regarding persons required to pay the indemnity fee
5 imposed pursuant to 1995 Iowa Acts, chapter 195,
6 section 38. The department of natural resources, in
7 cooperation with the attorney general, may bring a
8 court action in order to collect indemnity fees and
9 delinquency penalties as provided in that Act for
10 deposit into the manure storage indemnity fund as
11 created in section 204.2.

12 Sec. 46. MANURE MANAGEMENT PLAN SUBMISSIONS. All
13 persons required to submit a manure management plan
14 pursuant to section 455B.203 as amended by this Act
15 shall submit a manure management plan according to the
16 same requirements, as provided in that section or
17 rules adopted by the department pursuant to that
18 section. Persons who have submitted a manure
19 management plan that complies with those requirements
20 are not required to submit a new manure management
21 plan. Persons who have not submitted a manure
22 management plan that complies with those requirements
23 shall not be required to submit a new manure
24 management plan until July 1, 1999.

25 Sec. 47. MANURE APPLICATOR CERTIFICATION —
26 DELAYED APPLICABILITY. A person shall not be required
27 to be certified as a commercial manure applicator or a
28 confinement site manure applicator as required
29 pursuant to section 455B.203A, as enacted in this Act,
30 for sixty days following the effective date of that
31 section of this Act.

32 Sec. 48. ANIMAL AGRICULTURE CONSULTING
33 ORGANIZATION. The department of natural resources
34 shall consult with the members of the animal
35 agriculture consulting organization regarding this
36 Act, rules adopted pursuant to this Act, and the Act's
37 implementation, to the same extent and in the same
38 manner as required in 1995 Iowa Acts, chapter 195,

39 section 37, as amended by this Act.
40 Sec. 49. DIRECTION TO THE DEPARTMENT OF NATURAL
41 RESOURCES - RULEMAKING. The department of natural
42 resources shall adopt all rules necessary to
43 administer and enforce this Act by January 1, 1999.
44 The department is required to adopt rules under this
45 Act, including adopting new rules or amending existing
46 rules, only to the extent that rules must be adopted
47 in order to comply with the requirements of this Act.
48 This section shall not be construed to limit the
49 authority of the department to adopt rules under this
50 Act or other statutory authority which the department

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1 determines is necessary or advisable.
2 Sec. 50. DIRECTIONS TO IOWA CODE EDITOR.
3 1. The Iowa Code editor is directed to transfer
4 chapter 204, as amended by this Act, to a chapter
5 determined appropriate by the Iowa Code editor. The
6 Iowa Code editor shall correct internal references as
7 necessary.
8 2. The Iowa Code editor is directed to transfer
9 section 159.27 to or near section 455B.204A.
10 Sec. 51. TRANSFER OF PROVISIONS. The transfer of
11 provisions from one section to another section does
12 not affect the effect or applicability of rules
13 adopted by the department of natural resources, except
14 as required by the provisions of this Act.
15 Sec. 52. SEVERABILITY. If any provision of this
16 Act or the application of this Act to any person or
17 circumstance is held invalid, the invalidity shall not
18 affect other provisions or applications of this Act
19 which shall be given effect without the invalid
20 provision or application, and to this end the
21 provisions of this Act are severable.
22 Sec. 53. EFFECTIVE DATES.
23 1. Sections 9, 10, 14, 27, 29, 38, 39, 40 through
24 43, 48, 49, and this section, being deemed of
25 immediate importance, take effect upon enactment.
26 2. Sections 11, 13, 15, 16, 18 through 21, 23, 26,
27 30, 31, and 33 through 35 take effect on January 1,
28 1999."
29 2. Title page, line 1, by inserting after the
30 word "Act" the following: "providing for agricultural
31 production, including".
32 3. Title page, line 2, by striking the words "an
33 effective date" and inserting the following:
34 "effective dates".

The House stood at ease at 1:54 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2494

and the Senate amendment H-9048, at 2:50 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

On motion by Teig of Hamilton the House concurred in the Senate amendment H-9048.

Teig of Hamilton moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2494)

The ayes were, 59:

Arnold	Barry	Bell	Blodgett
Boddicker	Boguess	Bradley	Brauns
Brunkhorst	Carroll	Churchill	Corbett, Spkr.
Cormack	Dinkla	Dix	Dolecheck
Drake	Eddie	Falck	Gipp
Greig	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	May	Mertz	Metcalf
Meyer	Millage	Nelson	O'Brien
Rants	Rayhons	Siegrist	Sukup
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Wise	Van Maanen,	
		Presiding	

The nays were, 40:

Bernau	Brand	Bukta	Burnett
Chapman	Chiodo	Cohoon	Connors
Doderer	Dotzler	Drees	Fallon
Foege	Ford	Frevert	Garman
Greiner	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	Moreland	Mundie	Murphy
Myers	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Whitead	Witt

Absent or not voting, 1:

Cataldo

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2120 and 2494.**

The House resumed consideration of **House File 8**, a bill for an act relating to the funding of state mandates, amended by the Senate amendment H-8002, and amendment H-8005 to the Senate amendment H-8002, previously deferred and found on page 1484 of the House Journal.

Kreiman of Davis moved the adoption of amendment H-8005, to the Senate amendment H-8002.

Amendment H-8005 was adopted.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-8006, to the Senate amendment H-8002, filed by him on January 29, 1998.

On motion by Houser of Pottawattamie the House concurred in the Senate amendment H-8002, as amended.

Houser of Pottawattamie moved that the bill as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 8)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiado
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland

Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 1:

Cataldo

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 8** be immediately messaged to the Senate.

Hansen of Pottawattamie called up for consideration **House File 2517**, a bill for an act establishing a healthy and well kids in Iowa (HAWK-I) program to provide health insurance to eligible children and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-9120:

H-9120

- 1 Amend House File 2517 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. NEW SECTION. 432.13 PREMIUM TAX
- 6 EXEMPTION - HAWK-I PROGRAM.
- 7 Premiums collected by participating insurers under
- 8 chapter 514I, are exempt from premium tax."
- 9 2. Page 1, by striking lines 15 through 22 and
- 10 inserting the following: "the general assembly is not
- 11 in session, the department, with the approval of the
- 12 HAWK-I board, shall proceed to implement and
- 13 administer those provisions, subject to review by the
- 14 next regular session of the general assembly.
- 15 ____ It is the intent of the general assembly,
- 16 recognizing the importance of outreach to the
- 17 successful utilization of the program by eligible
- 18 children, that within the limitations of funding
- 19 allowed for outreach and administration expenses, the
- 20 maximum amount possible be used for outreach.

21 ____ It is the intent of the general assembly that
22 the HAWK-I program be an integral part of the
23 continuum of health insurance coverage and that the
24 program be developed and implemented in such a manner
25 as to facilitate movement of families between health
26 insurance providers and to facilitate the transition
27 of families to private sector health insurance
28 coverage."

29 3. Page 1, line 27, by striking the words "HAWK-I
30 board" and inserting the following: "department".

31 4. Page 1, by inserting after line 28 the
32 following:

33 "____. "Benchmark benefit package" means any of the
34 following:

35 a. The standard blue cross/blue shield preferred
36 provider option service benefit plan, described in and
37 offered under 5 U.S.C. § 8903(1).

38 b. A health benefits coverage plan that is offered
39 and generally available to state employees in this
40 state.

41 c. The plan of a health maintenance organization
42 as defined in 42 U.S.C. § 300e, with the largest
43 insured commercial, nonmedical assistance enrollment
44 of covered lives in the state."

45 5. Page 1, by striking lines 32 through 34 and
46 inserting the following:

47 "____. "Department" means the department of human
48 services.

49 ____ "Director" means the director of human
50 services."

Page 2

1 6. Page 2, line 4, by striking the word "governs"
2 and inserting the following: "adopts rules and
3 establishes policy for, and directs the department
4 regarding,".

5 7. Page 2, line 10, by inserting after the word
6 "licensed" the following: "by the division of
7 insurance of the department of commerce".

8 8. Page 2, line 13, by striking the words "HAWK-I
9 board to offer" and inserting the following:
10 "department to provide".

11 9. Page 2, line 21, by striking the word "care".

12 10. Page 2, by striking lines 25 through 27, and
13 inserting the following:

14 "2. Health insurance coverage under the program".

15 11. Page 2, by inserting after line 35 the
16 following:

17 "____. Nothing in this chapter shall be construed
18 or is intended as, or shall imply, a grant of
19 entitlement for services to persons who are eligible
20 for participation in the program based upon

21 eligibility consistent with the requirements of this
22 chapter. Any state obligation to provide services
23 pursuant to this chapter is limited to the extent of
24 the funds appropriated or provided for this chapter.
25 _____. Participating insurers under this chapter are
26 not subject to the requirements of chapters 513B and
27 513C."

28 12. Page 3, by striking lines 1 through 12 and
29 inserting the following:

30 "Sec. _____. NEW SECTION. 514I.3A DIRECTOR AND
31 DEPARTMENT – DUTIES – POWERS.

32 1. The director, with the approval of the HAWK-I
33 board, shall implement this chapter. The director
34 shall do all of the following:

35 a. At least every six months, evaluate the scope
36 of the program currently being provided under this
37 chapter, project the probable cost of continuing the
38 program, and compare the probable cost with the
39 remaining balance of the state appropriation made for
40 payment of assistance under this chapter during the
41 current appropriation period. The director shall
42 report the findings of the evaluation to the board and
43 shall annually report findings to the governor and the
44 general assembly by January 1.

45 b. Establish premiums to be paid to participating
46 insurers for provision of health insurance coverage.

47 c. Contract with participating insurers to provide
48 health insurance coverage under this chapter.

49 d. Recommend to the board proposed rules necessary
50 to implement the program.

Page 3

1 e. Recommend to the board individuals to serve as
2 members of the clinical advisory committee.

3 2. The director, with the concurrence of the
4 board, shall enter into a contract with an
5 administrative contractor. Such contract shall be
6 entered into in accordance with the criteria
7 established by the board.

8 3. The department may enter into contracts with
9 other persons whereby the other person provides some
10 or all of the functions, pursuant to rules adopted by
11 the board, which are required of the director or the
12 department under this section. All contracts entered
13 into pursuant to this section shall be made available
14 to the public.

15 4. The department shall do or shall provide for
16 all of the following:

17 a. Develop a program application form not to
18 exceed two pages in length, which is consistent with
19 the rules of the board, which is easy to understand,
20 complete, and concise, and which, to the greatest

- 21 extent possible, coordinates with the medical
22 assistance program.
- 23 b. Establish the family cost sharing amount, based
24 on a sliding fee scale, if established by the board.
- 25 c. Perform other duties as determined by the
26 department with the approval of the board."
- 27 13. Page 3, lines 14 and 15, by striking the
28 words "established which" and inserting the following:
29 "established. The board shall meet not less than ten
30 times annually, for the purposes of establishing
31 policy for, directing the department on, and adopting
32 rules for the program. The board".
- 33 14. Page 3, line 19, by striking the words "human
34 services" and inserting the following: "education".
- 35 15. Page 3, by striking lines 27 through 30 and
36 inserting the following: "this chapter."
- 37 16. Page 4, by inserting after line 22 the
38 following:
39 "5A. The board may receive and accept grants,
40 loans, or advances of funds from any person and may
41 receive and accept from any source contributions of
42 money, property, labor, or any other thing of value,
43 to be held, used, and applied for the purposes of the
44 program."
- 45 17. Page 4, by striking lines 24 through 27 and
46 inserting the following:
47 "___ Develop the criteria to be included in a
48 request for proposals for the selection of any
49 administrative contractor for the program."
- 50 18. Page 4, line 28, by inserting after the word

Page 4

- 1 "Define" the following: ", in consultation with the
2 department,".
- 3 19. Page 4, line 29, by inserting after the word
4 "offered" the following: "in a manner as to ensure
5 access to services for all children participating in
6 the program".
- 7 20. Page 4, by striking line 30 and inserting the
8 following:
9 "c. Approve the benefit package design, review the
10 benefit package".
- 11 21. Page 4, by striking lines 33 through 35.
- 12 22. Page 5, by striking lines 1 through 3 and
13 inserting the following:
14 "d. Develop, with the assistance of the
15 department, an outreach plan for implementation by the
16 administrative contractor, and provide for periodic
17 assessment of the effectiveness of the outreach plan.
18 The plan shall provide outreach to".
- 19 23. Page 5, line 5, by inserting after the word
20 "coverage" the following: "or care programs".

- 21 24. Page 5, by striking lines 14 through 16 and
 22 inserting the following:
 23 "___ In consultation with the clinical advisory
 24 committee, select a single, nationally recognized
 25 functional health assessment form for an initial
 26 assessment of all".
- 27 25. Page 5, line 21, by inserting after the word
 28 "Review" the following: ", in consultation with the
 29 department,".
- 30 26. Page 5, line 24, by inserting after the word
 31 "board" the following: ", in consultation with the
 32 department,".
- 33 27. Page 5, by striking lines 28 through 30 and
 34 inserting the following: "and the HAWK-I program, and
 35 to provide for common processes and".
- 36 28. By striking page 5, line 33, through page 6,
 37 line 1, and inserting the following:
 38 "g. By January 1, annually, prepare, with the
 39 assistance of the department, and submit a report to
 40 the governor, the general assembly, and the council on
 41 human services, concerning the board's activities,
 42 findings, and recommendations."
- 43 29. Page 6, line 2, by striking the word
 44 "Receive" and inserting the following: "Solicit".
- 45 30. Page 6, by striking lines 9 through 11.
- 46 31. Page 6, line 12, by inserting after the word
 47 "Establish" the following: "and consult with".
- 48 32. Page 6, by striking lines 18 and 19 and
 49 inserting the following: "limited to health
 50 maintenance and prevention and health risk

Page 5

- 1 assessment."
- 2 33. Page 6, by inserting before line 20 the
 3 following:
 4 "m. Establish an advisory committee to make
 5 recommendations to the board and to the general
 6 assembly on or before January 1, 1999, concerning the
 7 provision of health insurance coverage to children
 8 with special health care needs under the program. The
 9 committee shall include individuals with experience
 10 in, knowledge of, or expertise in this area. The
 11 recommendations shall address, but are not limited to,
 12 all of the following:
 13 (1) The definition of the target population of
 14 children with special health care needs for the
 15 purposes of determining eligibility under the program.
 16 (2) Eligibility options for and assessment of
 17 children with special health care needs for
 18 eligibility.
 19 (3) Benefit options for children with special
 20 health care needs.

21 (4) Options for enrollment of children with
22 special health care needs in and disenrollment of
23 children with special health care needs from qualified
24 child health plans utilizing a capitated fee form of
25 payment.

26 (5) The appropriateness and quality of care for
27 children with special health care needs.

28 (6) The coordination of health services provided
29 for children with special health care needs under the
30 program with services provided by other publicly
31 funded programs."

32 34. Page 6, line 20, by striking the word
33 "cooperation" and inserting the following:
34 "consultation".

35 35. Page 6, by striking lines 30 and 31 and
36 inserting the following: "insurers for the program."

37 36. Page 6, by striking lines 33 and 34 and
38 inserting the following: "plan which are those
39 included in a benchmark or benchmark equivalent plan
40 and which comply".

41 37. Page 6, line 35, by striking the words "and
42 which".

43 38. Page 7, by striking lines 1 and 2, and
44 inserting the following: ". Benefits covered shall
45 include but are not limited to all of the following:"

46 39. Page 7, line 22, by striking the word
47 "preventative" and inserting the following:
48 "preventive".

49 40. Page 7, by striking lines 32 and 33 and
50 inserting the following:

Page 6

1 "g. Presumptive eligibility criteria for the
2 program."

3 41. By striking page 7, line 35, through page 8,
4 line 2, and inserting the following: "shall be
5 assessed on a sliding fee scale based on family
6 income, which provides for a minimum amount of cost
7 sharing, and which complies with federal law."

8 42. Page 8, line 14, by striking the word "board"
9 and inserting the following: "department".

10 43. Page 9, by striking lines 21 and 22.

11 44. Page 9, by inserting after line 29, the
12 following:

13 "4A. Require that any plan provided by the
14 participating insurer establishes and maintains a
15 conflict management system that includes methods for
16 both preventing and resolving disputes involving the
17 health care needs of eligible children, and a process
18 for resolution of such disputes."

19 45. Page 10, by striking lines 1 and 2 and
20 inserting the following:

- 21 "c. Information regarding the plan's conflict
22 management system."
23 46. Page 10, by striking lines 4 and 5 and
24 inserting the following:
25 "___ Submit a plan for a health improvement
26 program to the department, for approval by the board."
27 47. Page 10, line 15, by striking the word
28 "developed" and inserting the following: "approved".
29 48. Page 10, by striking lines 33 through 35.
30 49. Page 11, line 4, by striking the words "of
31 human services".
32 50. Page 11, by striking lines 6 through 8.
33 51. Page 11, by striking lines 9 through 13 and
34 inserting the following:
35 "___ Develop and issue appropriate approval,
36 denial, and cancellation notifications to inform
37 applicants and enrollees of the status of the
38 applicant's or enrollee's eligibility to participate
39 in the program. Additionally, the administrative
40 contractor shall process applications, including
41 verifications and mailing of approvals and denials,
42 within ten working days of receipt of the application,
43 unless the application cannot be processed within this
44 period for a reason that is beyond the control of the
45 administrative contractor."
46 52. Page 11, lines 15 and 16, by striking the
47 words "of human services".
48 53. Page 11, line 20, by striking the words
49 "HAWK-I board" and inserting the following:
50 "department".

Page 7

- 1 54. Page 11, line 25, by striking the word
2 "divisions" and inserting the following:
3 "department".
4 55. Page 11, line 26, by striking the words
5 "HAWK-I board" and inserting the following:
6 "department".
7 56. By striking page 11, line 33, through page
8 12, line 5, and inserting the following:
9 "___ Collect and track monthly family premiums to
10 assure that payments are current."
11 57. Page 12, line 7, by inserting after the word
12 "contractor" the following: "in that participating
13 insurer's plan".
14 58. Page 12, by striking line 14 and inserting
15 the following:
16 "1. Effective July 1, 1998, and notwithstanding
17 any medical assistance program eligibility criteria to
18 the contrary, medical assistance shall be provided to,
19 or on behalf of, an eligible child under the age of
20 nineteen whose family income does not exceed one

21 hundred thirty-three percent of the federal poverty
22 level, as defined by the most recently revised poverty
23 income guidelines published by the United States
24 department of health and human services.

25 2. A child may participate in the HAWK-I program
26 if the child".

27 59. Page 12, by striking lines 22 through 24 and
28 inserting the following:

29 "___ Is not eligible for medical assistance
30 pursuant to chapter 249A."

31 60. Page 13, line 2, by inserting after the word
32 "eligible" the following: "for the program pending a
33 final eligibility determination".

34 61. Page 13, by striking lines 6 and 7 and
35 inserting the following: "the administrative
36 contractor shall conduct a review of the circumstances
37 of the eligible child's family to establish
38 eligibility and cost sharing for the subsequent
39 twelve-month period."

40 62. Page 13, by inserting after line 14 the
41 following:

42 "___ The board shall study and shall make
43 recommendations to the governor and to the general
44 assembly regarding the level of family income which is
45 appropriate for application of the program, and the
46 feasibility of allowing families with incomes above
47 the level of eligibility for the program to purchase
48 insurance for children through the program.

49 ___ The board and the council on human services
50 shall cooperate and seek appropriate coordination in

Page 8

1 administration of the program and the medical
2 assistance program and shall develop a plan for a
3 unified medical assistance and HAWK-I program system
4 which includes the use of a single health insurance
5 card by enrollees of either program."

6 63. Page 13, by striking lines 22 through 26 and
7 inserting the following: "the results of the initial
8 benefits package used."

9 64. Page 14, lines 8 and 9, by striking the words
10 "a minimum of two percent" and inserting the
11 following: "at least a minimum amount".

12 65. Page 14, by inserting after line 13, the
13 following:

14 "Sec. ___ APPOINTMENT OF MEMBERS OF THE HAWK-I
15 BOARD. The members of the HAWK-I board shall be
16 appointed within thirty days of enactment of this Act
17 and may begin performing board duties prior to the
18 beginning of the official commencement of the terms of
19 the appointed board members as provided under this
20 Act.

21 Sec. ____ OUTREACH. Notwithstanding any provision
 22 to the contrary, including section 8.33, any moneys
 23 remaining in the Iowa healthy kids trust fund pursuant
 24 to chapter 514H and any moneys remaining from grants,
 25 contributions, or other sources which were designated
 26 for the purposes of the healthy kids program shall be
 27 transferred to the department of human services and
 28 used to implement outreach activities for the HAWK-I
 29 program immediately upon enactment of this Act.
 30 Sec. ____ EMERGENCY RULES. The department of
 31 human services may adopt emergency rules to implement
 32 changes in the medical assistance program by July 1,
 33 1998, and the department of human services and the
 34 board may each adopt emergency rules only to the
 35 extent necessary to implement the HAWK-I program by
 36 January 1, 1999. Any rules adopted in accordance with
 37 this section shall also be published as notice of
 38 intended action as provided in section 17A.4.
 39 Sec. ____ Chapter 514H is repealed.”
 40 66. Title page, line 2, by inserting after the
 41 word “children” the following: “, providing for a
 42 repeal.”
 43 67. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amend-
 ment H-9120.

Hansen of Pottawattamie moved that the bill, as amended by the
 Senate and concurred in by the House, be read a last time now and
 placed upon its passage which motion prevailed and the bill was read a
 last time.

On the question “Shall the bill pass?” (H.F. 2517)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogoss	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Leiron	Lord
Martin	Mascher	May	Mertz

Metcalf	Meyer	Millage	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Cataldo

Moreland

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate File 2311** and **House File 2517**.

Unfinished Business Calendar

Senate File 492, a bill for an act relating to unemployment compensation benefits concerning proof of whether a person has voluntarily quit employment, with report of committee recommending passage, was taken up for consideration.

Dotzler of Black Hawk offered the following amendment H-8040 filed by him and moved its adoption:

H-8040

- 1 Amend Senate File 492, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 96.5, subsection 1, Code
- 6 Supplement 1997, is amended by adding the following
- 7 new paragraphs:
- 8 NEW PARAGRAPH. k. The individual has left
- 9 employment following a substantial change in the
- 10 contract of hire with the employer. For purposes of
- 11 this paragraph, a "substantial change in the contract
- 12 of hire" includes, but is not limited to, changes in
- 13 working hours, shifts, remuneration, location of
- 14 employment, and significant modification in the work

- 15 required of the individual.
 16 NEW PARAGRAPH. l. The individual has left
 17 employment due to unsafe working conditions.
 18 NEW PARAGRAPH. m. The individual has left
 19 employment due to unlawful working conditions.
 20 NEW PARAGRAPH. n. The individual has left
 21 employment due to intolerable or detrimental working
 22 conditions."
 23 2. Title page, line 1, by inserting after the
 24 word "concerning" the following: "the establishment
 25 of and".
 26 3. By renumbering as necessary.

Roll call was requested by Dotzler of Black Hawk and Myers of Johnson.

On the question "Shall amendment H-8040 be adopted?" (S.F. 492)

The ayes were, 45:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 53:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Carroll
Churchill	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 2:

Brunkhorst

Cataldo

Amendment H-8040 lost.

Taylor of Linn offered the following amendment H-9124 filed by him from the floor and moved its adoption:

H-9124

1 Amend Senate File 492, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 96.4, subsection 4, Code 1997,
6 is amended to read as follows:

7 4. The individual has been paid wages for insured
8 work during the individual's base period in an amount
9 at least one and one-quarter times the wages paid to
10 the individual during that quarter of the individual's
11 base period in which the individual's wages were
12 highest; provided that the individual has been paid
13 wages for insured work totaling at least three and
14 five-tenths percent of the statewide average annual
15 wage for insured work, computed for the preceding
16 calendar year if the individual's benefit year begins
17 on or after the first full week in July and computed
18 for the second preceding calendar year if the
19 individual's benefit year begins before the first full
20 week in July, in that calendar quarter in the
21 individual's base period in which the individual's
22 wages were highest, and the individual has been paid
23 wages for insured work totaling at least one-half of
24 the amount of wages required under this subsection in
25 the calendar quarter of the base period in which the
26 individual's wages were highest, in a calendar quarter
27 in the individual's base period other than the
28 calendar quarter in which the individual's wages were
29 highest. The calendar quarter wage requirements shall
30 be rounded to the nearest multiple of ten dollars.

31 If the individual has drawn benefits in any benefit
32 year, the individual must during or subsequent to that
33 year, work in and be paid wages for insured work
34 totaling at least two hundred fifty dollars, as a
35 condition to receive benefits in the next benefit
36 year."

37 2. Page 2, by inserting after line 6 the
38 following:

39 "Sec. ____ Section 96.29, subsection 1, paragraph
40 c, Code 1997, is amended by striking the paragraph."

41 3. By renumbering as necessary.

Carroll of Poweshiek in the chair at 4:34 p.m.

Amendment H-9124 lost.

Taylor of Linn asked and received unanimous consent to withdraw amendment H-8025 filed by him on February 10, 1998.

Dotzler of Black Hawk asked and received unanimous consent to withdraw amendment H-8039 filed by him on February 12, 1998.

Dotzler of Black Hawk offered the following amendment H-9111 filed by him and moved its adoption:

H-9111

- 1 Amend Senate File 492, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "imposed." the following: "The employer shall obtain
- 5 and make available to the claimant all relevant
- 6 information from the employer that the claimant
- 7 indicates is necessary to meet the claimant's burden
- 8 as required under this subsection. However, if the
- 9 employer does not make available to the claimant
- 10 information as required by this subsection, the
- 11 claimant shall not be disqualified for benefits
- 12 pursuant to section 96.5."

Roll call was requested by Dotzler of Black Hawk and Chiodo of Polk.

On the question "Shall amendment H-9111 be adopted?" (S.F. 492)

The ayes were, 45:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 50:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Churchill
Corbett, Spkr.	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Holmes

Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Metcalf	Meyer	Millage
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Carroll, Presiding		

Absent or not voting, 5:

Brunkhorst	Cataldo	Heaton	Martin
Nelson			

Amendment H-9111 lost.

Taylor of Linn offered the following amendment H-9110 filed by him and moved its adoption:

H-9110

- 1 Amend Senate File 492, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 23, by striking the words
- 4 "subsection 10," and inserting the following:
- 5 "subsection 10."
- 6 2. Page 1, line 24, by striking the words "and"
- 7 and inserting the following: "The claimant also".
- 8 3. Page 1, line 28, by inserting after the words
- 9 "through "h"" the following: ", but only after the
- 10 employer has produced clear and convincing evidence
- 11 that the employer made available to the claimant
- 12 information, in a manner and form prescribed by the
- 13 department, that explained a potential claimant's
- 14 rights and responsibilities upon filing a claim for
- 15 unemployment benefits, including the claimant's burden
- 16 of proof as established in this section. However, if
- 17 the employer does not produce clear and convincing
- 18 evidence that the employer made available to the
- 19 claimant information as required by this subsection,
- 20 the claimant shall not be disqualified for benefits
- 21 pursuant to section 96.5".

Amendment H-9110 lost.

Falck of Fayette offered the following amendment H-8029 filed by him and moved its adoption:

H-8029

- 1 Amend Senate File 492, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 28, by inserting after the words

4 "through "h." the following: "The employer has the
 5 initial burden to produce evidence showing that a
 6 voluntary quit pursuant to section 96.5, subsection 1,
 7 was not for good cause attributable to the employer
 8 and that the claimant is disqualified for benefits in
 9 cases involving section 96.5, subsection 1, paragraphs
 10 "a" through "h."

Amendment H-8029 lost.

Connors of Polk offered the following amendment H-8041 filed by him and moved its adoption:

H-8041

1 Amend Senate File 492, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 28, by striking the word "'h'"
 4 and inserting the following: "'g'".

Amendment H-8041 lost.

Holveck of Polk offered the following amendment H-9133 filed by him from the floor and moved its adoption:

H-9133,

1 Amend Senate File 492, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 15, by inserting after the word
 4 "imposed." the following: "The employer shall obtain
 5 and make available to the claimant all relevant
 6 information from the employer that the claimant
 7 indicates is necessary to meet the claimant's burden
 8 as required under this subsection."

Speaker Corbett in the chair at 5:32 p.m.

Amendment H-9133 lost.

Kremer of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 492)

The ayes were, 56:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie

Fallon	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Mertz	Metcalf	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

The nays were, 43:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Foege	Ford	Frevert
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
May	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

Absent or not voting, 1:

Cataldo

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 492** be immediately messaged to the Senate.

INTRODUCTION OF BILLS

House File 2557, by committee on appropriations, a bill for an act relating to employment background checks by care facilities and services, creating a single contact repository, and making an appropriation.

Read first time and placed on the **appropriations calendar**.

House File 2558, by committee on appropriations, a bill for an act relating to mental health, developmental disability, and substance abuse service and payment provisions, and including an applicability provision and an effective date.

Read first time and placed on the **appropriations calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2275, a bill for an act relating to health care providers including the application of records checks to additional providers and the recording and availability of the records of the facility inspections and providing for a repeal.

Also: That the Senate has on April 13, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2541, a bill for an act relating to the use tax exemption for vehicles used substantially in interstate commerce.

Also: That the Senate has on April 13, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2542, a bill for an act regulating bulk dry animal nutrient products, providing for fees and an appropriation, providing penalties, and providing for an effective date.

MARY PAT GUNDERSON, Secretary

MOTION TO RECONSIDER

(Senate File 187)

I move to reconsider the vote by which Senate File 187 passed the House on April 13, 1998.

SIEGRIST of Pottawattamie

EXPLANATION OF VOTE

I inadvertently voted "aye" on Senate File 492. I meant to vote "nay."

FALLON of Polk

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 10th day of April, 1998: House File 2135.

Also presented to the Governor for his approval on this 13th day of April, 1998: House Files 681, 2335 and 2336.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 10, 1998, he approved and transmitted to the Secretary of State the following bills:

House File 677, an act relating to child custody and visitation including the consideration of parent's criminal history in the awarding of visitation rights and including an exception from mandatory participation in a course by parties to an action involving child custody or visitation.

House File 2337, an act concerning the method for imposition of the drug abuse resistance education surcharge.

Senate File 2015, an act to remove cottonwood trees and cotton-bearing poplar trees in cities from a list of items deemed to be nuisances.

Senate File 2113, an act relating to driver and motor vehicle licensing, reporting, and registration.

Senate File 2136, an act relating to statutory corrections which may 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, and providing effective and retroactive applicability dates.

Senate File 2257, an act relating to the regulation of and motor vehicle operation on the roads and streets of this state by providing for the classification of the system of roads and streets, authorizing easements on state-controlled lands, providing for the admissibility of official records of the state department of transportation, regulating motor vehicles and motor vehicle dealers, authorizing maintenance vehicles to stop or park on the traveled way of the roadway, allowing single trucks a variance on their maximum length, administering of motor vehicle laws by the state department of transportation concerning motor vehicle dealer sales, multiyear vehicle and vehicle dealer licensing, requiring the payment of certain civil penalties before issuance of temporary restricted licenses, and modifying the compilation requirements for airport sufficiency ratings.

Senate File 2294, an act relating to the payment of snowmobile and all-terrain vehicle title fees.

Senate File 2308, an act concerning eligible alternative retirement benefit systems for community college employees.

Senate File 2357, an act updating the Iowa Code references to the Internal Revenue Code, exempting certain preneed funeral trust income from taxation, revising the carryback and carryover periods for certain net operating losses, providing refunds, and providing an effective date and retroactive applicability dates.

Also: That on April 13, 1998, he approved and transmitted to the Secretary of State the following bills:

House File 721, an act relating to an insurance premium tax credit for eligible businesses under the new jobs and income program.

House File 2168, an act relating to the sale of stock or ownership interest of any corporation formed under the Iowa business development finance Act.

House File 2369, an act relating to the human immunodeficiency virus including the testing of an alleged offender for the human immunodeficiency virus, the intentional transmission of the human immunodeficiency virus, making penalties applicable, establishing penalties, and providing for an affirmative defense.

House File 2394, an act providing for service of one hundred percent of the maximum sentence by and the suspension of a driver's license of a person charged with homicide by vehicle.

House File 2476, an act providing for connection to the Iowa communications network by the quad cities graduate center.

House File 2527, an act providing for victim rights, providing for penalties, and an effective date.

Senate File 2023, an act relating to the issuance of United States armed forces retired special plates, to the issuance of ex-prisoner of war motor vehicle registration plates to surviving spouses and to the issuance of emergency medical services motor vehicle registration plates and establishing fees.

Senate File 2085, an act relating to the responsibilities of the department of transportation, including vehicle equipment and parking regulation, postings of highway weight restrictions, and receipt of plans for city street construction.

Senate File 2170, an act relating to licensing sanctions against individuals who default on debt owed to or collected by the college student aid commission.

Senate File 2185, an act providing for the purchase of biodegradable hydraulic fluids manufactured from soybeans by state agencies.

Senate File 2186, an act relating to the validity and enforceability in Iowa of an advance directive document executed by a veteran of the armed forces.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Nine students from Fairfield High School and MSAE in Jefferson County, accompanied by the Fairfield Chamber. By Reynolds-Knight of Van Buren.

Four students from Van Buren County, accompanied by Marcia Wagner and Terri Helterbran. By Reynolds-Knight of Van Buren.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1998\451 Lloyd Hanrahan, Davenport – For celebrating his 90th birthday.
- 1998\452 Michael Noll, Davenport – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\453 Walt Saur, Oelwein – For retiring after 20 years of service from the Iowa Board of Parole.
- 1998\454 David and Marylu Watkins, Muscatine – For being awarded the Wallace's Master Farmer Award.
- 1998\455 Robert C. Morrison, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\456 Opal Hendrickson, Indianola – For celebrating her 97th birthday.
- 1998\457 Frank and Ruby Hammon, Indianola – For celebrating their 70th wedding anniversary.
- 1998\458 Olga Kiefer, Davenport – For celebrating her 92nd birthday.
- 1998\459 Martha E. Westphal, Davenport – For celebrating her 93rd birthday.
- 1998\460 Harland Bleitz, Davenport – For celebrating his 90th birthday.
- 1998\461 North High Jazz I, Sioux City – For winning the 1998 Iowa Jazz Championship.
- 1998\462 Casey Anderson, Atlantic – For being officially nominated to the National History and Government Award in the United States Achievement Academy National Awards Yearbook.

SUBCOMMITTEE ASSIGNMENT

Senate File 2417

Appropriations: Millage, Chair; Murphy and Sukup.

RESOLUTION FILED

HCR 121, by Thomas, Falck, and Kremer, a concurrent resolution recognizing and honoring members of the Save the Backbone Lake Committee who participated in the restoration of Backbone Lake in Backbone State Park.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—9117	S.F.	2052	Senate Amendment
H—9118	H.F.	2498	Senate Amendment
H—9119	H.F.	2164	Warnstadt of Woodbury

H—9121	S.F.	2061	Huser of Polk
H—9122	H.F.	2166	Blodgett of Cerro Gordo
H—9123	H.F.	2166	Blodgett of Cerro Gordo
H—9125	H.C.R.	109	Burnett of Story
H—9126	S.F.	58	Drees of Carroll
H—9127	H.F.	2554	Dix of Butler Teig of Hamilton Fallon of Polk
H—9128	H.F.	2164	Thomas of Clayton
H—9129	S.F.	2398	Shoultz of Black Hawk
H—9130	S.F.	2398	Shoultz of Black Hawk
H—9131	S.F.	2398	Lamberti of Polk
H—9132	S.F.	2281	Lamberti of Polk
H—9134	H.F.	2542	Senate Amendment
H—9135	H.F.	2275	Senate Amendment
H—9136	H.F.	667	Millage of Scott Chapman of Linn
H—9137	H.F.	2164	Warnstadt of Woodbury
H—9138	H.F.	2164	Warnstadt of Woodbury
H—9139	H.F.	2554	Dix of Butler
H—9140	S.J.R.	2004	Chapman of Linn
H—9141	S.J.R.	2004	Bernau of Story
H—9142	S.J.R.	2004	Frevert of Palo Alto
H—9143	S.F.	2398	Lamberti of Polk
H—9144	S.F.	58	Ford of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 6:10 p.m., until 8:45 a.m., Tuesday, April 14, 1998.

JOURNAL OF THE HOUSE

Ninety-third Calendar Day - Sixty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 14, 1998

The House met pursuant to adjournment at 8:52 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Father Michael Hess of Dowling High School, West Des Moines. Candy Boucher sang "Amazing Grace".

The Journal of Monday, April 13, 1998 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Blodgett of Cerro Gordo, until his arrival, on request of Speaker Corbett.

CONSIDERATION OF BILL Appropriations Calendar

Senate File 2332, a bill for an act relating to agriculture, regulating the sale of agricultural products advertised as organic, providing for fees and appropriations, and providing penalties and an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Meyer of Sac offered amendment H-8882 filed by the committee on appropriations as follows:

H-8882

- 1 Amend Senate File 2332, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 12, by striking the words "in the
- 4 United States".
- 5 2. Page 3, line 17, by striking the words "or
- 6 processing" and inserting the following: ", aids, or
- 7 ingredients that are used during processing,
- 8 packaging, or storing agricultural products".
- 9 3. Page 3, line 31, by striking the word "years"
- 10 and inserting the following: "years."
- 11 4. Page 3, by striking line 32 and inserting the
- 12 following: "However,".
- 13 5. Page 7, by striking lines 22 through 28 and
- 14 inserting the following: "fees for persons required
- 15 to be certified as producers, handlers, and processors
- 16 of agricultural products labeled, sold, or advertised
- 17 as organic as provided in section 190C.13.
- 18 2. Beginning on July 1, 2000, the department shall
- 19 establish the rate of fees based on an estimate of the

20 amount of revenues from the fees required by the
 21 department to administer and enforce this chapter.
 22 The department shall annually review the estimate in
 23 order to determine if the fees must be adjusted in
 24 order to comply with this subsection. The department
 25 may adjust the fees by rule at any time in order to
 26 comply with this subsection."

27 6. Page 8, line 9, by striking the words
 28 "product, other than livestock," and inserting the
 29 following: "product".

30 7. Page 11, line 9, by striking the words "or
 31 registered".

32 8. Page 13, by inserting after line 3 the
 33 following:

34 "Sec. ____ STAFF QUALIFICATIONS. The department
 35 shall adopt rules regarding the qualifications of
 36 departmental personnel responsible for implementing
 37 and administering this Act."

38 9. By renumbering as necessary.

Meyer of Sac offered the following amendment H-9108, to the committee amendment H-8882, filed by him and moved its adoption:

H-9108

1 Amend the amendment, H-8882, to Senate File 2332,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by striking lines 3 through 37 and
 5 inserting the following:

6 "____. Page 1, line 12, by striking the words "in
 7 the United States".

8 ____ Page 1, line 18, by striking the words
 9 "review and appeals".

10 ____ Page 2, by inserting after line 33 the
 11 following:

12 "____. "Regional organic association" means a
 13 corporation organized under chapter 504 or 504A which
 14 has certifying members, elects its own officers and
 15 directors, and is independent from the department."

16 ____ Page 3, line 12, by striking the words
 17 "using, where possible," and inserting the following:
 18 "using".

19 ____ Page 3, line 17, by striking the words "or
 20 processing" and inserting the following: ", aids, or
 21 ingredients that are used during processing,
 22 packaging, or storing agricultural products".

23 ____ Page 3, lines 23 and 24, by striking the
 24 words "REVIEW AND APPEALS".

25 ____ Page 3, by striking line 25 and inserting
 26 the following:

27 "1. An organic standards board is".

28 ____ Page 3, by striking line 28 and inserting
 29 the following: "appointed by the governor and
 30 secretary, as provided in this section. The governor

- 31 and secretary shall accept".
- 32 __. Page 3, line 30, by striking the word
- 33 "secretary" and inserting the following: "governor
- 34 and secretary making appointments under this section".
- 35 __. Page 3, line 33, by striking the words
- 36 "secretary shall" and inserting the following:
- 37 "governor and secretary shall cooperate to".
- 38 __. Page 3, line 35, by striking the words "by
- 39 the secretary" and inserting the following: "under
- 40 this section".
- 41 __. Page 4, by striking lines 2 and 3 and
- 42 inserting the following: "and retailing of organic
- 43 agricultural products. The members of the board shall
- 44 be appointed as follows:"
- 45 __. Page 4, by striking lines 5 through 8 and
- 46 inserting the following: "agricultural products. The
- 47 governor shall appoint three of the persons, at least
- 48 one of which shall be a producer of livestock, who may
- 49 be a dairy or egg producer. The secretary shall
- 50 appoint two of the persons, at least one of which

Page 2

- 1 shall be a producer of an agricultural commodity other
- 2 than livestock. To qualify for appointment, a".
- 3 __. Page 4, line 13, by inserting after the word
- 4 "products." the following: "One person shall be
- 5 appointed by the governor and one person shall be
- 6 appointed by the secretary."
- 7 __. Page 4, by striking line 17 and inserting
- 8 the following:
- 9 "c. One person appointed by the secretary, who
- 10 shall be either of the following:"
- 11 __. Page 4, line 30, by inserting after the word
- 12 "science." the following: "One person shall be
- 13 appointed by the governor and one person shall be
- 14 appointed by the secretary."
- 15 __. Page 4, line 34, by inserting after the word
- 16 "person" the following: "appointed by the governor,".
- 17 __. Page 5, by striking lines 9 and 10 and
- 18 inserting the following: "term. A member is eligible
- 19 for reappointment. The governor may remove a member
- 20 appointed by the governor and the secretary may remove
- 21 a member appointed by the secretary, if the removal is
- 22 based on the member's misfeasance,".
- 23 __. Page 6, line 5, by striking the words
- 24 "review and appeals".
- 25 __. Page 6, by inserting after line 9 the
- 26 following:
- 27 " __. Establish a schedule of state fees as
- 28 provided in section 190C.5."
- 29 __. Page 6, by striking lines 20 through 29 and
- 30 inserting the following:

31 " ___. Approve or disapprove applications for
 32 certification, after reviewing applications,
 33 inspection reports, and other materials submitted by
 34 applicants. The board may suspend a decision to
 35 approve or disapprove an application until an
 36 application is complete or additional materials
 37 relating to the application are provided to the board.
 38 ___. Establish procedures pursuant to rules
 39 adopted by the department governing appeals of
 40 decisions made by the department or board under this
 41 chapter, including final agency action under chapter
 42 17A."
 43 __. Page 6, line 31, by striking the word
 44 "department" and inserting the following:
 45 "department, upon approval by the board."
 46 __. Page 7, line 3, by inserting before the word
 47 "fees" the following: "state".
 48 __. Page 7, by striking lines 12 through 14 and
 49 inserting the following: "shall serve as a certifying
 50 agent under 21 U.S.C. § 2115. The secretary or the

Page 3

1 secretary's agent may serve as an inspector in order
 2 to conduct investigations at times and places and to
 3 such an extent as the secretary and the board deems
 4 necessary to determine whether a person is in".
 5 __. Page 7, by striking lines 20 through 28 and
 6 inserting the following:
 7 "Sec. __. NEW SECTION. 190C.5 STATE FEES —
 8 DEPOSIT INTO THE GENERAL FUND OF THE STATE.
 9 1. The board shall establish a schedule of state
 10 fees under this chapter by rule adopted by the
 11 department, for persons required to be certified as
 12 producers, handlers, and processors of agricultural
 13 products labeled, sold, or advertised as organic as
 14 provided in section 190C.13.
 15 2. Beginning on July 1, 2000, the board shall
 16 establish the rate of fees based on an estimate of the
 17 amount of revenues from the fees required by the
 18 department to administer and enforce this chapter.
 19 The department shall annually review the estimate and
 20 recommend a change in the rate of fees to the board if
 21 the fees must be adjusted in order to comply with this
 22 subsection. The board may approve an adjustment in
 23 the fees by rule adopted by the department at any time
 24 in order to comply with this subsection."
 25 __. Page 7, line 29, by striking the words "The
 26 fees" and inserting the following: "The department
 27 shall collect state fees under this chapter as
 28 provided by the board, which".
 29 __. Page 7, by inserting after line 30 the
 30 following:

31 "Sec. ____ NEW SECTION. 190C.5A REGIONAL ORGANIC
32 ASSOCIATIONS.

33 The department, upon approval by the board, may
34 authorize a regional organic association to assist the
35 board in certifying producers, handlers, and
36 processors of agricultural products under section
37 190C.13. The regional organic association must be
38 registered with the department. The registered
39 regional organic association, upon approval of the
40 board, may administer the provisions of section
41 190C.13 by doing all of the following:

42 1. Reviewing applications and providing applicants
43 with technical assistance in completing applications.

44 The department may authorize a regional organic
45 association to process applications, including
46 collecting and forwarding applications to the
47 department.

48 2. Preparing a summary of an application,
49 including materials accompanying the application, for
50 review by the department and the organic standards

Page 4

1 board. A regional organic association may include a
2 recommendation for approval, modification, or
3 disapproval of an application."

4 ____ Page 8, line 9, by striking the words
5 "product, other than livestock," and inserting the
6 following: "product".

7 ____ Page 8, line 19, by inserting after the word
8 "organic" the following: "A person shall not be
9 certified unless the certification is approved by the
10 organic standards board".

11 ____ Page 8, line 34, by inserting after the word
12 "rules" the following: "upon approval by the board".

13 ____ By striking page 8, line 35, through page 9,
14 line 2, and inserting the following: "certification
15 procedure."

16 ____ Page 11, line 8, by striking the word
17 "department" and inserting the following: "board".

18 ____ Page 11, line 9, by striking the words "or
19 registered".

20 ____ Page 11, line 16, by striking the word
21 "department" and inserting the following: "board".

22 ____ Page 12, by striking lines 1 through 3 and
23 inserting the following: "sale order are satisfied.

24 The board must approve a delay in issuing a release
25 order within three months after requiring that the
26 agricultural product be held. If the person is found
27 to have violated this chapter, the person shall pay
28 all expenses incurred by the department in connection
29 with the agricultural product's removal."

30 ____ Page 12, by striking lines 20 through 22 and

31 inserting the following: "continues constitutes a
 32 separate offense. Civil".
 33 __. Page 12, line 29, by striking the words
 34 "review and appeals".
 35 __. Page 12, line 32, by inserting before the
 36 word "secretary" the following: "governor and".
 37 __. Page 12, line 33, by striking the words
 38 "review and appeals".
 39 __. Page 12, line 34, by inserting before the
 40 word "secretary" the following: "governor and".
 41 __. Page 12, line 35, by inserting before the
 42 word "secretary" the following: "governor and".
 43 __. Page 13, line 2, by inserting before the
 44 word "secretary" the following: "governor and".
 45 __. Page 13, by inserting after line 3 the
 46 following:
 47 "Sec. __. STAFF QUALIFICATIONS. The department
 48 shall adopt rules regarding the qualifications of
 49 departmental personnel responsible for implementing
 50 and administering this Act."

Page 5

1 2. By renumbering as necessary.

Amendment H-9108 was adopted.

Meyer of Sac moved the adoption of the committee amendment H-8882, as amended.

The committee amendment H-8882, as amended, was adopted.

Meyer of Sac moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2332)

The ayes were, 89:

Arnold	Bell	Bernau	Boddicker
Bogges	Bradley	Brand	Brauns
Bukta	Burnett	Carroll	Cataldo
Chapman	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Frevort	Garman	Gipp	Greiner
Gries	Grundberg	Hahn	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson

Lord	Martin	Mascher	May
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Van Fossen
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, 9:

Barry	Brunkhorst	Chiodo	Dix
Greig	Hansen	Mertz	Tyrrell
Vande Hoef			

Absent or not voting, 2:

Blodgett	Ford
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Drake of Pottawattamie called up for consideration **House File 2542**, a bill for an act regulating bulk dry animal nutrient products, providing for fees and an appropriation, providing penalties, and providing for an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-9134:

H-9134

- 1 Amend House File 2542, as passed by the House, as
- 2 follows:
- 3 1. Page 10, by striking lines 8 through 13 and
- 4 inserting the following: "deposited in the general
- 5 fund of the state. However, the department may
- 6 allocate moneys to the Iowa".

The motion prevailed and the House concurred in the Senate amendment H-9134.

Drake of Pottawattamie moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2542)

The ayes were, 97:

Arnold	Bell	Bernau	Boddicker
Boggess	Bradley	Brand	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Frevort
Garman	Greiner	Gipp	Greig
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Barry Blodgett Ford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate File 2332 and House File 2542.**

Unfinished Business Calendar

Senate File 2374, a bill for an act providing for the regulation of bail enforcement businesses and their agents, limiting their actions, establishing fees, eliminating temporary county-issued identification for private security agents and investigators, and providing penalties, with report of committee recommending passage, was taken up for consideration.

Boddicker of Cedar offered the following amendment H-8802 filed by him and moved its adoption:

H-8802

- 1 Amend Senate File 2374, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 10, by striking the word "surety"
- 4 and inserting the following: "bail".
- 5 2. Page 1, line 20, by striking the word "surety"
- 6 and inserting the following: "bail".
- 7 3. Page 2, line 2, by striking the word "surety".
- 8 4. Page 2, line 11, by striking the word "surety"
- 9 and inserting the following: "bail".
- 10 5. Page 2, line 24, by striking the word "surety"
- 11 and inserting the following: "bail".
- 12 6. Page 7, line 27, by striking the words "surety
- 13 bond" and inserting the following: "bail bond".
- 14 7. Page 7, line 27, by striking the words "on a
- 15 bond" and inserting the following: "on a bail bond".
- 16 8. Page 8, line 2, by inserting before the word
- 17 "bond" the following: "bail".

Amendment H-8802 was adopted.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-8558 filed by him on March 23, 1998, placing amendments H-8617 filed by Boddicker of Cedar and H-8640 filed by Bernau of Story on March 24, 1998 out of order.

Bernau of Story asked and received unanimous consent to withdraw amendment H-8819 filed by him on March 31, 1998.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2374)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Boddicker	Bogges	Brand	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn

Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Blodgett

Bradley

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2374** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Klemme of Plymouth called up for consideration **Senate File 2052**, a bill for an act relating to programs involving government finance, by providing for the issuance of private activity bonds to administer programs by governmental entities, including the Iowa agricultural development authority and political subdivisions, and providing program assistance to beginning farmers, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-9117:

H-9117

- 1 Amend the House amendment, S-5474, to Senate File
- 2 2052, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. By striking page 1, line 7, through page 2,
- 5 line 41, and inserting the following:
- 6 "7C.4A ALLOCATION OF STATE CEILING.
- 7 For each calendar year, the state ceiling shall be

8 allocated among bonds issued for various purposes as
9 follows:

10 1. Thirty percent of the state ceiling shall be
11 allocated solely to the Iowa finance authority for the
12 following purposes:

13 a. Issuing qualified mortgage bonds.

14 b. Reallocating the amount, or any portion
15 thereof, to another qualified political subdivision
16 for the purpose of issuing qualified mortgage bonds;
17 or

18 c. Exchanging the allocation, or any portion
19 thereof, for the authority to issue mortgage credit
20 certificates by election under section 25(c) of the
21 Internal Revenue Code.

22 However, at any time during the calendar year the
23 executive director of the Iowa finance authority may
24 determine that a lesser amount need be allocated to
25 the Iowa finance authority and on that date this
26 lesser amount shall be the amount allocated to the
27 authority and the excess shall be allocated under
28 subsection 6 7.

29 2. Twelve percent of the state ceiling shall be
30 allocated to bonds issued to carry out programs
31 established under chapters 260C, 260E, and 260F.
32 However, at any time during the calendar year the
33 director of the Iowa department of economic
34 development may determine that a lesser amount need be
35 allocated and on that date this lesser amount shall be
36 the amount allocated for those programs and the excess
37 shall be allocated under subsection 6 7.

38 3. Sixteen percent of the state ceiling shall be
39 allocated to qualified student loan bonds. However,
40 at any time during the calendar year the governor's
41 designee, with the approval of the Iowa student loan
42 liquidity corporation, may determine that a lesser
43 amount need be allocated to qualified student loan
44 bonds and on that date the lesser amount shall be the
45 amount allocated for those bonds and the excess shall
46 be allocated under subsection 6 7.

47 4. ~~Sixteen~~ Twenty-one percent of the state ceiling
48 shall be allocated to qualified small issue bonds
49 issued for first-time farmers. However, at any time
50 during the calendar year the governor's designee, with

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1 the approval of the Iowa agricultural development
2 authority, may determine that a lesser amount need be
3 allocated to qualified small issue bonds for first-
4 time farmers and on that date this lesser amount shall
5 be the amount allocated for those bonds and the excess
6 shall be allocated under subsection 6 7.

7 5. Eighteen percent of the state ceiling shall be

8 allocated to bonds issued by political subdivisions to
 9 finance a qualified industry or industries for the
 10 manufacturing, processing, or assembly of agricultural
 11 or manufactured products even though the processed
 12 products may require further treatment before delivery
 13 to the ultimate consumer.

14 ~~5~~ 6. During the period of January 1 through
 15 ~~October 25 June 30, five~~ three percent of the state
 16 ceiling shall be reserved for private activity bonds
 17 issued by political subdivisions, the proceeds of
 18 which are used by the issuing political subdivisions.

19 6 7. a. The amount of the state ceiling which is
 20 not otherwise allocated under subsections 1 through 4
 21 ~~5~~, and after ~~October 25 June 30~~, the amount of the
 22 state ceiling reserved under subsection ~~5~~ 6 and not
 23 allocated, shall be allocated to all bonds requiring
 24 an allocation under section 146 of the Internal
 25 Revenue Code without priority for any type of bond
 26 over another, except as otherwise provided in sections
 27 7C.5 and 7C.11.

28 b. The population of the state shall be determined
 29 in accordance with the Internal Revenue Code."

30 2. Page 2, lines 45 and 46, by striking the words
 31 and figures "subsections subsection 1 through 4" and
 32 inserting the following: "subsections 1 through 4 5".

33 3. Page 3, line 7, by striking the figure "2" and
 34 inserting the following: "6".

35 4. Page 3, line 11, by striking the figure "3"
 36 and inserting the following: "T".

37 5. Page 3, lines 17 and 18, by striking the words
 38 and figures "subsections subsection 1 through 4" and
 39 inserting the following: "subsections 1 through 4 5".

The motion prevailed and the House concurred in the Senate amend-
 ment H-9117.

Klemme of Plymouth moved that the bill, as amended by the House,
 further amended by the Senate and concurred in by the House, be read
 a last time now and placed upon its passage which motion prevailed
 and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2052)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Cohoon	Churchill	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees

Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Lord	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Blodgett	Larson	Martin	Vande Hoef
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

Senate File 2398, a bill for an act relating to the confinement and treatment of sex offenders, with report of committee recommending amendment and passage, was taken up for consideration.

Lamberti of Polk offered amendment H-8542 filed by the committee on judiciary as follows:

H-8542

- 1 Amend Senate File 2398, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. NEW SECTION. 229A.1 LEGISLATIVE
- 6 FINDINGS.
- 7 The general assembly finds that a small but
- 8 extremely dangerous group of sexually violent
- 9 predators exists which is made up of persons who do
- 10 not have a mental disease or defect that renders them
- 11 appropriate for involuntary treatment pursuant to the
- 12 treatment provisions for mentally ill persons under
- 13 chapter 229, since that chapter is intended to provide

14 short-term treatment to persons with serious mental
15 disorders and then return them to the community. In
16 contrast to persons appropriate for civil commitment
17 under chapter 229, sexually violent predators
18 generally have antisocial personality features that
19 are unamenable to existing mental illness treatment
20 modalities and that render them likely to engage in
21 sexually violent behavior. The general assembly finds
22 that sexually violent predators' likelihood of
23 engaging in repeat acts of predatory sexual violence
24 is high and that the existing involuntary commitment
25 procedure under chapter 229 is inadequate to address
26 the risk these sexually violent predators pose to
27 society.

28 The general assembly further finds that the
29 prognosis for rehabilitating sexually violent
30 predators in a prison setting is poor, because the
31 treatment needs of this population are very long-term,
32 and the treatment modalities for this population are
33 very different from the traditional treatment
34 modalities available in a prison setting or for
35 persons appropriate for commitment under chapter 229.
36 Therefore, the general assembly finds that a civil
37 commitment procedure for the long-term care and
38 treatment of the sexually violent predator is
39 necessary.

40 Sec. ____ NEW SECTION. 229A.2 DEFINITIONS.

41 As used in this chapter:

42 1. "Agency with jurisdiction" means an agency
43 which releases a person serving a sentence or term of
44 confinement based upon a lawful order or authority,
45 and includes but is not limited to the department of
46 corrections, the department of human services, a
47 judicial district department of correctional services,
48 and the Iowa board of parole.

49 2. "Mental abnormality" means a congenital or
50 acquired condition affecting the emotional or

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1 volitional capacity of a person and predisposing that
2 person to commit sexually violent offenses to a degree
3 which would constitute a menace to the health and
4 safety of others.

5 3. "Predatory" means acts directed toward a person
6 with whom a relationship has been established or
7 promoted for the primary purpose of victimization.

8 4. "Sexually motivated" means that one of the
9 purposes for commission of a crime is the purpose of
10 sexual gratification of the perpetrator of the crime.

11 5. "Sexually violent offense" means:

12 a. A violation of any provision of chapter 709.

13 b. A violation of any of the following if the

14 offense involves sexual abuse, attempted sexual abuse,
 15 or intent to commit sexual abuse:
 16 (1) Murder as defined in section 707.1.
 17 (2) Kidnapping as defined in section 710.1.
 18 (3) Burglary as defined in section 713.1.
 19 (4) Child endangerment under section 726.6,
 20 subsection 1, paragraph "e".
 21 c. Sexual exploitation of a minor in violation of
 22 section 728.12, subsection 1.
 23 d. Pandering involving a minor in violation of
 24 section 725.3, subsection 2.
 25 e. An offense involving an attempt or conspiracy
 26 to commit any offense referred to in this subsection.
 27 f. An offense under prior law of this state or an
 28 offense committed in another jurisdiction which would
 29 constitute an equivalent offense under paragraphs "a"
 30 through "e".
 31 g. Any act which, either at the time of sentencing
 32 for the offense or subsequently during civil
 33 commitment proceedings pursuant to this chapter, has
 34 been determined beyond a reasonable doubt to have been
 35 sexually motivated.
 36 6. "Sexually violent predator" means a person who
 37 has been convicted of or charged with a sexually
 38 violent offense and who suffers from a mental
 39 abnormality which makes the person likely to engage in
 40 predatory acts constituting sexually violent offenses,
 41 if not confined in a secure facility.
 42 Sec. ____ NEW SECTION. 229A.3 NOTICE OF
 43 DISCHARGE OF SEXUALLY VIOLENT PREDATOR - IMMUNITY
 44 FROM LIABILITY - MULTIDISCIPLINARY TEAM -
 45 PROSECUTOR'S REVIEW COMMITTEE - ASSESSMENT OF PERSON.
 46 1. When it appears that a person may meet the
 47 definition of a sexually violent predator, the agency
 48 with jurisdiction shall give written notice to the
 49 attorney general and the multidisciplinary team
 50 established in subsection 4, no later than ninety days

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1 prior to any of the following events:
 2 a. The anticipated discharge of a person who has
 3 been convicted of a sexually violent offense from
 4 total confinement, except that in the case of a person
 5 who is returned to prison for no more than ninety days
 6 as a result of revocation of parole, written notice
 7 shall be given as soon as practicable following the
 8 person's readmission to prison.
 9 b. The discharge of a person who has been charged
 10 with a sexually violent offense and who has been
 11 determined to be incompetent to stand trial pursuant
 12 to chapter 812.
 13 c. The discharge of a person who has been found

14 not guilty by reason of insanity of a sexually violent
15 offense.
16 d. The discharge of a person who has been found
17 not guilty of a sexually violent offense referred to
18 under section 229A.2, subsection 5, paragraph "b", or
19 of an attempt or conspiracy to commit an offense under
20 that paragraph, where the court or jury who found the
21 person not guilty answers the special allegation in
22 section 229A.14 in the affirmative.
23 2. If notice is required under subsection 1, the
24 agency with jurisdiction shall inform the attorney
25 general and the multidisciplinary team established in
26 subsection 4, of both of the following:
27 a. The person's name, identifying factors,
28 anticipated future residence, and offense history.
29 b. Documentation of any institutional evaluation
30 and any treatment received.
31 3. The agency with jurisdiction, its employees,
32 officials, members of the multidisciplinary team
33 established in subsection 4, members of the
34 prosecutor's review committee appointed as provided in
35 subsection 5, and individuals contracting, appointed,
36 or volunteering to perform services under this section
37 shall be immune from liability for any good-faith
38 conduct under this section.
39 4. The director of the department of corrections
40 shall establish a multidisciplinary team which may
41 include individuals from other state agencies to
42 review available records of each person referred to
43 such team pursuant to subsection 1. The team, within
44 thirty days of receiving notice, shall assess whether
45 or not the person meets the definition of a sexually
46 violent predator. The team shall notify the attorney
47 general of its assessment.
48 5. The attorney general shall appoint a
49 prosecutor's review committee to review the records of
50 each person referred to the attorney general pursuant

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1 to subsection 1. The prosecutor's review committee
2 shall assist the attorney general in the determination
3 of whether or not the person meets the definition of a
4 sexually violent predator. The assessment of the
5 multidisciplinary team shall be made available to the
6 attorney general and the prosecutor's review
7 committee.
8 Sec. ____ NEW SECTION. 229A.4 PETITION, TIME,
9 CONTENTS.
10 If it appears that a person presently confined may
11 be a sexually violent predator and the prosecutor's
12 review committee has determined that the person meets
13 the definition of a sexually violent predator, the

14 attorney general may file a petition, within seventy-
15 five days of the date the attorney general received
16 the written notice by the agency of jurisdiction
17 pursuant to section 229A.3, alleging that the person
18 is a sexually violent predator and stating sufficient
19 facts to support such an allegation.

20 Sec. ____ NEW SECTION. 229A.5 PERSON TAKEN INTO
21 CUSTODY, DETERMINATION OF PROBABLE CAUSE, HEARING,
22 EVALUATION.

23 1. Upon filing of a petition under section 229A.4,
24 the court shall make a preliminary determination as to
25 whether probable cause exists to believe that the
26 person named in the petition is a sexually violent
27 predator. Upon a preliminary finding of probable
28 cause, the court shall direct that the person named in
29 the petition be taken into custody and that the person
30 be served with a copy of the petition and any
31 supporting documentation and notice of the procedures
32 required by this chapter.

33 2. Within seventy-two hours after being taken into
34 custody, a hearing shall be held to determine whether
35 probable cause exists to believe the detained person
36 is a sexually violent predator. At the probable cause
37 hearing, the detained person shall have the following
38 rights:

39 a. To be provided with prior notice of date, time,
40 and location of the probable cause hearing.

41 b. To respond to the preliminary finding of
42 probable cause.

43 c. To appear in person at the hearing.

44 d. To be represented by counsel.

45 e. To present evidence on the respondent's own
46 behalf.

47 f. To cross-examine witnesses who testify against
48 the respondent.

49 g. To view and copy all petitions and reports in
50 the possession of the court.

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1 3. At the hearing, the state may rely upon the
2 petition filed under subsection 1 but may also
3 supplement the petition with additional documentary
4 evidence or live testimony.

5 4. At the conclusion of the hearing, the court
6 shall enter an order which does both of the following:

7 a. Verifies the respondent's identity.

8 b. Determines whether probable cause exists to
9 believe that the respondent is a sexually violent
10 predator.

11 5. If the court determines that probable cause
12 does exist, the court shall direct that the respondent
13 be transferred to an appropriate secure facility,

14 including, but not limited to, a county jail, for an
15 evaluation as to whether the respondent is a sexually
16 violent predator. The evaluation shall be conducted
17 by a person deemed to be professionally qualified to
18 conduct such an examination.

19 Sec. ____ NEW SECTION. 229A.6 COUNSEL AND
20 EXPERTS, INDIGENT PERSONS.

21 1. A respondent to a petition alleging the person
22 to be a sexually violent predator shall be entitled to
23 the assistance of counsel upon the filing of the
24 petition under section 299A.4 and, if the respondent
25 is indigent, the court shall appoint counsel to assist
26 the respondent.

27 2. If a respondent is subjected to an examination
28 under this chapter, the respondent may retain experts
29 or professional persons to perform an independent
30 examination on the respondent's behalf. If the
31 respondent wishes to be examined by a qualified expert
32 or professional person of the respondent's own choice,
33 the examiner of the respondent's choice shall be given
34 reasonable access to the respondent for the purpose of
35 the examination, as well as access to all relevant
36 medical and psychological records and reports. If the
37 respondent is indigent, the court, upon the
38 respondent's request, shall determine whether the
39 services are necessary and the reasonable compensation
40 for the services. If the court determines that the
41 services are necessary and the requested compensation
42 for the services is reasonable, the court shall assist
43 the respondent in obtaining an expert or professional
44 person to perform an examination or participate in the
45 trial on the respondent's behalf. The court shall
46 approve payment for such services upon the filing of a
47 certified claim for compensation supported by a
48 written statement specifying the time expended,
49 services rendered, expenses incurred on behalf of the
50 respondent, and compensation received in the same case

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1 or for the same services from any other source.

2 Sec. ____ NEW SECTION. 229A.7 TRIAL,
3 DETERMINATION, COMMITMENT PROCEDURE, INTERAGENCY
4 AGREEMENTS, MISTRIALS.

5 1. Within sixty days after the completion of any
6 hearing held pursuant to section 229A.5, the court
7 shall conduct a trial to determine whether the
8 respondent is a sexually violent predator. The trial
9 may be continued upon the request of either party and
10 a showing of good cause, or by the court on its own
11 motion in the due administration of justice, and when
12 the respondent will not be substantially prejudiced.
13 The respondent, the attorney general, or the judge

14 shall have the right to demand that the trial be
15 before a jury. Such demand for the trial to be before
16 a jury shall be filed, in writing, at least four days
17 prior to trial. The number and selection of jurors
18 shall be determined as provided in chapter 607A. If
19 no demand is made, the trial shall be before the
20 court.

21 2. At trial, the court or jury shall determine
22 whether, beyond a reasonable doubt, the respondent is
23 a sexually violent predator. If the determination
24 that the respondent is a sexually violent predator is
25 made by a jury, the determination shall be by
26 unanimous verdict of such jury.

27 If the court or jury determines that the respondent
28 is a sexually violent predator, the respondent shall
29 be committed to the custody of the director of the
30 department of human services for control, care, and
31 treatment until such time as the person's mental
32 abnormality has so changed that the person is safe to
33 be at large. The determination may be appealed.

34 3. The control, care, and treatment of a person
35 determined to be a sexually violent predator shall be
36 provided at a facility operated by the department of
37 human services. At all times, persons committed for
38 control, care, and treatment by the department of
39 human services pursuant to this chapter shall be kept
40 in a secure facility and those patients shall be
41 segregated at all times from any other patient under
42 the supervision of the department of human services.
43 A person committed pursuant to this chapter to the
44 custody of the department of human services may be
45 kept in a facility or building separate from any other
46 patient under the supervision of the department of
47 human services. The department of human services may
48 enter into an interagency agreement with the
49 department of corrections for the confinement of
50 patients who have been determined to be sexually

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1 violent predators. Patients who are in the
2 confinement of the director of the department of
3 corrections pursuant to an interagency agreement shall
4 be housed and managed separately from criminal
5 offenders in the custody of the director of the
6 department of corrections, and except for occasional
7 instances of supervised incidental contact, shall be
8 segregated from those offenders.

9 4. If the court or jury is not satisfied beyond a
10 reasonable doubt that the respondent is a sexually
11 violent predator, the court shall direct the
12 respondent's release. Upon a mistrial, the court
13 shall direct that the respondent be held at an

14 appropriate secure facility, including, but not
15 limited to, a county jail, until another trial is
16 conducted. Any subsequent trial following a mistrial
17 shall be held within ninety days of the previous
18 trial, unless such subsequent trial is continued as
19 provided in subsection 1.
20 5. If a person charged with a sexually violent
21 offense has been found incompetent to stand trial or
22 has been found not guilty of a sexually violent
23 offense by reason of insanity, and the person is about
24 to be discharged pursuant to section 812.5, if a
25 petition has been filed seeking the person's
26 commitment under this chapter, the court shall first
27 hear evidence and determine whether the person did
28 commit the act or acts charged. At the hearing on
29 this issue, the rules of evidence applicable in
30 criminal cases shall apply, and all constitutional
31 rights available to defendants at criminal trials,
32 other than the right not to be tried while
33 incompetent, shall apply. After hearing evidence on
34 this issue, the court shall make specific findings on
35 whether the person did commit the act or acts charged,
36 the extent to which the person's incompetence or
37 insanity affected the outcome of the hearing,
38 including its effect on the person's ability to
39 consult with and assist counsel and to testify on the
40 person's own behalf, the extent to which the evidence
41 could be reconstructed without the assistance of the
42 person, and the strength of the prosecution's case.
43 If after the conclusion of the hearing on this issue,
44 the court finds, beyond a reasonable doubt, that the
45 person did commit the act or acts charged, the court
46 shall enter a final order, appealable by the person,
47 on that issue, and may proceed to consider whether the
48 person should be committed pursuant to this chapter.

49 Sec. ____ NEW SECTION. 229A.8 ANNUAL
50 EXAMINATIONS, DISCHARGE PETITIONS BY PERSONS

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1 COMMITTED.

2 1. Each person committed under this chapter shall
3 have a current examination of the person's mental
4 abnormality made once every year. The person may
5 retain, or if the person is indigent and so requests,
6 the court may appoint a qualified expert or
7 professional person to examine such person, and such
8 expert or professional person shall be given access to
9 all records concerning the person.
10 2. The annual report shall be provided to the
11 court that committed the person under this chapter.
12 The court shall conduct an annual review and probable
13 cause hearing on the status of the committed person.

14 3. Nothing contained in this chapter shall
15 prohibit the person from otherwise petitioning the
16 court for discharge at the probable cause hearing.
17 The director of human services shall provide the
18 committed person with an annual written notice of the
19 person's right to petition the court for discharge
20 over the director's objection. The notice shall
21 contain a waiver of rights. The director shall
22 forward the notice and waiver form to the court with
23 the annual report.

24 4. The committed person shall have a right to have
25 an attorney represent the person at the probable cause
26 hearing but the person is not entitled to be present
27 at the hearing. If the court at the hearing
28 determines that probable cause exists to believe that
29 the person's mental abnormality has so changed that
30 the person is safe to be at large and will not engage
31 in predatory acts or sexually violent offenses if
32 discharged, then the court shall set a final hearing
33 on the issue.

34 5. At the final hearing, the committed person
35 shall be entitled to be present and is entitled to the
36 benefit of all constitutional protections that were
37 afforded the person at the original commitment
38 proceeding. The attorney general shall represent the
39 state and shall have a right to a jury trial and to
40 have the committed person evaluated by experts chosen
41 by the state. The committed person shall also have
42 the right to have experts evaluate the person on the
43 person's behalf. The court shall appoint an expert if
44 the person is indigent and requests an appointment.
45 The burden of proof at the hearing shall be upon the
46 state to prove beyond a reasonable doubt that the
47 committed person's mental abnormality or personality
48 disorder remains such that the person is not safe to
49 be at large and if discharged is likely to engage in
50 acts of sexual violence.

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1 Sec. ____ NEW SECTION. 229A.9 DETENTION AND
2 COMMITMENT TO CONFORM TO CONSTITUTIONAL REQUIREMENTS.

3 The involuntary detention or commitment of persons
4 under this chapter shall conform to constitutional
5 requirements for care and treatment.

6 Sec. ____ NEW SECTION. 229A.10 PETITION FOR
7 DISCHARGE - PROCEDURE.

8 If the director of human services determines that
9 the person's mental abnormality has so changed that
10 the person is not likely to commit predatory acts or
11 sexually violent offenses if discharged, the director
12 shall authorize the person to petition the court for
13 discharge. The petition shall be served upon the

14 court and the attorney general. The court, upon
15 receipt of the petition for discharge, shall order a
16 hearing within thirty days. The attorney general
17 shall represent the state, and shall have the right to
18 have the petitioner examined by an expert or
19 professional person of the attorney general's choice.
20 The hearing shall be before a jury if demanded by
21 either the petitioner or the attorney general. The
22 burden of proof shall be upon the attorney general to
23 show beyond a reasonable doubt that the petitioner's
24 mental abnormality or personality disorder remains
25 such that the petitioner is not safe to be at large
26 and that if discharged is likely to commit predatory
27 acts or sexually violent offenses.

28 Sec. ____ NEW SECTION. 229A.11 SUBSEQUENT
29 DISCHARGE PETITIONS, LIMITATIONS.

30 Nothing in this chapter shall prohibit a person
31 from filing a petition for discharge pursuant to this
32 chapter. However, if a person has previously filed a
33 petition for discharge without the authorization of
34 the director of human services, and the court
35 determines either upon review of the petition or
36 following a hearing that the petition was frivolous or
37 that the petitioner's condition had not so changed
38 that the person was safe to be at large, then the
39 court shall summarily deny the subsequent petition
40 unless the petition contains facts upon which a court
41 could find the condition of the petitioner had so
42 changed that a hearing was warranted. Upon receipt of
43 a first or subsequent petition from a committed person
44 without the director's authorization, the court shall
45 endeavor whenever possible to review the petition and
46 determine if the petition is based upon frivolous
47 grounds. If the court determines that a petition is
48 frivolous, the court shall deny the petition without a
49 hearing.

50 Sec. ____ NEW SECTION. 229A.12 DIRECTOR OF HUMAN

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1 SERVICES - RESPONSIBILITY FOR COSTS - DUTIES -
2 REIMBURSEMENT.

3 The director of human services shall be responsible
4 for all costs relating to the evaluation and treatment
5 of persons committed to the director's custody under
6 any provision of this chapter. Reimbursement may be
7 obtained by the director from the patient and any
8 person legally liable or bound by contract for the
9 support of the patient for the cost of care and
10 treatment provided.

11 Sec. ____ NEW SECTION. 229A.13 NOTICE TO VICTIMS
12 OF DISCHARGE OF PERSONS COMMITTED.

13 In addition to any other information required to be

14 released under this chapter, prior to the discharge of
15 a person committed under this chapter, the director of
16 human services shall give written notice of the
17 person's discharge to any living victim of the
18 person's activities or crime whose address is known to
19 the director or, if the victim is deceased, to the
20 victim's family, if the family's address is known.
21 Failure to notify shall not be a reason for
22 postponement of discharge. Nothing in this section
23 shall create a cause of action against the state or an
24 employee of the state acting within the scope of the
25 employee's employment as a result of the failure to
26 notify pursuant to this action.

27 Sec. ____ NEW SECTION. 229A.14 SPECIAL
28 ALLEGATION OF SEXUAL MOTIVATION - PROCEDURE -
29 WITHDRAWAL OR DISMISSAL.

30 1. Except as otherwise provided in subsection 4,
31 the county attorney shall file a special allegation of
32 sexual motivation within ten days after arraignment,
33 when sufficient admissible evidence exists, which,
34 when considered with the most plausible, reasonably
35 foreseeable defense that could be raised under the
36 evidence, would justify a finding of sexual motivation
37 by a reasonable and objective fact finder.

38 2. In a criminal case in which a special
39 allegation of sexual motivation has been filed, the
40 state shall prove beyond a reasonable doubt that the
41 crime was sexually motivated. The court shall make a
42 finding of fact of whether or not a sexual motivation
43 was present at the time of the commission of the
44 crime, or if a jury trial is had, the jury shall
45 return a special verdict as to whether or not the
46 crime was sexually motivated.

47 3. The county attorney shall not withdraw the
48 special allegation of sexual motivation without
49 approval of the court through an order of dismissal of
50 the special allegation. The court shall not dismiss

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1 the special allegation unless it finds that such an
2 order is necessary to correct an error in the initial
3 charging decision or unless evidentiary problems exist
4 which make proving the special allegation doubtful.

5 4. This section shall not apply to criminal cases
6 alleging a violation of chapter 709 or a case in which
7 the commission of a sex act is an element of the
8 offense charged.

9 Sec. ____ NEW SECTION. 229A.15 SEVERABILITY.

10 If any provision of this chapter or the application
11 thereof to any person or circumstances is held
12 invalid, the invalidity shall not affect other
13 provisions or applications of the chapter which can be

14 given effect without the invalid provisions or
 15 application and, to this end, the provisions of this
 16 chapter are severable.

17 Sec. ____ NEW SECTION. 229A.16 RELEASE OF
 18 CONFIDENTIAL OR PRIVILEGED INFORMATION AND RECORDS.

19 Notwithstanding anything in chapter 22 to the
 20 contrary, relevant information and records which would
 21 otherwise be confidential or privileged shall be
 22 released to the agency with jurisdiction or the
 23 attorney general for the purpose of meeting the notice
 24 requirement provided in section 229A.3 and determining
 25 whether a person is or continues to be a sexually
 26 violent predator.

27 Sec. ____ NEW SECTION. 229A.17 COURT RECORDS –
 28 SEALED AND OPENED BY COURT ORDER.

29 Any psychological reports, drug and alcohol
 30 reports, treatment records, reports of any diagnostic
 31 center, medical records, or victim impact statements
 32 which have been submitted to the court or admitted
 33 into evidence under this chapter shall be part of the
 34 record but shall be sealed and opened only on order of
 35 the court.

36 Sec. ____ NEW SECTION. 299A.18 SHORT TITLE.

37 This chapter shall be known and may be cited as the
 38 “Sexually Violent Predator Act”.

39 2. By renumbering as necessary.

Lamberti of Polk offered the following amendment H-9143, to the
 committee amendment H-8542, filed by him and moved its adoption:

H-9143

1 Amend the amendment, H-8542, to Senate File 2398,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, line 43, by inserting after the word
 5 “which” the following: “has custody of or”.

6 2. Page 1, line 44, by inserting after the word
 7 “confinement” the following: “or is otherwise in
 8 confinement”.

9 3. Page 1, by inserting after line 48 the
 10 following:

11 “____. “Likely to engage in predatory acts of
 12 sexual violence” means that the person more likely
 13 than not will engage in acts of a sexually violent
 14 nature. If a person is not confined at the time that
 15 a petition is filed, a person is “likely to engage in
 16 predatory acts of sexual violence” only if the person
 17 commits a recent overt act.”

18 4. Page 2, by inserting after line 7 the
 19 following:

20 “____. “Recent overt act” means any act that has
 21 either caused harm of a sexually violent nature or

22 creates a reasonable apprehension of such harm.”
23 5. Page 2, line 46, by inserting after the word
24 “person” the following: “who is confined”.
25 6. Page 3, by striking lines 16 through 22.
26 7. Page 3, line 23, by striking the word
27 “required” and inserting the following: “given”.
28 8. Page 4, line 10, by striking the word “If” and
29 inserting the following: “1. If”.
30 9. Page 4, by inserting after line 19 the
31 following:
32 “2. A prosecuting attorney of the county in which
33 the person was convicted or charged, or the attorney
34 general if requested by the prosecuting attorney, may
35 file a petition alleging that a person is a sexually
36 violent predator and stating sufficient facts to
37 support such an allegation, if it appears that a
38 person who has committed a recent overt act meets any
39 of the following criteria:
40 a. The person was convicted of a sexually violent
41 offense and has been discharged after the completion
42 of the sentence imposed for the offense.
43 b. The person was charged with, but was acquitted
44 of, a sexually violent offense by reason of insanity
45 and has been released from confinement or any
46 supervision.
47 c. The person was charged with, but was found to
48 be incompetent to stand trial for, a sexually violent
49 offense and has been released from confinement or any
50 supervision.”

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1 10. Page 4, line 32, by inserting after the word
2 “chapter.” the following: “If the person is in
3 custody at the time of the filing of the petition, the
4 court shall determine whether a transfer of the person
5 to an appropriate secure facility is appropriate
6 pending the outcome of the proceedings or whether the
7 custody order should be delayed until the date of
8 release of the person.”
9 11. Page 4, line 34, by inserting after the word
10 “custody” the following: “or being transferred to an
11 appropriate secure facility”.
12 12. Page 5, line 26, by inserting after the word
13 “respondent” the following: “at state expense”.
14 13. Page 6, line 3, by striking the word
15 “INTERAGENCY” and inserting the following: “CHAPTER
16 28E”.
17 14. Page 6, by inserting after line 4, the
18 following:
19 “ ____ If the person charged with a sexually
20 violent offense has been found incompetent to stand
21 trial and the person is about to be released pursuant

22 to section 812.5, or the person has been found not
 23 guilty of a sexually violent offense by reason of
 24 insanity, if a petition has been filed seeking the
 25 person's commitment under this chapter, the court
 26 shall first hear evidence and determine whether the
 27 person did commit the act or acts charged. At the
 28 hearing on this issue, the rules of evidence
 29 applicable in criminal cases shall apply, and all
 30 constitutional rights available to defendants at
 31 criminal trials, other than the right not to be tried
 32 while incompetent, shall apply. After hearing
 33 evidence on this issue, the court shall make specific
 34 findings on whether the person did commit the act or
 35 acts charged, the extent to which the person's
 36 incompetence or insanity affected the outcome of the
 37 hearing, including its effect on the person's ability
 38 to consult with and assist counsel and to testify on
 39 the person's own behalf, the extent to which the
 40 evidence could be reconstructed without the assistance
 41 of the person, and the strength of the prosecution's
 42 case. If after the conclusion of the hearing on this
 43 issue, the court finds, beyond a reasonable doubt,
 44 that the person did commit the act or acts charged,
 45 the court shall enter a final order, appealable by the
 46 person, on that issue, and may proceed to consider
 47 whether the person should be committed pursuant to
 48 this chapter."
 49 15. Page 6, line 5, by striking the words
 50 "completion of any" and inserting the following:

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1 "completion of the probable cause".
 2 16. Page 6, by striking lines 48 and 49 and
 3 inserting the following: "enter into a chapter 28E
 4 agreement with the department of corrections or other
 5 appropriate agency in this state or another state for
 6 the confinement of".
 7 17. Page 7, line 3, by striking the words "an
 8 interagency" and inserting the following: "a chapter
 9 28E".
 10 18. Page 7, by striking lines 20 through 48.
 11 19. By striking page 10, line 27, through page
 12 11, line 8.
 13 20. Page 11, by inserting after line 38 the
 14 following:
 15 "Sec. ____ Section 815.11, Code 1997, is amended
 16 to read as follows:
 17 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.
 18 Costs incurred under chapter 229A, section 232.141,
 19 subsection 3, paragraph "c", sections 814.9, 814.10,
 20 814.11, 815.4, 815.5, 815.6, 815.7, 815.10, or the
 21 rules of criminal procedure on behalf of an indigent

- 22 shall be paid from funds appropriated by the general
 23 assembly to the department of inspections and appeals
 24 for those purposes.”
 25 21. By renumbering, relettering, or redesignating
 26 and correcting internal references as necessary.

Amendment H-9143 was adopted.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-8612, to the committee amendment H-8542, filed by her on March 24, 1998.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-9151, to the committee amendment H-8542, filed by him from the floor.

Lamberti of Polk moved the adoption of the committee amendment H-8542, as amended.

The committee amendment H-8542, as amended, was adopted.

Lamberti of Polk offered the following amendment H-9131 filed by him and moved its adoption:

H-9131

- 1 Amend Senate File 2398, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 15, by inserting after the word
- 4 “release” the following: “, unless, after an
- 5 appropriate assessment, the court or board determines
- 6 that the treatment would not be effective”.

Amendment H-9131 was adopted.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendments H-9129 and H-9130 filed by him on April 13, 1998.

Lamberti of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 2398)

The ayes were, 94:

Arnold	Barry	Bell	Boddicker
Bogges	Bradley	Brand	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Churchill

Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Foege	Frevort	Garman
Gipp	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen.		
	Presiding		

The nays were, 3:

Bernau Fallon Ford

Absent or not voting, 3:

Blodgett Greig Vande Hoef

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENTS CONSIDERED

Millage of Scott called up for consideration **House File 667**, a bill for an act relating to the Iowa administrative procedure Act and providing an effective and applicability date, amended by the Senate amendment H-8997 as follows:

H-8997

- 1 Amend House File 667, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 19,
- 4 2. Page 1, by striking lines 29 through 32 and
- 5 inserting the following:
- 6 "1. Appeals and fair Administrative hearings
- 7 division.
- 8 2. Audits division.
- 9 3. Investigations division.
- 10 4. Inspections division."

- 11 3. Page 2, line 2, by striking the word "office"
12 and inserting the following: "division".
- 13 4. Page 2, line 5, by striking the word "OFFICE"
14 and inserting the following: "DIVISION".
- 15 5. Page 2, by striking lines 7 through 12 and
16 inserting the following:
17 "1. DEFINITIONS. For purposes of this section,
18 unless the context otherwise requires:
19 a. "Administrator" means the chief administrative
20 law judge who shall coordinate the administration of
21 the division.
22 b. "Division" means the administrative hearings
23 division of the department of inspections and appeals.
- 24 2. The administrator shall coordinate the
25 division's conduct of appeals and administrative
26 hearings as otherwise provided by law."
- 27 6. Page 2, by striking line 13 and inserting the
28 following:
29 "3. a. The department shall employ a".
- 30 7. Page 2, line 17, by striking the word "office"
31 and inserting the following: "division".
- 32 8. Page 2, line 18, by striking the word "office"
33 and inserting the following: "division".
- 34 9. Page 2, line 21, by striking the word
35 "entirely".
- 36 10. Page 2, by striking lines 25 through 28 and
37 inserting the following:
38 "b. The division shall facilitate, insofar as".
- 39 11. Page 2, line 35, by striking the word
40 "office" and inserting the following: "division".
- 41 12. Page 3, by striking lines 2 through 7 and
42 inserting the following: "contested cases only if the
43 administrative law judge possesses the technical
44 expertness specified by agency rule. The division may
45 charge the applicable agency for the costs of any
46 training required by the division's administrative law
47 judges to acquire or maintain the technical expertise
48 specified by agency rule."
- 49 13. Page 3, line 8, by striking the figure "3"
50 and inserting the following: "4".

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- 1 14. Page 3, line 8, by striking the word "office"
2 and inserting the following: "division".
- 3 15. Page 3, lines 9 and 10, by striking the words
4 "chief administrative law judge" and inserting the
5 following: "administrator".
- 6 16. Page 3, line 15, by striking the word
7 "office" and inserting the following: "division".
- 8 17. Page 3, line 16, by striking the figure "4"
9 and inserting the following: "5".
- 10 18. Page 3, line 16, by striking the word

- 11 "office" and inserting the following: "division".
 12 19. Page 3, line 19, by striking the figure "5"
 13 and inserting the following: "6".
 14 20. Page 3, line 20, by striking the word
 15 "office" and inserting the following: "division".
 16 21. Page 3, line 23, by striking the figure "6"
 17 and inserting the following: "7".
 18 22. Page 3, line 23, by striking the word
 19 "office" and inserting the following: "division".
 20 23. Page 3, by striking lines 25 through 31.
 21 24. Page 3, line 32, by striking the letter "b"
 22 and inserting the following: "a".
 23 25. Page 3, line 33, by striking the words "chief
 24 administrative law judge" and inserting the following:
 25 "administrator".
 26 26. Page 3, line 34, by striking the word
 27 "office" and inserting the following: "division".
 28 27. Page 3, line 35, by striking the letter "c"
 29 and inserting the following: "b".
 30 28. Page 4, line 2, by striking the word "office"
 31 and inserting the following: "division".
 32 29. Page 4, line 12, by striking the letter "d"
 33 and inserting the following: "c".
 34 30. Page 4, lines 13 and 14, by striking the
 35 words "by the office of" and inserting the following:
 36 "for the".
 37 31. Page 4, line 14, by striking the word
 38 "office" and inserting the following: "division".
 39 32. Page 4, line 17, by striking the word
 40 "office" and inserting the following: "division".
 41 33. Page 4, line 22, by striking the words
 42 "office shall" and inserting the following: "division
 43 shall".
 44 34. Page 4, line 22, by striking the words "the
 45 office" and inserting the following: "the division".
 46 35. Page 4, line 23, by striking the letter "e"
 47 and inserting the following: "d".
 48 36. Page 5, line 11, by striking the letter "f"
 49 and inserting the following: "e".
 50 37. Page 5, line 12, by striking the word

Page 3

- 1 "office" and inserting the following: "division".
 2 38. Page 5, line 14, by striking the figure "7"
 3 and inserting the following: "8".
 4 39. Page 5, line 14, by striking the word
 5 "office" and inserting the following: "division".
 6 40. Page 5, line 17, by striking the word
 7 "office" and inserting the following: "division".
 8 41. Page 5, line 21, by striking the figure "8"
 9 and inserting the following: "9".
 10 42. Page 5, line 21, by striking the word

- 11 "office" and inserting the following: "division".
- 12 43. Page 5, line 24, by striking the figure "9"
- 13 and inserting the following: "10".
- 14 44. Page 5, line 25, by striking the word
- 15 "office" and inserting the following: "division".
- 16 45. Page 11, by striking lines 25 through 31 and
- 17 inserting the following:
- 18 "2. Any interested person, association, agency, or
- 19 political subdivision may submit a written request to
- 20 the administrative rules coordinator for an agency to
- 21 conduct a formal review of a specified rule of that
- 22 agency to determine whether the rule should be
- 23 repealed or amended or a new rule adopted instead.
- 24 The administrative rules coordinator shall determine
- 25 whether the request is reasonable and does not place
- 26 an unreasonable burden upon the agency."
- 27 46. Page 11, by striking line 34 and inserting
- 28 the following: "filing of the written request, and
- 29 upon a determination by the administrative rules
- 30 coordinator that the request is reasonable and does
- 31 not place an unreasonable burden upon the agency, the
- 32 agency".
- 33 47. Page 15, line 20, by striking the words
- 34 "head, either the agency head" and inserting the
- 35 following: ", either the agency".
- 36 48. Page 15, line 21, by striking the words "the
- 37 agency head" and inserting the following: "a
- 38 multimember agency".
- 39 49. Page 15, line 22, by striking the word
- 40 "office" and inserting the following: "division".
- 41 50. Page 15, line 23, by inserting after the
- 42 figure "10A.801." the following: "However, a party
- 43 may, within a time period specified by rule, request
- 44 that the presiding officer be an administrative law
- 45 judge assigned by the division of administrative
- 46 hearings. Except as otherwise provided by statute,
- 47 the agency shall grant a request by a party for an
- 48 administrative law judge unless the agency finds, and
- 49 states reasons for the finding, that any of the
- 50 following conditions exist:

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- 1 (1) There is a compelling need to expedite
- 2 issuance of a final decision in order to protect the
- 3 public health, safety, or welfare.
- 4 (2) A qualified administrative law judge is
- 5 unavailable to hear the case within a reasonable time.
- 6 (3) The case involves significant policy issues of
- 7 first impression that are inextricably intertwined
- 8 with the factual issues presented.
- 9 (4) The demeanor of the witnesses is likely to be
- 10 dispositive in resolving the disputed factual issues.

- 11 (5) Funds are unavailable to pay the costs of an
12 administrative law judge and an intra-agency appeal.
13 (6) The request was not timely filed.
14 (7) There is other identified good cause, as
15 specified by rule, for denying the request.”
16 51. Page 15, line 28, by striking the words
17 “head, either the agency head” and inserting the
18 following: “, either the agency”.
19 52. Page 15, line 29, by striking the words “the
20 agency head” and inserting the following: “a
21 multimember agency”.
22 53. Page 15, line 30, by striking the word
23 “office” and inserting the following: “division”.
24 54. Page 15, line 32, by striking the word
25 “head”.
26 55. Page 15, line 34, by striking the word
27 “head”.
28 56. Page 16, line 3, by striking the word
29 “office” and inserting the following: “division”.
30 57. By striking page 16, line 33, through page
31 17, line 31, and inserting the following:
32 “3. If a party fails to appear or participate in a
33 contested case proceeding, the presiding officer may,
34 if no adjournment is granted, proceed with the hearing
35 and make a decision in the absence of the party. The
36 parties shall be duly notified of the decision,
37 together with the presiding officer’s reasons for the
38 decision, which is the final decision of the agency.
39 unless within fifteen days after the date of
40 notification or mailing of the decision, further
41 appeal is initiated. If a decision is rendered
42 against a party who failed to appear for the hearing
43 and the presiding officer is requested by that party
44 to vacate the decision for good cause within fifteen
45 days after the date of notification or mailing of the
46 decision, the time for initiating a further appeal is
47 stayed pending a determination by the presiding
48 officer to grant or deny the request. If adequate
49 reasons are provided showing good cause for the
50 party’s failure to appear, the presiding officer shall

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- 1 vacate the decision and, after proper service of
2 notice, conduct another evidentiary hearing. If
3 adequate reasons are not provided showing good cause
4 for the party’s failure to appear, the presiding
5 officer shall not vacate the decision and the decision
6 shall then become the final decision of the agency,
7 unless within fifteen days after the date of
8 notification or mailing of the determination not to
9 vacate, further appeal is initiated.”
10 58. Page 17, by inserting before line 32 the

11 following:

12 "Sec. ____ Section 17A.15, subsection 3, Code

13 1997, is amended to read as follows:

14 3. When the presiding officer makes a proposed
15 decision, that decision then becomes the final
16 decision of the agency without further proceedings.

17 unless there is an appeal to, or review on motion of,
18 the agency within the time provided by rule. On

19 appeal from or review of the proposed decision, the

20 agency has all the power which it would have in

21 initially making the final decision except as it may

22 limit the issues on notice to the parties or by rule.

23 The agency may reverse or modify any finding of fact

24 or conclusion of law if a preponderance of the

25 evidence will support a determination to reverse or

26 modify such a finding or conclusion. In cases where

27 there is an appeal from a proposed decision or where a

28 proposed decision is reviewed on motion of the agency,

29 an opportunity shall be afforded to each party to file

30 exceptions, present briefs and, with the consent of

31 the agency, present oral arguments to the agency

32 members who are to render the final decision."

33 59. Page 18, by striking lines 6 through 8 and

34 inserting the following: "why the relevant evidence

35 in the record supports each material finding of fact.

36 If, in accordance with agency".

37 60. Page 26, by striking lines 18 through 21 and

38 inserting the following: "and the agency's

39 explanation of why the relevant evidence in the record

40 supports its material findings of fact."

41 61. Page 28, by inserting after line 11 the

42 following:

43 "Sec. ____ Section 17A.23, Code 1997, is amended

44 by adding the following new unnumbered paragraph:

45 NEW UNNUMBERED PARAGRAPH. An agency shall have

46 only that authority or discretion delegated to or

47 conferred upon the agency by law and shall not expand

48 or enlarge its authority or discretion beyond the

49 powers delegated to or conferred upon the agency."

50 62. Page 28, line 34, by striking the word

Page 6

1 "office" and inserting the following: "division".

2 63. Page 32, line 14, by striking the word

3 "office" and inserting the following: "division".

4 64. By renumbering as necessary.

Millage of Scott offered the following amendment H-9136, to the Senate amendment H-8997, filed by him and Chapman of Linn and moved its adoption:

H-9136

- 1 Amend the Senate amendment, H-8997, to House File
 2 667, as amended, passed, and reprinted by the House,
 3 as follows:
- 4 1. Page 4, line 33, by inserting after the word
 5 "proceeding" the following: "after proper service of
 6 notice".
- 7 2. Page 4, line 34, by inserting after the word
 8 "granted," the following: "enter a default decision
 9 or".
- 10 3. Page 4, line 39, by inserting after the word
 11 "days" the following: ", or such period of time as
 12 otherwise specified by statute or rule,".
- 13 4. Page 4, line 43, by inserting after the words
 14 "officer is" the following: "timely".
- 15 5. Page 4, by striking lines 44 through 46 and
 16 inserting the following: "to vacate the decision for
 17 good cause, the time for initiating a further appeal
 18 is".
- 19 6. Page 5, by striking lines 5 through 9 and
 20 inserting the following: "officer shall deny the
 21 motion to vacate.""
- 22 7. Page 5, line 24, by striking the words "or
 23 conclusion of law".
- 24 8. Page 5, line 26, by striking the words "or
 25 conclusion" and inserting the following: "or may
 26 reverse or modify any conclusion of law that the
 27 agency finds to be in error".

Amendment H-9136 was adopted.

On motion by Millage of Scott, the House concurred in the Senate amendment H-8997, as amended.

Millage of Scott moved that the bill as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 667)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Boddicker	Bradley	Brand	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford

Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Blodgett

Boggess

Thomson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2052 and 2398.**

Boggess of Taylor called up for consideration **House File 2164**, a bill for an act relating to local community and economic development planning assistance and the community builder program, amended by the Senate amendment H-8994 as follows:

H-8994

- 1 Amend House File 2164, as passed by the House, as
- 2 follows:
- 3 1. Page 2, by inserting after line 31 the
- 4 following:
- 5 "Sec. __. Section 15E.192, subsection 1, Code
- 6 Supplement 1997, is amended to read as follows:
- 7 1. A county may create an economic development
- 8 enterprise zone as authorized in this division,
- 9 subject to certification by the department of economic
- 10 development, by designating up to one percent of the
- 11 county area for that purpose. An eligible county

12 containing a city whose boundaries extend into an
 13 adjacent county may establish an enterprise zone in an
 14 area of the city located in the adjacent county if the
 15 adjacent county's board of supervisors adopts a
 16 resolution approving the establishment of the
 17 enterprise zone in the city and the two counties enter
 18 into an agreement pursuant to chapter 28E regarding
 19 the establishment of the enterprise zone. A county
 20 may establish more than one enterprise zone.

21 Sec. ____ Section 15E.193, subsection 1, paragraph
 22 b, Code Supplement 1997, is amended to read as
 23 follows:

24 b. Pays at least eighty percent of the cost of a
 25 standard medical and dental insurance plan for all
 26 full-time employees. Provides all full-time employees
 27 with the option of choosing one of the following:

28 (1) The business pays eighty percent of both of
 29 the following:

30 (a) The cost of a standard medical insurance plan.

31 (b) The cost of a standard dental insurance plan
 32 or an equivalent plan.

33 (2) The business provides the employee with a
 34 monetarily equivalent plan to the plan provided for in
 35 subparagraph (1).

36 Sec. ____ Section 15E.195, subsection 1, Code
 37 Supplement 1997, is amended to read as follows:

38 1. A county which designates an enterprise zone
 39 pursuant to section 15E.194, subsection 1, and in
 40 which an eligible enterprise zone is certified shall
 41 establish an enterprise zone commission to review
 42 applications from qualified businesses located within
 43 or requesting to locate within an enterprise zone
 44 designated pursuant to section 15E.194, subsection 1,
 45 to receive incentives or assistance as provided in
 46 section 15E.196. The commission shall consist of nine
 47 members. Five of these members shall consist of one
 48 representative of the board of supervisors, one member
 49 with economic development expertise chosen by the
 50 department of economic development, one representative

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1 of the county zoning board, one member of the local
 2 community college board of directors, and one
 3 representative of the local workforce development
 4 center. These five members shall select the remaining
 5 four members. If the enterprise zone consists of an
 6 area meeting the requirements for eligibility for an
 7 urban or rural enterprise community under Title XIII
 8 of the federal Omnibus Budget Reconciliation Act of
 9 1993, one of the remaining four members shall be a
 10 representative of that zone community. However, if
 11 the enterprise zone qualifies under the city criteria,

12 ~~one of the four members shall be a representative of~~
 13 ~~an international labor organization and if an~~
 14 ~~enterprise zone is located in any city, a~~
 15 ~~representative, chosen by the city council, of each~~
 16 ~~such city may be a member of the commission. A county~~
 17 ~~shall have only one enterprise zone commission to~~
 18 ~~review applications for incentives and assistance for~~
 19 ~~businesses located within or requesting to locate~~
 20 ~~within a certified enterprise zone designated pursuant~~
 21 ~~to section 15E.194, subsection 1.~~

22 Sec. ____ Section 15E.195, Code Supplement 1997,
 23 is amended by adding the following new subsection:
 24 NEW SUBSECTION. 1A. A city with a population of
 25 twenty-four thousand or more which designates an
 26 enterprise zone pursuant to section 15E.194,
 27 subsection 2, and in which an eligible enterprise zone
 28 is certified shall establish an enterprise zone
 29 commission to review applications from qualified
 30 businesses located within or requesting to locate
 31 within an enterprise zone to receive incentives or
 32 assistance as provided in section 15E.196. The
 33 commission shall consist of nine members. Six of
 34 these members shall consist of one representative of
 35 an international labor organization, one member with
 36 economic development expertise chosen by the
 37 department of economic development, one representative
 38 of the city council, one member of the local community
 39 college board of directors, one member of the city
 40 planning and zoning commission, and one representative
 41 of the local workforce development center. These six
 42 members shall select the remaining three members. If
 43 the enterprise zone consists of an area meeting the
 44 requirements for eligibility for an urban enterprise
 45 community under Title XIII of the federal Omnibus
 46 Budget Reconciliation Act of 1993, one of the
 47 remaining three members shall be a representative of
 48 that community. If a city contiguous to the city
 49 designating the enterprise zone is included in an
 50 enterprise zone, a representative of the contiguous

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1 city, chosen by the city council, shall be a member of
 2 the commission. A city in which an eligible
 3 enterprise zone is certified shall have only one
 4 enterprise zone commission. If a city has established
 5 an enterprise zone commission prior to the effective
 6 date of this Act, the city may petition to the
 7 department of economic development to change the
 8 structure of the existing commission.

9 Sec. ____ Section 15E.196, subsection 5, Code
 10 Supplement 1997, is amended to read as follows:

11 5. The county or city for which an eligible

12 enterprise zone is certified may exempt from all
 13 property taxation all or a portion of the value added
 14 to the property upon which an eligible business
 15 locates or expands in an enterprise zone and which is
 16 used in the operation of the eligible business. The
 17 amount of value added for purposes of this subsection
 18 shall be the amount of the increase in assessed
 19 valuation of the property following the location or
 20 expansion of the business in the enterprise zone. If
 21 an exemption provided pursuant to this subsection is
 22 made applicable to only a portion of the property
 23 within an enterprise zone, the definition of that
 24 subset of eligible property must be by uniform
 25 criteria which further some planning objective
 26 established by the city or county enterprise zone
 27 commission and approved by the eligible city or
 28 county. The exemption may be allowed for a period not
 29 to exceed ten years beginning the year the eligible
 30 business enters into an agreement with the county or
 31 city to locate or expand operations in an enterprise
 32 zone."

33 2. Title page, line 1, by inserting after the
 34 word "relating" the following: "to economic
 35 development enterprise zones and to".

36 3. By renumbering as necessary.

Barry of Harrison in the chair at 11:13 a.m.

Weigel of Chickasaw offered the following amendment H-9021, to
 the Senate amendment H-8994, filed by him and moved its adoption:

H-9021

1 Amend the Senate amendment, H-8994, to House File
 2 2164, as passed by the House, as follows:

3 1. Page 1, by inserting after line 20 the
 4 following:

5 "Sec. ____ Section 15E.192, subsection 2, Code
 6 Supplement 1997, is amended to read as follows:

7 2. A city ~~with a population of twenty-four~~
 8 ~~thousand or more, as shown by the 1990 certified~~
 9 ~~federal census,~~ may create an economic development
 10 enterprise zone as authorized in this division,
 11 subject to certification by the department of economic
 12 development, by designating one or more contiguous
 13 census tracts, block numbering areas, or block groups,
 14 or by designating census-designated places, as
 15 determined in the most recent federal census, or
 16 designating other geographic units approved by the
 17 department of economic development for that purpose.
 18 If there is an area in the city which meets the
 19 requirements for eligibility for an urban or rural
 20 enterprise community under Title XIII of the federal

- 21 Omnibus Budget Reconciliation Act of 1993, such area
 22 shall be designated by the state an economic
 23 development enterprise zone. The area meeting the
 24 requirements for eligibility for an urban or rural
 25 enterprise community shall not be included for the
 26 purpose of determining the area limitation pursuant to
 27 subsection 3. In creating an enterprise zone, a city
 28 with a population of twenty-four thousand or more, as
 29 shown by the 1990 certified federal census, may
 30 designate as part of the area tracts, block numbering
 31 areas, block groups, designated places, or approved
 32 geographic units located in a contiguous city if such
 33 tracts, block numbering areas, block groups,
 34 designated places, or approved geographic units meet
 35 the criteria and the city agrees to being included.
 36 The city may establish more than one enterprise zone.
 37 Reference in this division to "city" means a city with
 38 a population of twenty-four thousand or more, as shown
 39 by the 1990 certified federal census."
 40 2. By renumbering as necessary.

Roll call was requested by Weigel of Chickasaw and Scherrman of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment H-9021, to the Senate amendment H-8994, be adopted?" (H.F. 2164)

The ayes were, 50:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohon	Connors	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevrt	Garman	Greiner	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Kremer	Larkin	May
Mertz	Meyer	Moreland	Mundie
Murphy	Myers	O'Brien	Osterhaus
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Vande Hoef	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 49:

Arnold	Boddicker	Boggess	Bradley
Brauns	Brunkhorst	Carroll	Churchill
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Drake	Eddie
Gipp	Greig	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes

Houser	Huseman	Jacobs	Jenkins
Klemme	Lamberti	Larson	Lord
Martin	Mascher	Metcalf	Millage
Nelson	Rants	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Veenstra	Weidman	Welter
Barry, Presiding			

Absent or not voting, 1:

Blodgett

Amendment H-9021 was adopted.

Warnstadt of Woodbury offered amendment H-9109, to the Senate amendment H-8994, filed by him and Whitead of Woodbury as follows:

H-9109

- 1 Amend the Senate amendment, H-8994, to House File
- 2 2164, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 20 the
- 4 following:
- 5 "Sec. ____ Section 15E.193, subsection 1,
- 6 paragraph a, Code Supplement 1997, is amended to read
- 7 as follows:
- 8 a. Is not a retail business, a business holding a
- 9 sales tax permit, or a business where entrance is
- 10 limited by a cover charge or membership requirement."

Warnstadt of Woodbury offered the following amendment H-9138, to amendment H-9109, to the Senate amendment H-8994, filed by him and moved its adoption:

H-9138

- 1 Amend the amendment, H-9109, to the Senate
- 2 amendment, H-8994, to House File 2164, as passed by
- 3 the House, as follows:
- 4 1. Page 1, lines 8 and 9, by striking the words
- 5 "a business holding a sales tax permit."

Amendment H-9138 was adopted.

Warnstadt of Woodbury moved the adoption of amendment H-9109, as amended, to the Senate amendment H-8994.

Amendment H-9109, as amended, was adopted.

Wise of Lee offered the following amendment H-9009, to the Senate amendment H-8994, filed by Wise, et al., and moved its adoption:

H-9009

1 Amend the Senate amendment, H-8994, to House File
2 2164, as passed by the House, as follows:

3 1. Page 1, by inserting after line 35 the
4 following:

5 "Sec. . NEW SECTION. 15E.193A ALTERNATIVE
6 ELIGIBLE BUSINESS CRITERIA.

7 1. A business which is not located in an
8 enterprise zone is eligible to receive incentives and
9 assistance under section 15E.196 if the business has
10 not closed or reduced its operation in one area of the
11 state and relocated substantially the same operation
12 in a location which qualifies the business under this
13 section and if the business meets all of the following
14 criteria:

15 a. Satisfies the requirements in section 15E.193,
16 subsection 1, paragraphs "a", "b", "d", and "e".

17 b. Is or will be located in a city with a
18 population between eight thousand and twenty-four
19 thousand as determined by population estimates by the
20 United States bureau of the census for the year of
21 1995.

22 c. Is or will be located in a city which is not
23 more than thirty-five miles from an existing
24 enterprise zone in this state or an equivalent zone in
25 an adjacent state.

26 d. Satisfies the requirement in section 15.329,
27 subsection 1, paragraph "d".

28 e. Is or will be located in an area which meets
29 two of the criteria listed in section 15E.194,
30 subsection 2.

31 f. Receives approval by ordinance or resolution
32 from the city in which the project is located.

33 2. After approval of a project by ordinance or
34 resolution, the city shall submit an application for
35 incentives and assistance to the department of
36 economic development. As part of the application, the
37 city shall submit information relating the
38 requirements listed in subsection 1 and in section
39 15E.193, subsection 2. The department may approve,
40 defer, or deny the application.

41 3. If a business has received incentives or
42 assistance under section 15E.196 and fails to maintain
43 the requirements of subsection 1 to be an eligible
44 business, the business is subject to repayment of all
45 or a portion of the incentives and assistance that it
46 has received. The city shall have the authority to
47 take action to recover the value of taxes not
48 collected as a result of an exemption provided by the
49 community to the business. The department of revenue
50 and finance shall have the authority to recover the

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1 value of state taxes or incentives provided under
2 section 15E.196. The value of state incentives
3 provided under section 15E.196 includes applicable
4 interest and penalties. The department of economic
5 development and the city shall enter into agreements
6 with the business specifying the method for
7 determining the amount of incentives or assistance
8 paid which will be repaid in the event of failure to
9 maintain the requirements of subsection 1. In
10 addition, a business that fails to maintain the
11 requirements of subsection 1 shall not receive
12 incentives or assistance for each year during which
13 the business is not in compliance.

14 4. In making its decision regarding an
15 application, the department of economic development
16 shall consider the impact of the eligible business on
17 other businesses in competition with it and compare
18 the compensation package of businesses in competition
19 with the business being considered for incentives or
20 assistance. The department shall make a good faith
21 effort to identify existing Iowa businesses within an
22 industry in competition with the business being
23 considered for incentives or assistance. The
24 department shall also make a good faith effort to
25 determine the probability that the proposed incentives
26 or assistance will displace employees of existing
27 businesses. In determining the impact on businesses
28 in competition with the business seeking incentives or
29 assistance, jobs created as a result of other jobs
30 being displaced elsewhere in the state shall not be
31 considered direct jobs created.

32 However, if the department finds that an eligible
33 business has a record of violations of the law,
34 including but not limited to environmental and worker
35 safety statutes, rules, and regulations, over a period
36 of time that tends to show a consistent pattern, the
37 eligible business shall not qualify for incentives or
38 assistance under section 15E.196, unless the
39 department finds that the violations did not seriously
40 affect public health or safety or the environment, or
41 if it did that there were mitigating circumstances.
42 In making the findings and determinations regarding
43 violations, mitigating circumstances, and whether an
44 eligible business is eligible for incentives or
45 assistance under section 15E.196, the department is
46 exempt from chapter 17A. If requested by the
47 department, the business shall provide copies of
48 materials documenting the type of violation, any fees
49 or penalties assessed, court filings, final
50 disposition of any findings, and any other information

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- 1 which would assist the department in assessing the
- 2 nature of any violation.
- 3 5. A business that is approved to receive
- 4 incentives or assistance shall, for the length of its
- 5 designation as an enterprise zone business, certify
- 6 annually to the department of economic development its
- 7 compliance with the requirements of this section."
- 8 2. By renumbering as necessary.

Amendment H-9009 was adopted.

Gipp of Winneshiek asked and received unanimous consent that House File 2164 be deferred and that the bill retain its place on the calendar. (Senate amendment H-8994 pending.)

Martin of Scott called up for consideration **House File 2275**, a bill for an act relating to health care providers including the application of records checks to additional providers and the recording and availability of the records of the facility inspections and providing for a repeal, amended by the Senate, and moved that the House concur in the following Senate amendment H-9135:

H-9135

- 1 Amend House File 2275, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 26, the
- 4 following:
- 5 " _____. In addition to the monthly and annual
- 6 compilations, the department shall provide
- 7 compilations of the report cards on a cumulative
- 8 basis. The cumulative compilation shall reflect the
- 9 report cards of health care facilities during the
- 10 four-year period prior to the production of the
- 11 cumulative compilation. The cumulative compilation
- 12 shall be applicable to a particular health care
- 13 facility as a four-year report card history of that
- 14 facility becomes available. The cumulative
- 15 compilation shall be available to the public in the
- 16 same manner as the annual compilation."
- 17 2. Page 2, line 18, by inserting after the word
- 18 "services." the following: "If a person owns or
- 19 operates more than one facility, and an employee of
- 20 one of such facilities is transferred to another such
- 21 facility without a lapse in employment, the facility
- 22 is not required to request additional criminal and
- 23 dependent adult abuse record checks of that employee."
- 24 3. By renumbering, relettering, or redesignating
- 25 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-9135.

Martin of Scott moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2275)

The ayes were, 98:

Arnold	Bell	Boddicker	Boggess
Bradley	Brand	Brauns	Brunkhorst
Bukta	Burnett	Carroll	Cataldo
Chapman	Chiodo	Churchill	Cohoon
Connors	Corbett, Spkr.	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Barry, Presiding		

The nays were, none.

Absent or not voting, 2:

Bernau Blodgett

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2275** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 1998, refused to concur in the House amendment to the Senate amendment to the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 15, a concurrent resolution providing for the formation of a committee by the Legislative Council to conduct a comprehensive study of school finance and make recommendations for a revised school aid formula.

Also: That the Senate has on April 14, 1998, concurred in the House amendment and adopted the following resolution in which the concurrence of the Senate was asked:

Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualifications of electors.

Also: That the Senate has on April 14, 1998, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 113, a concurrent resolution requesting the establishment of a conference to study the protection of the Loess Hills areas of this state.

Also: That the Senate has on April 14, 1998, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 115, a concurrent resolution urging federal Congressional support for widows and widowers under the federal Railroad Retirement Act of 1974.

Also: That the Senate has on April 14, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2405, a bill for an act providing for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by a county, city, and school district.

Also: That the Senate has on April 14, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2409, a bill for an act relating to a registration fee and a sales tax exemption for certain aircraft and providing an effective date.

MARY PAT GUNDERSON, Secretary

On motion by Gipp of Winneshiek, the House was recessed at 12:00 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:30 p.m., Carroll of Poweshiek in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-four members present, twenty-six absent.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 1998, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2280, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the governor's alliance on substance abuse, and the commission of veterans affairs, and providing effective dates.

MARY PAT GUNDERSON, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2409, by committee on ways and means, a bill for an act relating to a registration fee and a sales tax exemption for certain aircraft and providing an effective date.

Read first time and referred to committee on **ways and means**.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of House Files 2557 and 2558.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 2557, a bill for an act relating to employment background checks by care facilities and services, creating a single contact repository, and making an appropriation, was taken up for consideration.

Martin of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2557)

The ayes were, 93:

Arnold	Barry	Bell	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Bukta	Burnett	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Millage	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Welter	Whitead	Wise	Witt
Carroll, Presiding			

The nays were, none.

Absent or not voting, 7:

Bernau	Blodgett	Brand	Grundberg
Meyer	Moreland	Weigel	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN (Senate File 187)

Siegrist of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider Senate File 187, a bill for an act relating to the issuance of licenses and the imposition of fees for the fishing, trapping, hunting, pursuing, catching, killing, or taking of wild animals, birds, game, or fish, providing for other properly related matters, and subjecting violators to existing penalties, and providing effective and applicability dates, filed by him on April 13, 1998.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate File 187** and **House File 2557**.

The House stood at ease at 2:08 p.m., until the fall of the gavel.

The House resumed session at 3:38 p.m., Carroll of Poweshiek in the chair.

Nelson of Marshall called up for consideration **Senate File 2280**, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the governor's alliance on substance abuse, and the commission of veterans affairs, and providing effective dates, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-9156:

H-9156

1 Amend the House amendment, S-5563, to Senate File
 2 2280, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 3, by striking lines 20 through 23 and
 5 inserting the following:
 6 "_. By striking page 22, line 3, through page
 7 23, line 14, and inserting the following:
 8 "1. The moneys remaining unobligated or unexpended
 9 in the gambling treatment fund created in section
 10 99E.10, subsection 1, paragraph "a", Code Supplement
 11 1997, at the end of the fiscal year beginning July 1,
 12 1997, and ending June 30, 1998, are appropriated to
 13 the Iowa department of public health for the fiscal
 14 year beginning July 1, 1998, and ending June 30, 1999,
 15 to be allocated as follows:
 16 a. For transfer to the department of public safety
 17 to combat methamphetamine use:
 18 \$ 236,000
 19 The funds transferred in this lettered paragraph
 20 shall be utilized by the division of narcotics
 21 enforcement of the department of public safety for
 22 undercover purchases of methamphetamine by law
 23 enforcement agency and drug task force personnel.
 24 b. For transfer to the governor's alliance on
 25 substance abuse for the establishment of an education
 26 program designed to increase the availability of
 27 information relating to methamphetamine abuse in Iowa
 28 schools and throughout the media:

29 \$ 83,000
 30 The funds transferred in this lettered paragraph
 31 shall be used to assist in targeting an anti-
 32 methamphetamine message specifically to Iowa teenagers
 33 through the school system and through public service
 34 media advertisements. The education program shall be
 35 coordinated by the drug enforcement and abuse
 36 prevention coordinator in consultation with the Iowa
 37 drug abuse prevention and education advisory council
 38 established in section 80E.2.
 39 2. a. There is appropriated from receipts in".
 40 2. Page 3, line 37, by striking the word
 41 "amounts" and inserting the following: "amount".
 42 3. Page 3, line 42, by striking the word
 43 "amounts" and inserting the following: "amount".
 44 4. Page 3, line 43, by striking the words
 45 "projects are" and inserting the following:
 46 "projection is".
 47 5. Page 3, line 46, by striking the words
 48 "subsections 1 and" and inserting the following:
 49 "subsection".
 50 6. By striking page 4, line 37, through page 6,

Page 2

1 line 2, and inserting the following:
 2 "b. For the provision of emergency medical
 3 services and training of emergency medical services
 4 personnel:
 5 \$ 78,000
 6 c. For transfer to the Iowa law enforcement
 7 academy to be used for the drug abuse resistance
 8 education program:
 9 \$ 70,000
 10 d. For transfer to the department of public safety
 11 for costs associated with the training by the
 12 department of public safety of state and local law
 13 enforcement personnel concerning the recognition of
 14 and response to persons with Alzheimer's disease:
 15 \$ 70,000
 16 e. For use by local boards of health to ensure
 17 that core public health functions are maintained and
 18 to support essential services in their communities:
 19 \$ 150,000
 20 f. For transfer to the department of elder affairs
 21 to be used for the recruitment, retention,
 22 recognition, and training of care review committee
 23 volunteers:
 24 \$ 130,000
 25 The department of elder affairs shall develop
 26 outcome measurements regarding use of the funds
 27 transferred in this lettered paragraph, and shall

- 28 conduct a study of issues including, but not limited
 29 to, how the funds were utilized, liability for area
 30 agencies on aging, and access to nursing home records.
 31 The department shall submit a report of the results of
 32 the study to the general assembly by January 1, 2000.
 33 g. For transfer to the department of public safety
 34 to combat methamphetamine use:
 35 \$ 200,000
 36 The funds transferred in this lettered paragraph
 37 shall be utilized by the department of public safety
 38 to enhance existing programs or to initiate new
 39 efforts designed to prevent and combat methamphetamine
 40 use. The department shall submit a report of the
 41 expenditures made and a status report on anti-
 42 methamphetamine efforts to the general assembly by
 43 January 1, 2000.”
 44 7. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-9156.

Nelson of Marshall moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 2280)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Bukta	Burnett
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Foege	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen

Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Carroll,	
		Presiding	

The nays were, 4:

Brunkhorst	Cormack	Fallon	Ford
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Absent or not voting, 1:

Meyer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2280** and **House File 667** be immediately messaged to the Senate.

Unfinished Business Calendar

Senate File 2333, a bill for an act relating to occupational hearing loss recovery, providing definitions, and providing for the apportionment and measurement of hearing loss, with report of committee recommending passage, was taken up for consideration.

Dotzler of Black Hawk offered the following amendment H-8615 filed by him and moved its adoption:

H-8615

- 1 Amend Senate File 2333, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 26, by striking the words "and
- 4 three" and inserting the following: "three".
- 5 2. Page 1, line 26, by inserting after the word
- 6 "thousand" the following: ", four thousand, and six
- 7 thousand".
- 8 3. Page 2, line 29, by striking the word "four"
- 9 and inserting the following: "six".
- 10 4. Page 2, line 30, by striking the words "and
- 11 three" and inserting the following: "three".
- 12 5. Page 2, line 30, by inserting before the word
- 13 "Hertz" the following: ", four thousand, and six
- 14 thousand".
- 15 6. Page 2, line 31, by striking the word "four"
- 16 and inserting the following: "six".
- 17 7. Page 4, line 16, by striking the words "and

- 18 three" and inserting the following: "~~and~~ three".
 19 8. Page 4, line 17, by inserting before the word
 20 "Hertz" the following: ", four thousand, and six
 21 thousand".
 22 9. Page 4, line 23, by striking the word "four"
 23 and inserting the following: "~~four~~ six".
 24 10. By renumbering and correcting internal
 25 references as necessary.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 49, nays 49.

Amendment H-8615 lost.

Murphy of Dubuque asked and received unanimous consent that amendment H-9145 be deferred.

Myers of Johnson offered the following amendment H-9146 filed by him from the floor and moved its adoption:

H-9146

- 1 Amend Senate File 2333, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 26, by striking the words "and
 4 three" and inserting the following: "three".
 5 2. Page 1, line 26, by inserting after the word
 6 "thousand" the following: ", and four thousand".
 7 3. Page 2, line 29, by striking the word "four"
 8 and inserting the following: "five".
 9 4. Page 2, line 30, by striking the words "and
 10 three" and inserting the following: "three".
 11 5. Page 2, line 30, by inserting before the word
 12 "Hertz" the following: ", and four thousand".
 13 6. Page 2, line 31, by striking the word "four"
 14 and inserting the following: "five".
 15 7. Page 4, line 16, by striking the words "and
 16 three" and inserting the following: "~~and~~ three".
 17 8. Page 4, line 16, by inserting after the words
 18 "three thousand" the following: ", and four
 19 thousand".
 20 9. Page 4, line 23, by striking the word "four"
 21 and inserting the following: "~~four~~ five".
 22 10. By renumbering and correcting internal
 23 references as necessary.

Roll call was requested by Myers of Johnson and Schrader of Marion.

Rule 75 was invoked.

On the question "Shall amendment H-9146 be adopted?" (S.F. 2333)

The ayes were, 49:

Bell	Bernau	Brand	Brunkhorst
Bukta	Burnett	Chapman	Chiodo
Cohoon	Connors	Cormack	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevert	Garman
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

The nays were, 50:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Churchill
Corbett, Spkr.	Dinkla	Dix	Dolecheck
Drake	Eddie	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Carroll,		
	Presiding		

Absent or not voting, 1:

Cataldo

Amendment H-9146 lost.

Taylor of Linn offered the following amendment H-8596 filed by him and moved its adoption:

H-8596

- 1 Amend Senate File 2333, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 3, line 32, through page 4,
- 4 line 7, and inserting the following: "nonemployment
- 5 sources of loss, excluding loss due to age."

A non-record roll call was requested.

The ayes were 42, nays 51.

Amendment H-8596 lost.

Connors of Polk offered amendment H-8636 filed by him and moved its adoption:

H-8636

- 1 Amend Senate File 2333, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, line 17, by inserting after the word
 4 "Hertz," the following: "and the rights of the
 5 employee pursuant to this chapter."
 6 2. Page 5, by inserting after line 29 the
 7 following:
 8 "Sec. . NEW SECTION. 85B.16 EMPLOYEE NOTICE
 9 - APPLICABILITY.
 10 An employer subject to liability under this chapter
 11 shall inform, in writing, each employee of the
 12 employer who is an employee as of July 1, 1998, each
 13 employee hired by the employer on or after July 1,
 14 1998, and each employee who is separated from the
 15 employment with the employer in which the employee was
 16 subjected to excessive noise exposure on or after July
 17 1, 1998, within one month of the date of separation,
 18 of the effect of this Act and of the employee's rights
 19 under this chapter. This Act shall not apply to an
 20 employee of an employer until the employer has
 21 received a signed acknowledgment from the employee
 22 that the employee has been informed of the effect of
 23 this Act and of the employee's rights under this
 24 chapter."
 25 3. By renumbering as necessary.

Speaker Corbett in the chair at 4:50 p.m.

Roll call was requested by Taylor of Linn and Sukup of Franklin.

Rule 75 was invoked.

On the question "Shall amendment H-8636 be adopted?" (S.F. 2333)

The ayes were, 48:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drake	Drees	Falck	Fallon
Foege	Ford	Frevert	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May

Mertz	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomas	Warnstadt
Weigel	Whitead	Wise	Witt

The nays were, 52:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

Absent or not voting, none.

Amendment H-8636 lost.

Dotzler of Black Hawk offered the following amendment H-8595 filed by him and moved its adoption:

H-8595

- 1 Amend Senate File 2333, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by inserting after line 29 the
- 4 following:
- 5 "Sec. ____ APPLICABILITY. This Act applies only
- 6 to an employee of an employer who is newly hired by
- 7 the employer on or after July 1, 1998."
- 8 2. By renumbering as necessary.

Amendment H-8595 lost.

Taylor of Linn offered the following amendment H-8635 filed by him and moved its adoption:

H-8635

- 1 Amend Senate File 2333, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by inserting after line 29 the
- 4 following:
- 5 "Sec. ____ INTENT. It is the intent of the

6 general assembly that the changes in this Act are to
 7 provide that an employer shall not have to pay
 8 workers' compensation benefits for occupational
 9 hearing loss to an employee for hearing loss that is
 10 nonoccupational."
 11 2. By renumbering as necessary.

Amendment H-8635 lost.

Taylor of Linn offered the following amendment H-9154 filed by him from the floor and moved its adoption:

H-9154

1 Amend Senate File 2333, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, by inserting after line 29 the
 4 following:
 5 "Sec. ____ NEW SECTION. 85B.16 ADEQUATE HEARING
 6 PROTECTION - APPLICABILITY.
 7 An employer subject to liability under this chapter
 8 shall provide each employee of the employer who is an
 9 employee as of July 1, 1998, and each employee hired
 10 by the employer on or after July 1, 1998, with safe
 11 and adequate hearing protection based on the
 12 employee's job position. This Act shall not apply to
 13 an employee of an employer if the employer has not
 14 provided the employee with safe and adequate hearing
 15 protection as required by this section."
 16 2. By renumbering as necessary.

Amendment H-9154 lost.

Dotzler of Black Hawk asked and received unanimous consent to withdraw amendments H-9163 and H-9165, filed by him from the floor.

Murphy of Dubuque offered the following amendment H-9145 filed by him and Dotzler of Black Hawk from the floor and moved its adoption:

H-9145

1 Amend Senate File 2333, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 25, by striking the words "five
 4 hundred."
 5 2. Page 2, line 29, by striking the words "four
 6 frequencies, five hundred," and inserting the
 7 following: "three frequencies."
 8 3. Page 2, line 31, by striking the word "four"
 9 and inserting the following: "three".

- 10 4. Page 4, line 16, by striking the words "five
 11 hundred," and inserting the following: "five
 12 hundred."
 13 5. Page 4, line 23, by striking the word "four"
 14 and inserting the following: "~~four~~ three".

Amendment H-9145 lost.

Connors of Polk asked for unanimous consent to reconsider the vote by which amendment H-8636 filed by Connors of Polk on March 24, 1998, failed to pass the House on April 14, 1998.

Objection was raised.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2333)

The ayes were, 53:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

The nays were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

Absent or not voting, 1:

Ford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2333** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2200, a bill for an act relating to the expenses, powers, and duties of county agricultural extension councils.

Also: That the Senate has on April 14, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2268, a bill for an act relating to rural water services by authorizing rural water districts to enter into agreements with other governmental entities to provide for the ownership, acquisition, construction, and equipping of sewer systems, and authorizing the issuance of revenue obligations to finance the projects and providing procedures for detaching property from one district and attaching it to another district.

Also: That the Senate has on April 14, 1998, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2277, a bill for an act providing for exceptions to municipal tort liability for skateboarding.

Also: That the Senate has on April 14, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2284, a bill for an act relating to rural improvement zones.

Also: That the Senate has on April 14, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2412, a bill for an act relating to linked investment deposits by providing a low-interest loan program to assist persons involved in value-added agricultural processing.

MARY PAT GUNDERSON, Secretary

Appropriations Calendar

House File 2558, a bill for an act relating to mental health, developmental disability, and substance abuse service and payment provisions, and including an applicability provision and an effective date, was taken up for consideration.

Heaton of Henry offered amendment H-9167 filed by him, Grundberg of Polk and Houser of Pottawattamie from the floor as follows:

H-9167

1 Amend House File 2558 as follows:

2 1. Page 3, by inserting after line 34 the
3 following:

4 "Sec. ____ LEGAL SETTLEMENT PLAN. The department
5 of human services shall work with the Iowa state
6 association of counties in developing proposals for
7 legal settlement determination and for expediting
8 resolution of legal settlement disputes. The
9 department shall report on or before December 1, 1998,
10 to the general assembly and the governor outlining
11 proposals and providing other relevant
12 recommendations."

13 2. Page 10, by inserting after line 19 the
14 following:

15 "DIVISION

16 DUAL CIVIL COMMITMENTS

17 Sec. ____ NEW SECTION. 125.75B DUAL FILINGS.

18 An application for involuntary commitment or
19 treatment under this chapter may be
20 filed contemporaneously with an application for
21 involuntary hospitalization of the respondent under
22 chapter 229.

23 Sec. ____ Section 125.82, subsections 1 and 2,
24 Code 1997, are amended to read as follows:

25 1. At a commitment hearing, evidence in support of
26 the contentions made in the application shall be
27 presented by the applicant, ~~or by an attorney for the~~
28 ~~applicant, or by the county attorney if the county~~
29 ~~attorney is the applicant.~~ During the hearing the
30 applicant and the respondent shall be afforded an
31 opportunity to testify and the county attorney and the
32 respondent shall have the opportunity to present and
33 cross-examine witnesses, and the court may receive the
34 testimony of other interested persons. If the
35 respondent is present at the hearing, as provided in
36 subsection 3, and has been medicated within twelve
37 hours, or a longer period of time as the court may
38 designate, prior to the beginning of the hearing or a
39 session of the hearing, the court shall be informed of
40 that fact and of the probable effects of the

11 medication upon convening of the hearing.
12 2. A person not necessary for the conduct of the
13 hearing shall be excluded, except that the court may
14 admit a person having a legitimate interest in the
15 hearing. Upon motion of the applicant county
16 attorney, the court may exclude the respondent from
17 the hearing during the testimony of a witness if the
18 court determines that the witness' testimony is likely
19 to cause the respondent severe emotional trauma.
20 Sec. __. NEW SECTION. 229.2A DUAL FILINGS.

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1 An application for involuntary hospitalization of a
2 respondent under this chapter may be filed
3 contemporaneously with an application for involuntary
4 commitment or treatment of the respondent under
5 chapter 125.
6 Sec. __. Section 229.21, subsection 3, Code 1997,
7 is amended to read as follows:
8 3. a. Any respondent with respect to whom the
9 judicial hospitalization referee has found the
10 contention that the respondent is seriously mentally
11 impaired or a chronic substance abuser sustained by
12 clear and convincing evidence presented at a hearing
13 held under section 229.12 or section 125.82, may
14 appeal from the referee's finding to a judge of the
15 district court by giving the clerk notice in writing,
16 within seven ~~ten~~ days after the referee's finding is
17 made, that an appeal ~~therefrom~~ is taken. The appeal
18 may be signed by the respondent or by the respondent's
19 next friend, guardian or attorney.
20 b. An order of a judicial hospitalization referee
21 with a finding that the respondent is seriously
22 mentally impaired or a chronic substance abuser shall
23 include the following notice, located conspicuously on
24 the face of the order:
25 "NOTE: The respondent may appeal from this order
26 to a judge of the district court by giving written
27 notice of the appeal to the clerk of the district
28 court within ten days after the date of this order.
29 The appeal may be signed by the respondent or by the
30 respondent's next friend, guardian, or attorney. For
31 a more complete description of the respondent's appeal
32 rights, consult section 229.21 of the Code of Iowa or
33 an attorney."
34 c. When so appealed, the matter shall stand for
35 trial de novo. Upon appeal, the court shall schedule
36 a hospitalization or commitment hearing before a
37 district judge at the earliest practicable time.
38 Sec. __. Section 229.27, subsection 4, Code 1997,
39 is amended by striking the subsection.
40 Sec. __. IMPLEMENTATION OF ACT. Section 25B.2.

- 41 subsection 3, shall not apply to this division of this
 42 Act.”
- 43 3. Title page, line 2, by inserting after the
 44 word “service” the following: “, commitment.”
- 45 4. By renumbering as necessary.

Carroll of Poweshiek in the chair at 7:02 p.m.

Heaton of Henry asked and received unanimous consent that amendment H-9167 be deferred.

Gipp of Winneshiek asked and received unanimous consent that House File 2558 be deferred and that the bill retain its place on the calendar. (Amendment H-9167 pending.)

SENATE AMENDMENT CONSIDERED

Vande Hoef of Osceola called up for consideration **Senate File 2277**, a bill for an act providing for exceptions to municipal tort liability for skateboarding and in-line skating, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-9164:

H-9164

- 1 Amend the amendment, S-5592, to Senate File 2277,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
- 4 1. Page 1, by striking lines 12 through 13 and
 5 inserting the following: ““risk.” the following:
 6 “The exemption from liability contained in this
 7 subsection shall only apply to claims for injuries or
 8 damage resulting from the risks inherent in the
 9 activities of skateboarding or in-line skating.””

The motion prevailed and the House concurred in the Senate amendment H-9164.

Vande Hoef of Osceola moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 2277)

The ayes were, 96:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Cataldo	Chapman	Churchill

Cohoon	Connors	Corbett, Spkr.	Cormack
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Carroll, Presiding

The nays were, 1:

Holveck

Absent or not voting, 3:

Chiodo

Dinkla

Ford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2277** be immediately messaged to the Senate.

Appropriations Calendar

House File 2546, a bill for an act relating to waste tires and tire-derived fuels, was taken up for consideration.

Cormack of Webster offered the following amendment H-8949 filed by him and moved its adoption:

H-8949

- 1 Amend House File 2546 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "party," the following: "An employee or staff person
- 4 of the department, including but not limited to the

5 director, deputy director, and legislative liaison,
 6 with access to a confidential audit requested pursuant
 7 to this subsection or other financial assurance
 8 instrument referred to in this subsection shall not be
 9 employed by a private firm engaged in the business of
 10 waste tire processing as defined in section 455D.11
 11 while the employee or staff person is employed by the
 12 department and for a period of two years from the time
 13 the employee or staff person ceases employment with
 14 the department."

Amendment H-8949 was adopted.

Gipp of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2546)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Cataldo	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Carroll,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Boddicker

Ford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

Senate File 2365, a bill for an act relating to the imposition of the sales and use tax on building materials, supplies, and equipment sold and used in the construction of facilities of rural water districts, with report of committee recommending passage, was taken up for consideration.

Van Fossen of Scott offered the following amendment H-8817 filed by Van Fossen, et al., and moved its adoption:

H-8817

- 1 Amend Senate File 2365, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 12 the
- 4 following:
- 5 "Sec. ____ Section 422.45, Code Supplement 1997,
- 6 is amended by adding the following new subsection:
- 7 NEW SUBSECTION. 33A. The gross receipts from the
- 8 sale of electricity to water companies assessed for
- 9 property tax pursuant to sections 428.24, 428.26, and
- 10 428.28 which is used solely for the purpose of pumping
- 11 water from a river or well."
- 12 2. Title page, by striking lines 2 and 3 and
- 13 inserting the following: "infrastructure and
- 14 electricity associated with providing water."
- 15 3. By renumbering as necessary.

Amendment H-8817 was adopted.

Teig of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2365)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Cataldo	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Foege	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg

Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Carroll,	
		Presiding	

The nays were, 2:

Chapman Fallon

Absent or not voting, 3:

Doderer Ford Siegrist

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2365** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

The House resumed consideration of **House File 2514**, a bill for an act relating to motor vehicle operation and motor vehicles, carriers and motor trucks, and penalties and hazardous materials, including weight requirements and transportation of hazardous materials, and providing an effective date, amended by the Senate amendment H-8760, previously deferred on April 6, 1998, and found on pages 1302 and 1303 of the House Journal.

Witt of Black Hawk asked and received unanimous consent that amendment H-8972, to the Senate amendment H-8760, be deferred.

Shoultz of Black Hawk offered the following amendment H-8971, to the Senate amendment H-8760, filed by him and moved its adoption:

H-8971

1 Amend the Senate amendment, H-8760, to House File

- 2 2514, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by striking lines 18 through 30.
 5 2. By renumbering as necessary.

Roll call was requested by Shoultz of Black Hawk and Witt of Black Hawk.

On the question "Shall amendment H-8971, to the Senate amendment H-8760, be adopted?" (H.F. 2514)

The ayes were, 41:

Bernau	Brand	Bukta	Burnett
Chapman	Chiudo	Cohoon	Connors
Dotzler	Drees	Falck	Fallon
Foege	Frevert	Grundberg	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Witt			

The nays were, 53:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Brauns	Brunkhorst
Corbett, Spkr.	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Metcalf	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Wise
Carroll, Presiding			

Absent or not voting, 6:

Bradley	Cataldo	Churchill	Doderer
Ford	Holveck		

Amendment H-8971 lost.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-8973, to the Senate amendment H-8760, filed by her on April 7, 1998.

Connors of Polk asked and received unanimous consent that amendment H-8975, to the Senate amendment H-8760, be deferred.

Witt of Black Hawk offered the following amendment H-8974, to the Senate amendment H-8760, filed by him and moved its adoption:

H-8974

- 1 Amend the Senate amendment, H-8760, to House File
- 2 2514, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 16 through 36.
- 5 2. By renumbering as necessary.

Roll call was requested by Witt of Black Hawk and Shoultz of Black Hawk.

On the question "Shall amendment H-8974, to the Senate amendment H-8760, be adopted?" (H.F. 2514)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cohoon
Connors	Dotzler	Drees	Falck
Fallon	Foege	Frevert	Grundberg
Holmes	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Vande Hoef	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 50:

Arnold	Barry	Blodgett	Boddicker
Bogges	Brauns	Brunkhorst	Cataldo
Corbett, Spkr.	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Hahn	Hansen	Heaton	Houser
Huseman	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrell
Van Fossen	Van Maanen	Veenstra	Weidman
Welter	Carroll,		
	Presiding		

Absent or not voting, 4:

Bradley

Churchill

Doderer

Ford

Amendment H-8974 lost.

Witt of Black Hawk offered the following amendment H-8972 to the Senate amendment H-8760, filed by him, previously deferred, and moved its adoption:

H-8972

- 1 Amend the Senate amendment, H-8760, to House File
- 2 2514, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 25, by striking the words "two
- 5 thousand five hundred" and inserting the following:
- 6 "five thousand".
- 7 2. By renumbering as necessary.

Amendment H-8972 lost.

Fallon of Polk offered the following amendment H-8975, to the Senate amendment H-8760, filed by him, previously deferred, and moved its adoption:

H-8975

- 1 Amend the Senate amendment, H-8760, to House File
- 2 2514, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 31 through 36.
- 5 2. By renumbering as necessary.

Amendment H-8975 lost.

Blodgett of Cerro Gordo moved that the House concur in the Senate amendment H-8760.

A non-record roll call was requested.

The ayes were 45, nays 28.

The House concurred in the Senate amendment H-8760.

RULE 32 INVOKED

Shoultz of Black Hawk rose on a point of order and invoked Rule 32 to send House File 2514 to the committee on ways and means.

The Speaker ruled the point well taken.

Siegrist of Pottawattamie moved to suspend Rule 32 to consider House File 2514.

Roll call was requested by Shoultz of Black Hawk and Murphy of Dubuque.

On the question "Shall Rule 32 be suspended to consider House File 2514?"

The ayes were, 52:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Corbett, Spkr.	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Metcalf	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Carroll, Presiding

The nays were, 45:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Dotzler	Drees
Falck	Fallon	Foege	Frevert
Holmes	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomas
Warnstadt	Weigel	Whitead	Wise
Witt			

Absent or not voting, 3:

Churchill	Doderer	Ford
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The motion to suspend the rules prevailed.

Blodgett of Cerro Gordo moved that the bill as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2514)

The ayes were, 60:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Cataldo	Chiodo
Cohoon	Corbett, Spkr.	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Lord	Martin	Mertz
Metcalf	Meyer	Millage	Nelson
O'Brien	Rants	Rayhons	Siegrist
Sukup	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Veenstra
Weidman	Welter	Wise	Carroll, Presiding

The nays were, 36:

Bernau	Bukta	Burnett	Chapman
Connors	Dotzler	Drees	Falck
Fallon	Foege	Frevort	Holveck
Huser	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Larson	Mascher
May	Moreland	Mundie	Murphy
Myers	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Whitead	Witt

Absent or not voting, 4:

Churchill	Doderer	Ford	Vande Hoef
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2514** be immediately messaged to the Senate.

RULE 57 SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda for a meeting of the committee on appropriations to meet at 8:00 a.m., Wednesday, April 15, 1998.

SENATE MESSAGES CONSIDERED

Senate File 2284, by committee on ways and means, a bill for an act relating to rural improvement zones.

Read first time and **passed on file.**

Senate File 2412, by committee on appropriations, a bill for an act relating to linked investment deposits by providing a low-interest loan program to assist persons involved in value-added agricultural processing.

Read first time and referred to committee on **appropriations**.

MOTIONS TO RECONSIDER
(House File 2546)

I move to reconsider the vote by which House File 2546 passed the House on April 14, 1998.

CORMACK of Webster

(Amendment H-9021 to House File 2164)

I move to reconsider the vote by which amendment H-9021 to House File 2164 was adopted by the House on April 14, 1998.

GREINER of Washington

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 9, 1998. Had I been present, I would have voted "aye" on House Files 2049, 2335, 2538, amendments H-8746 and H-9025 to House File 2538, Senate Files 2268, 2313, 2410, amendments H-8989 and H-9053 to Senate File 2410.

I was necessarily absent from the House chamber on April 13, 1998. Had I been present, I would have voted "aye" on House Files 8, 2120, 2175, 2290, 2400, 2472, 2487, 2517, amendments H-8040 and H-9111 to Senate File 492, Senate Files 466, 2311 and "nay" on House File 2494 and Senate File 492.

CATALDO of Polk

I was necessarily absent from the House chamber on the afternoon of April 13, 1998. Had I been present, I would have voted "aye" on House File 2517.

MORELAND of Wapello

I was necessarily absent from the House chamber on April 13, 1998. Had I been present, I would have voted "aye" on House Files 2120, 2175, 2290, 2400, 2472, 2487 and Senate Files 187, 466 and 2311.

MUNDIE of Webster

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 14th day of April, 1998: House Files 382, 2162, 2169, 2271, 2281, 2454, 2473, 2495 and 2528.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 13, 1998, he approved and transmitted to the Secretary of State the following bill:

House File 2211, an act relating to the liability for and payment of certain costs and other expenses relating to certain inmates, prisoners, and escapees.

Also: That on April 14, 1998, he approved and transmitted to the Secretary of State the following bills:

House File 2135, an act relating to a mid-America port commission agreement and providing an effective date.

Senate File 2364, an act relating to the sales, services, and use taxes exemption for the sales of food and beverages for human consumption by certain organizations, providing refunds, and including effective and retroactive applicability date provisions.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty-five 5th grade students from Studebaker Elementary, Des Moines, accompanied by Lorinda McCullough. By Chiodo of Polk.

Forty 5th grade students from Winterset Middle School, Winterset, accompanied by Mrs. Olson, Mrs. Waltz and parents. By Dinkla of Guthrie.

Thirty-five 5th grade students from Winterset Middle School, Winterset, accompanied by Carol Liechty. By Dinkla of Guthrie and Weidman of Cass.

Fifty-two 5th grade students from BCLUW Middle School, Union, accompanied by Mr. Simpson and Mr. Ehn. By Dix of Butler and Sukup of Franklin.

Seventeen students from Creston High School, Creston, accompanied by Jodi Emerson. By Dolecheck of Ringgold.

Seventy-five 8th grade students from Emmetsburg Middle School, Emmetsburg, accompanied by Sarah Fandel, Linda Jones, Jim Willmore, Bob Kenny and Dave Ballman. By Frevert of Palo Alto.

Fifty-six 5th grade students from Rex Mathes Elementary, West Des Moines, accompanied by Thalya Hanson and Judy Coldiron. By Jacobs of Polk.

Fifty 5th grade students from Grant Elementary, Oskaloosa, accompanied by Mrs. Johnson and Mrs. Mattix. By Van Maanen of Marion.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1998\463 Abraham Lincoln High School, Coach Carole Dickey and Assistant Coach Gary Dickey, Jr., Des Moines – For winning the State High School Mock Trial Championship.
- 1998\464 Virgil Uriell, Elkader – For celebrating his 90th birthday.
- 1998\465 Bertha Walter, Luana – For celebrating her 90th birthday.
- 1998\466 Virgil and Christina Niehaus, Guttenberg – For celebrating their 50th wedding anniversary.
- 1998\467 Melvin and Mary Young, Marquette – For celebrating their 50th wedding anniversary.
- 1998\468 Charles and Kay Derr, Fairfield – For celebrating their 40th wedding anniversary.
- 1998\469 Dale and Mildred Krumboltz, Fairfield – For celebrating their 60th wedding anniversary.
- 1998\470 Linus and Rita Bodensteiner, New Hampton – For celebrating their 50th wedding anniversary.
- 1998\471 Irene Wessel, New Hampton – For celebrating her 90th birthday.
- 1998\472 Ray and Ruth Langreck, Cresco – For celebrating their 50th wedding anniversary.

- 1998\473 Vince and Betty Neubauer, Cresco – For celebrating their 50th wedding anniversary.
- 1998\474 Arlene and Jerry Kruchek, Protivin – For celebrating their 50th wedding anniversary.
- 1998\475 Joe Bormann, Fredericksburg – For being named to the 1997-98 Second Team Des Moines Register All-State Basketball.
- 1998\476 Ron Rominger, Fairfield – For his 41 years of service to The Fairfield Ledger.
- 1998\477 Leo and Jean Benda, Toledo – For celebrating their 50th wedding anniversary.
- 1998\478 Mr. and Mrs. Thomas Gatrell, Numa – For celebrating their 65th wedding anniversary.
- 1998\479 Jesse Ray Saathoff, Ankeny – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

RESOLUTIONS FILED

SCR 113, by committee on natural resources and environment, a concurrent resolution requesting the establishment of a conference to study the protection of the Loess Hills areas of this state.

Laid over under **Rule 25**.

SCR 115, by Drake, Maddox, Iverson, Gronstal, Horn, Jensen, Kibbie, and Fink, a concurrent resolution urging federal Congressional support for widows and widowers under the federal Railroad Retirement Act of 1974.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—9147	H.F.	2551	Lord of Dallas
H—9148	S.F.	58	Bernau of Story
H—9149	S.F.	58	Fallon of Polk
H—9150	S.F.	58	Fallon of Polk Witt of Black Hawk
H—9152	H.C.R.	109	Burnett of Story
H—9153	H.F.	2555	Burnett of Story Bradley of Clinton
H—9155	S.F.	367	Kreiman of Davis
H—9157	S.F.	2381	Mascher of Johnson
H—9158	S.F.	2416	Larson of Linn Myers of Johnson
	Wise of Lee		

	Cormack of Webster		Osterhaus of Jackson
	Foege of Linn		Jochum of Dubuque
H-9159	S.F.	2416	Larson of Linn
	Wise of Lee		Myers of Johnson
	Cormack of Webster		Thomson of Linn
	Bernau of Story		Churchill of Polk
	Boddicker of Cedar		Hahn of Muscatine
	Nelson of Marshall		Foege of Linn
	Osterhaus of Jackson		O'Brien of Boone
H-9160	H.F.	2555	Jenkins of Black Hawk
	Bradley of Clinton		Witt of Black Hawk
	Burnett of Story		Shoultz of Black Hawk
	Dotzler of Black Hawk		
H-9161	S.F.	58	Fallon of Polk
H-9162	H.F.	2498	Brunkhorst of Bremer
			Millage of Scott
H-9166	H.F.	2498	Chiodo of Polk
H-9168	H.F.	2498	Huser of Polk
H-9169	H.F.	2498	Garman of Story
			Holveck of Polk
H-9170	S.F.	58	Fallon of Polk
H-9171	S.F.	547	Greig of Emmet
			Holmes of Scott
H-9172	S.F.	2381	Richardson of Warren
H-9173	S.F.	2345	Boddicker of Cedar
H-9174	H.F.	2558	Gipp of Winneshiek
H-9175	H.F.	2558	Heaton of Henry
H-9176	H.F.	2498	Huser of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 8:56 p.m., until 8:45 a.m., Wednesday, April 15, 1998.

JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day - Sixty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 15, 1998

The House met pursuant to adjournment at 8:50 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Robert Connors, Union Park Christian Church, Des Moines.

The Journal of Tuesday, April 14, 1998 was approved.

PETITION FILED

The following petition was received and placed on file:

By Thomas of Clayton, from twenty-one Area I K-12 superintendents, Keystone AEA administrator and northeast Iowa community college president favoring Senate Study Bill 2209, oversight and communications appropriations and upgrade of the ICN network during this legislative session.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 1998, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 667, a bill for an act relating to the Iowa administrative procedure Act and providing an effective and applicability date.

Also: That the Senate has on April 14, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2153, a bill for an act providing that member contributions under certain public retirement systems are considered employer contributions for state income tax purposes, and providing effective and applicability date provisions.

Also: That the Senate has on April 14, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2496, a bill for an act relating to public retirement systems, and providing effective, implementation, and applicability dates.

Also: That the Senate has on April 14, 1998, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2539, a bill for an act relating to and making appropriations to the justice system and providing effective dates.

Also: That the Senate has on April 14, 1998, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 119, a concurrent resolution requesting the Legislative Council to establish a sentencing commission.

Also: That the Senate has on April 14, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 187, a bill for an act relating to the issuance of licenses and the imposition of fees for the fishing, trapping, hunting, pursuing, catching, killing, or taking of wild animals, birds, game, or fish, providing for other properly related matters, and subjecting violators to existing penalties, and providing effective and applicability dates.

Also: That the Senate has on April 14, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2377, a bill for an act relating to the sixth judicial district pilot probation revocation project and providing for effective dates and for repeal of the pilot project provisions.

Also: That the Senate has on April 14, 1998, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2406, a bill for an act establishing a school ready children grant program to be administered by community empowerment area boards and the Iowa empowerment board, making an appropriation, and providing an effective date.

Also: That the Senate has on April 14, 1998, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2410, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care, and providing effective dates and an applicability provision.

Also: That the Senate has on April 14, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2413, a bill for an act relating to exemptions from and reductions in solid waste tonnage fees for certain persons.

MARY PAT GUNDERSON, Secretary

SENATE AMENDMENT CONSIDERED

Blodgett of Cerro Gordo called up for consideration **House File 2166**, a bill for an act relating to regulation of food establishments and

providing for fees and penalties and providing an effective date, amended by the Senate amendment H-8996 as follows:

H-8996

- 1 Amend House File 2166, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by striking line 16 and inserting the
- 4 following: "of forty-five degrees Fahrenheit or seven
- 5 degrees Celsius or".
- 6 2. Page 4, by striking lines 20 through 31.
- 7 3. Page 4, line 32, by inserting after the word
- 8 "home" the following: "where food is prepared or
- 9 stored for family consumption".
- 10 4. Page 4, line 32, by inserting after the word
- 11 "or" the following: "in".
- 12 5. Page 6, line 32, by striking the word "A" and
- 13 inserting the following: "Places used by a".
- 14 6. Page 6, line 34, by striking the word "is" and
- 15 inserting the following: "are".
- 16 7. Page 7, line 8, by striking the words "not
- 17 potentially" and inserting the following:
- 18 "nonpotentially".
- 19 8. Page 7, by inserting after line 15 the
- 20 following:
- 21 "6A. 3-301.11(B) shall be amended by deleting the
- 22 section and replacing it with the following:
- 23 (1) Except when washing fruits and vegetables,
- 24 food employees should, to the extent practicable,
- 25 avoid contact with exposed, ready-to-eat food with
- 26 their bare hands. Where ready-to-eat food is
- 27 routinely handled by employees, employers should adopt
- 28 reasonable sanitary procedures to reduce the risk of
- 29 the transmission of pathogenic organisms.
- 30 (2) In seeking to minimize employees' physical
- 31 contact with ready-to-eat foods, no single method or
- 32 device is universally practical or necessarily the
- 33 most effective method to prevent the transmission of
- 34 pathogenic organisms in all situations. As such, each
- 35 public food service establishment shall review its
- 36 operations to identify procedures where ready-to-eat
- 37 food must be routinely handled by its employees and
- 38 adopt one or more of the following sanitary
- 39 alternatives, to be used either alone or in
- 40 combination, to prevent the transmission of pathogenic
- 41 organisms:
- 42 (a) The use of suitable food handling materials
- 43 including, but not limited to, deli tissues,
- 44 appropriate utensils, or dispensing equipment. Such
- 45 materials must be used in conjunction with thorough
- 46 hand washing practices in accord with paragraph (c).
- 47 (b) The use of single-use gloves, for the purpose

48 of preparing or handling ready-to-eat foods, shall be
49 discarded when damaged or soiled or when the process
50 of food preparation or handling is interrupted.

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1 Single-use gloves must be used in conjunction with
2 thorough hand washing practices in accord with
3 paragraph (c).

4 (c) The use, pursuant to the manufacturer's
5 instructions, of anti-microbial soaps, with the
6 additional optional use of anti-bacterial protective
7 skin lotions or anti-microbial hand sanitizers,
8 rinses, or dips. All such soaps, lotions, sanitizers,
9 rinses, and dips must contain active topical anti-
10 microbial or anti-bacterial ingredients, registered by
11 the United States environmental protection agency,
12 cleared by the United States food and drug
13 administration, and approved by the United States
14 department of agriculture.

15 (d) The use of such other practices, devices, or
16 products that are found by the division to achieve a
17 comparable level of protection to one or more of the
18 sanitary alternatives in paragraphs (a) through (c).

19 (3) Regardless of the sanitary alternatives in
20 use, each public food service establishment shall
21 establish:

22 (a) Systematic focused education and training of
23 all food service employees involved in the identified
24 procedures regarding the potential for transmission of
25 pathogenic organisms from contact with ready-to-eat
26 food. The importance of proper hand washing and
27 hygiene in preventing the transmission of illness, and
28 the effective use of the sanitary alternatives and
29 monitoring systems utilized by the public food service
30 establishment, shall be reinforced. The content and
31 duration of this training shall be determined by the
32 manager of the public food service establishment.

33 (b) A monitoring system to demonstrate the proper
34 and effective use of the sanitary alternatives
35 utilized by the public food service establishment."

36 9. Page 8, line 17, by inserting after the word
37 "functions." the following: "A municipal corporation
38 may only enter into an agreement to enforce the Iowa
39 food code pursuant to this section if it also agrees
40 to enforce the Iowa hotel sanitation code pursuant to
41 section 137C.6."

42 10. Page 9, lines 19 and 20, by striking the
43 words "open or operate a food establishment or food
44 processing plant" and inserting the following:
45 "operate a food establishment or food processing plant
46 to provide goods or services to the general public, or
47 open a food establishment to the general public."

- 48 11. Page 10, line 12, by striking the word
 49 "seventy-five" and inserting the following: "twenty".
 50 12. Page 10, lines 18 and 19, by striking the

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- 1 words "or a section of a food establishment,".
 2 13. Page 10, line 20, by striking the word
 3 "service," and inserting the following: "service
 4 intended for consumption on-the-premises,".
 5 14. Page 10, line 21, by inserting after the word
 6 "gross" the following: "food and beverage".
 7 15. Page 10, line 23, by striking the word
 8 "sixty" and inserting the following: "fifty".
 9 16. Page 10, line 25, by striking the words
 10 "dollars, one hundred" and inserting the following:
 11 "dollars, eighty-five".
 12 17. Page 10, line 28, by striking the words
 13 "dollars, two" and inserting the following: "dollars,
 14 one".
 15 18. Page 10, line 29, by inserting after the word
 16 "hundred" the following: "seventy-five".
 17 19. Page 10, by striking line 31 and inserting
 18 the following: "dollars but less than five hundred
 19 thousand dollars, two hundred dollars".
 20 20. Page 10, by inserting after line 31 the
 21 following:
 22 "e. Annual gross sales of five hundred thousand
 23 dollars or more, two hundred twenty-five dollars."
 24 21. Page 10, lines 32 and 33, by striking the
 25 words "or section of a food establishment,".
 26 22. Page 11, line 1, by inserting after the word
 27 "gross" the following: "food and beverage".
 28 23. Page 11, line 16, by inserting after the word
 29 "gross" the following: "food and beverage".
 30 24. Page 11, line 29, by inserting after the word
 31 "fees" the following: "not to exceed seventy-five
 32 percent of the total fees applicable".
 33 25. Page 14, line 12, by striking the words
 34 "commits a simple misdemeanor" and inserting the
 35 following: "shall be subject to a civil penalty of
 36 one hundred dollars for each violation".
 37 26. By renumbering, relettering, or redesignating
 38 and correcting internal references as necessary.

Blodgett of Cerro Gordo offered the following amendment H-9123,
 to the Senate amendment H-8996, filed by him and moved its adoption:

H-9123

- 1 Amend the Senate amendment, H-8996, to House File
 2 2166, as amended, passed, and reprinted by the House,
 3 as follows:

- 4 1. Page 3, by striking lines 30 through 32.
- 5 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 30, nays 56.

Amendment H-9123 lost.

Blodgett of Cerro Gordo offered the following amendment H-9122, to the Senate amendment H-8996, filed by him and moved its adoption:

H-9122

- 1 Amend the Senate amendment, H-8996, to House File
- 2 2166, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 3, by striking lines 7 through 23.
- 5 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 23, nays 44.

Amendment H-9122 lost.

On motion by Blodgett of Cerro Gordo the House concurred in the Senate amendment H-8996.

Blodgett of Cerro Gordo moved that the bill as amended by the Senate, and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2166)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Lord	Martin	Mascher

May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, 2:

Falck Larson

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1998, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 120, a concurrent resolution congratulating Dr. Joan Roberts for being named the 1997 Iowa Secondary Principal of the Year.

Also: That the Senate has on April 15, 1998, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 116, a concurrent resolution congratulating Dr. Joan Roberts for being named the 1997 Iowa Secondary Principal of the Year.

MARY PAT GUNDERSON, Secretary

CONSIDERATION OF BILLS

Unfinished Business Calendar

Senate File 2038, a bill for an act relating to disqualification from voting or registering to vote for reasons of mental incompetence, with report of committee recommending amendment and passage, was taken up for consideration.

Jochum of Dubuque offered the following amendment H-9047 filed by her and Grundberg of Polk and moved its adoption:

H-9047

1 Amend Senate File 2038, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 8 and
4 inserting the following:

5 "3. "Person who is mentally incompetent to vote"
6 means a person who has been legally ~~determined to be~~
7 ~~severely or profoundly mentally retarded, or has been~~
8 ~~found incompetent~~ to lack the mental capacity to vote
9 in a proceeding held pursuant to section ~~229.27~~ 222.31
10 or 633.556."

11 2. By striking page 2, line 29, through page 3,
12 line 18.

13 3. Page 3, by striking lines 25 through 27 and
14 inserting the following: "persons who at any time
15 during the preceding calendar month have been legally
16 declared to be mentally incompetent to vote."

Amendment H-9047 was adopted.

Jochum of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2038)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Murphy

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2166** and **Senate File 2038**.

ADOPTION OF HOUSE RESOLUTION 106

Fallon of Polk asked and received unanimous consent for the immediate consideration of House Resolution 106, a resolution congratulating Ms. Ruth Ann Gaines for being named the Iowa Teacher of the Year for 1998, and moved its adoption.

The motion prevailed and the resolution was adopted.

Fallon of Polk introduced Ms. Gaines who briefly addressed the House.

The House rose and expressed its welcome.

SPECIAL PRESENTATION

Connors of Polk introduced Dr. Joan Roberts, the 1997 Iowa Secondary Principal of the Year who briefly addressed the House.

The House rose and expressed its welcome.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 121

Thomas of Clayton asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 121, a concurrent resolution recognizing and honoring members of the Save the Backbone Lake Committee who participated in the restoration of Backbone Lake in Backbone State Park, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Concurrent Resolution 121** be immediately messaged to the Senate.

Appropriations Calendar

The House resumed consideration of **House File 2558**, a bill for an act relating to mental health, developmental disability, and substance abuse service and payment provisions, and including an applicability provision and an effective date, previously deferred, and amendment H-9167 found on pages 1617 through 1619 of the House Journal.

Heaton of Henry offered the following amendment H-9175, to amendment H-9167 filed by him and moved its adoption:

H-9175

- 1 Amend the amendment, H-9167, to House File 2558 as
- 2 follows:
- 3 1. Page 1, by striking lines 23 through 49.

Amendment H-9175 was adopted.

Heaton of Henry moved the adoption of amendment H-9167, as amended.

Amendment H-9167, as amended, was adopted.

Gipp of Winneshiek offered the following amendment H-9174 filed by him and moved its adoption:

H-9174

- 1 Amend House File 2558 as follows:
- 2 1. Page 9, line 20, by striking the word
- 3 "syndrome" and inserting the following: "syndrome,
- 4 who, due to their disability, experience limitations
- 5 in three or more of the major life activities as
- 6 defined in the federal Developmental Disability
- 7 Assistance and Bill of Rights Act, Pub. L. No. 101-
- 8 496,".

Amendment H-9174 was adopted.

Houser of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2558)

The ayes were, 97:

Arnold
Blodgett

Barry
Boddicker

Bell
Bogges

Bernau
Bradley

Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker Corbett			

The nays were, none.

Absent or not voting, 3:

Churchill

Kinzer

Van Fossen

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Speaker pro tempore Van Maanen of Marion in the chair at 10:26 a.m.

Ways and Means Calendar

House File 2550, a bill for an act exempting services provided by licensed massage therapists from the state services tax, was taken up for consideration.

Lord of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2550)

The ayes were, 97:

Arnold

Barry

Bell

Blodgett

Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Van Maanen, Presiding			

The nays were, 2:

Bernau Chapman

Absent or not voting, 1:

Kinzer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENTS CONSIDERED

Martin of Scott called up for consideration **House File 2496**, a bill for an act relating to public retirement systems, and providing effective, implementation, and applicability dates, amended by the Senate, and moved that the House concur in the following Senate amendment H-9180:

H-9180

- 1 Amend House File 2496, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 20, line 15, by inserting after the word
- 4 "years," the following: "the department shall provide
- 5 written notification to the member that."
- 6 2. By striking page 51, line 35, through page 52,

7 line 2, and inserting the following: "context
8 otherwise provides:

9 a. "Member" means a vested member who is
10 classified as a special service member under section
11 97B.1A, subsection 21, at the time of the alleged
12 disability.

13 b. "Net disability retirement allowance" means the
14 amount determined by subtracting the amount paid
15 during the previous calendar year by the member for
16 health insurance or similar health care coverage for
17 the member and the member's dependents from the amount
18 of the member's disability retirement allowance paid
19 for that year pursuant to this section.

20 c. "Reemployment comparison amount" means an
21 amount equal to the current covered wages of an active
22 special service member at the same position on the
23 salary scale within the rank or position the member
24 held at the time the member received a disability
25 retirement allowance pursuant to this section. If the
26 rank or position held by the member at the time of
27 retirement pursuant to this section is abolished, the
28 amount shall be computed by the department as though
29 the rank or position had not been abolished and salary
30 increases had been granted on the same basis as
31 granted to other ranks or positions by the former
32 employer of the member. The reemployment comparison
33 amount shall not be less than the three-year average
34 covered wage of the member."

35 3. Page 52, line 4, by striking the words
36 "Effective July 1, 1999, a" and inserting the
37 following: "A".

38 4. Page 52, by striking lines 10 and 11 and
39 inserting the following: "97B.49G, as applicable."

40 5. Page 52, line 28, by inserting after the word
41 "commenced." the following: "A member who is denied a
42 benefit under this subsection, by reason of a finding
43 by the department that the member is not mentally or
44 physically incapacitated for the further performance
45 of duty, shall be entitled to be restored to active
46 service in the same or comparable special service
47 position held by the member immediately prior to the
48 application for disability benefits."

49 6. Page 53, line 2, by inserting after the word
50 "commenced" the following: ", the presumption

Page 2

1 established in this paragraph shall not apply".

2 7. Page 53, line 5, by striking the word
3 "greatest" and inserting the following: "greater".

4 8. Page 53, line 6, by striking the words
5 "subsection, a" and inserting the following:
6 "subsection or a".

- 7 9. Page 53, lines 8 through 10, by striking the
8 words “, or a disability retirement allowance
9 calculated under section 97B.50, subsection 2”.
- 10 10. Page 53, line 16, by striking the words and
11 figures “Effective July 1, 1999, a” and inserting the
12 following: “A”.
- 13 11. Page 53, by striking lines 21 and 22 and
14 inserting the following: “97B.49G, as applicable.”
- 15 12. Page 54, line 1, by inserting after the word
16 “commenced.” the following: “A member who is denied a
17 benefit under this subsection, by reason of a finding
18 by the department that the member is not mentally or
19 physically incapacitated for the further performance
20 of duty, shall be entitled to be restored to active
21 service in the same or comparable special service
22 position held by the member immediately prior to the
23 application for disability benefits.”
- 24 13. Page 54, line 3, by striking the word
25 “greatest” and inserting the following: “greater”.
- 26 14. Page 54, line 5, by striking the words
27 “subsection, a” and inserting the following:
28 “subsection or a”.
- 29 15. Page 54, lines 7 and 8, by striking the words
30 “, or a disability retirement allowance calculated
31 under section 97B.50, subsection 2”.
- 32 16. Page 54, by inserting after line 12 the
33 following:
34 “___ WAIVER OF ALLOWANCE. A member receiving a
35 disability retirement allowance under this section may
36 file an application to receive benefits pursuant to
37 section 97B.50, subsection 2, in lieu of receiving a
38 disability retirement allowance under the provisions
39 of this section, if the member becomes eligible for
40 benefits under section 97B.50, subsection 2. An
41 application to receive benefits pursuant to section
42 97B.50, subsection 2, shall be filed with the
43 department within sixty days of becoming eligible for
44 benefits pursuant to that section or the member shall
45 be ineligible to elect coverage under that section.
46 On the first of the month following the month in which
47 a member’s application is approved by the department,
48 the member’s election of coverage under section
49 97B.50, subsection 2, shall become effective and the
50 member’s eligibility to receive a disability

Page 3

- 1 retirement allowance pursuant to this section shall
2 cease. Benefits payable pursuant to section 97B.50,
3 subsection 2, shall be calculated using the option
4 choice the member selected for payment of a disability
5 retirement allowance pursuant to this section. An
6 application to elect coverage under section 97B.50,

7 subsection 2, is irrevocable upon approval by the
8 department.”

9 17. Page 55, line 18, by inserting after the word
10 “members.” the following: “If a member receiving a
11 disability retirement allowance returns to special
12 service employment, then the period of time the member
13 received a disability retirement allowance shall
14 constitute eligible service as defined in section
15 97B.49B, subsection 1, or section 97B.49C, subsection
16 1, as applicable.”

17 18. Page 55, by striking lines 21 through 27 and
18 inserting the following:

19 “b. (1) If a member receiving a disability
20 retirement allowance is engaged in a gainful
21 occupation that is not covered employment, the
22 member’s disability retirement allowance shall be
23 reduced, if applicable, as provided in this paragraph.

24 (2) If the member is engaged in a gainful
25 occupation paying more than the difference between the
26 member’s net disability retirement allowance and one
27 and one-half times the reemployment comparison amount
28 for that member, then the amount of the member’s
29 disability retirement allowance shall be reduced to an
30 amount such that the member’s net disability
31 retirement allowance plus the amount earned by the
32 member shall equal one and one-half times the
33 reemployment comparison amount for that member.

34 (3) The member shall submit sufficient
35 documentation to the system to permit the system to
36 determine the member’s net disability retirement
37 allowance and earnings from a gainful occupation that
38 is not covered employment for the applicable year.

39 (4) This paragraph does not apply to a member who
40 is at least fifty-five years of age and would have
41 completed a sufficient number of years of service if
42 the member had remained in active special service
43 employment. For purposes of this subparagraph, a
44 sufficient number of years of service shall be twenty-
45 five for a special service member as described in
46 section 97B.49B or twenty-two years of service for a
47 special service member as described in section
48 97B.49C.”

49 19. Page 58, by striking lines 8 through 10 and
50 inserting the following: “submit to the department

Page 4

1 any documentation the department”.

2 20. Page 58, by inserting after line 16 the
3 following:

4 “12. APPLICABILITY – RETROACTIVITY.

5 a. This section applies to a member who becomes
6 disabled on or after July 1, 1999, and also applies to

7 a member who becomes disabled prior to July 1, 1999,
8 if the member has not terminated special service
9 employment as of June 30, 1999.

10 b. To qualify for benefits under this section, a
11 member must file a completed application with the
12 department within one year of the member's termination
13 of employment. A member eligible for a disability
14 retirement allowance under this section is entitled to
15 receipt of retroactive adjustment payments for no more
16 than six months immediately preceding the month in
17 which the completed application for receipt of a
18 disability retirement allowance under this section is
19 approved."

20 21. Page 78, by striking lines 5 through 14 and
21 inserting the following: "chapter 97B based upon any
22 of the following:

23 (a) ~~Meeting the requirements for receiving~~
24 ~~retirement benefits pursuant to chapter 97B based upon~~
25 ~~having attained at least sixty-two years of age and~~
26 ~~upon having completed at least thirty years of~~
27 ~~membership service.~~

28 (b) ~~Meeting the requirements for receiving~~
29 ~~benefits under section 97B.49, subsection 16, without~~
30 ~~a reduction for years of service pursuant to section~~
31 ~~97B.49, subsection 16, paragraph".~~

32 22. Page 80, line 4, by striking the figure
33 "1993" and inserting the following: "1991 or 1993, as
34 applicable".

35 23. Page 80, line 19, by striking the word and
36 figures "November 1, 1993" and inserting the
37 following: "January 1, 1992".

38 24. Page 80, line 22, by striking the word and
39 figure "Code 1993" and inserting the following: "Code
40 1991 or 1993, as applicable".

41 25. Page 81, by inserting after line 19 the
42 following:

43 "Sec. ____ STUDY OF ESTABLISHMENT OF A BENEFITS
44 ADVISORY BOARD. The public employees' retirement
45 system division shall study the possible establishment
46 of a benefits advisory board and shall make
47 recommendations concerning the establishment of a
48 benefits advisory board. The study shall consider the
49 duties to be assigned to a potential benefits advisory
50 board, the membership of the board and the manner of

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1 selecting members to the board, and the authority of
2 the board concerning any recommendations it may be
3 empowered to make concerning benefits to be provided
4 to members of the Iowa public employees' retirement
5 system. The division shall submit a report concerning
6 the results of its study to the general assembly on or

7 before January 8, 1999, and shall include its findings
8 and any recommended proposal or proposals.”

9 26. Page 86, by inserting after line 24 the
10 following:

11 “Sec. ____ Section 411.15, Code 1997, is amended
12 to read as follows:

13 411.15 HOSPITALIZATION AND MEDICAL ATTENTION.

14 Cities shall provide hospital, nursing, and medical
15 attention for the members of the police and fire
16 departments of the cities, when injured while in the
17 performance of their duties as members of such
18 department, and shall continue to provide hospital,
19 nursing, and medical attention for injuries or
20 diseases incurred while in the performance of their
21 duties for members receiving a retirement allowance
22 under section 411.6, subsection 6, ~~and the Cities~~
23 may provide the hospital, nursing, and medical
24 attention required by this section through the
25 purchase of insurance, by self-insuring the
26 obligation, or through payment of moneys into a local
27 government risk pool established for the purpose of
28 covering the costs associated with the requirements of
29 this section. The cost of providing the hospital,
30 nursing, and medical attention required by this
31 section shall be paid from moneys held in a trust and
32 agency fund established pursuant to section 384.6, or
33 out of the appropriation for the department to which
34 the injured person belongs or belonged; provided that
35 any amounts received by the injured person under the
36 workers' compensation law of the state, or from any
37 other source for such specific purposes, shall be
38 deducted from the amount paid by the city under the
39 provisions of this section.”

40 27. Page 87, line 34, by striking the words “city
41 administrator.”

42 28. By renumbering, relettering, or redesignating
43 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amend-
ment H-9180.

Martin of Scott moved that the bill, as amended by the Senate and
concurred in by the House, be read a last time now and placed upon its
passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 2496)

The ayes were, 99:

Arnold
Blodgett

Barry
Boddicker

Bell
Bogges

Bernau
Bradley

Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiudo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, none.

Under the provision of Rule 76, conflict of interest, Fallon of Polk refrained from voting.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2550 and 2496.**

Houser of Pottawattamie called up for consideration **Senate File 2410**, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care, and providing effective dates and an applicability provision, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-9178:

H-9178

1 Amend the House amendment, S-5618, to Senate File
2 2410 as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 2 the
5 following:

6 " . Page 2, by striking line 17 and inserting
7 the following: "provided to community empowerment
8 areas for the fiscal year beginning July 1, 1998, in
9 accordance with all of the following:

10 a. The area must be approved as a community
11 empowerment area by the Iowa empowerment board.

12 b. The maximum funding amount a community
13 empowerment area is eligible to receive shall be
14 determined by applying the area's percentage of the
15 state's average monthly family investment program
16 population in the preceding fiscal year to the total
17 amount appropriated in this section for fiscal year
18 1998-1999. If the community empowerment board's
19 request for funding is received by the Iowa
20 empowerment board on or after August 1, 1998, the
21 maximum funding amount shall be prorated for the
22 fiscal year and rounded up to the nearest full month.

23 c. A community empowerment area receiving funding
24 shall comply with any federal reporting requirements
25 associated with the use of that funding and other
26 results and reporting requirements established by the
27 Iowa empowerment board. The department shall provide
28 technical assistance in identifying and meeting the
29 federal requirements.

30 d. The availability of funding provided under this
31 section is subject to changes in federal requirements
32 and amendments to Iowa law."

33 2. Page 1, by inserting after line 6 the
34 following:

35 " . Page 3, by inserting after line 2 the
36 following:

37 "3. Moneys appropriated in this section which are
38 not distributed to a community empowerment area or
39 otherwise remain unobligated or unexpended at the end
40 of the fiscal year shall revert to the fund created in
41 section 8.41 to be available for appropriation by the
42 general assembly in a subsequent fiscal year."

43 3. Page 1, by striking lines 7 through 9.

44 4. Page 4, by striking lines 1 through 3.

45 5. Page 4, line 44, by inserting after the word
46 "beds" the following: ", family and group foster care
47 and the state juvenile institutions".

48 6. By striking page 5, line 50, through page 6,
49 line 1, and inserting the following:

50 "If a resignation, retirement, or dismissal

Page 2

- 1 reducing the number of full-time equivalent".
- 2 7. Page 6, line 18, by inserting after the word
- 3 "predators" the following: "including transfer of an
- 4 amount, as determined by the department and the office
- 5 of the attorney general, to the office of the attorney
- 6 general for associated costs including not more than
- 7 2.0 full-time equivalent positions, one of which shall
- 8 be an attorney, in the department of justice".
- 9 8. Page 7, line 26, by striking the word "to" and
- 10 inserting the following: "in".
- 11 9. Page 7, line 28, by striking the words "this
- 12 chapter" and inserting the following: "chapter 514I".
- 13 10. Page 7, line 39, by striking the words "this
- 14 chapter" and inserting the following: "chapter 514I".
- 15 11. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-9178.

Houser of Pottawattamie moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2410)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dinkla	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen

Vande Hoef
Weigel
Witt

Veenstra
Welter
Van Maanen,
Presiding

Warnstadt
Whitead

Weidman
Wise

The nays were, 2:

Chapman

O'Brien

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Grundberg of Polk called up for consideration **Senate File 2406**, a bill for an act establishing a school ready children grant program to be administered by community empowerment area boards and the Iowa empowerment board, making an appropriation, and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-9179:

H-9179

- 1 Amend the House amendment, S-5439, to Senate File
- 2 2406, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 5 through 8 and
- 5 inserting the following:
- 6 "Section 1. PURPOSE. The purpose of this Act is
- 7 to create a partnership between communities and state
- 8 government by gradually implementing a statewide
- 9 system of community empowerment areas. An important
- 10 initial emphasis of the community empowerment areas is
- 11 to improve the well-being of families with young
- 12 children. An additional emphasis".
- 13 2. Page 4, by striking lines 41 through 45 and
- 14 inserting the following: "county boundaries to the
- 15 extent possible."
- 16 3. Page 5, by inserting after line 41 the
- 17 following:
- 18 "_. A child day care resource and referral
- 19 service.
- 20 "_. A library."
- 21 4. Page 7, line 3, by inserting after the word
- 22 "including" the following: "encouraging early
- 23 intellectual stimulation of very young children."
- 24 5. Page 7, by striking line 27 and inserting the
- 25 following: "basis to children deemed at risk of not".
- 26 6. Page 7, line 31, by inserting after the word
- 27 "Parent" the following: "support and".

- 28 7. Page 7, line 33, by inserting after the word
29 "Parent" the following: "support and".
- 30 8. Page 7, line 41, by striking the words "care
31 services" and inserting the following: "day care
32 services, training child day care providers to
33 encourage early intellectual stimulation of very young
34 children,".
- 35 9. Page 7, line 43, by inserting after the word
36 "parent" the following: "support and".
- 37 10. Page 8, line 1, by inserting after word "age"
38 the following: ", including the involvement and
39 specific responsibilities of all related organizations
40 and entities".
- 41 11. Page 8, lines 23 and 24, by striking the
42 words "on or before October 1 of each fiscal year".
- 43 12. Page 9, by inserting after line 12 the
44 following:
45 "(3) Adequacy of plans for commitment of local
46 funding and other resources for implementation of the
47 plan.
48 d. The Iowa board's provisions for distribution of
49 school ready grant moneys shall take into account
50 contingencies for possible increases and decreases in

Page 2

- 1 the provision of state and local funding in future
2 fiscal years which may be used for purposes of school
3 ready children grants and for early childhood programs
4 grants and for differences in local capacity for
5 program implementation and provision of local funding.
6 In developing these provisions, the Iowa board shall
7 consider equity concerns; options for making capacity
8 adjustments by restricting grant amounts based on
9 service population size groupings to accommodate
10 small, medium, and large population groupings; and
11 options for making adjustments to accommodate varying
12 amounts of time and assistance needed for
13 implementation, such as extending the grant period to
14 more than one year."
- 15 13. Page 9, by striking lines 13 and 14 and
16 inserting the following:
17 "6. The priorities for school ready children grant
18 funds shall include providing preschool services on".
- 19 14. Page 9, line 15, by striking the words "four-
20 year-old".
- 21 15. Page 9, line 16, by striking the words "and
22 parent" and inserting the following: ", training
23 child day care providers and others to encourage early
24 intellectual stimulation of very young children, and
25 offering parent support and".
- 26 16. Page 9, line 19, by striking the words
27 "Remaining funds" and inserting the following: "The

28 grant funds also".

29 17. Page 9, line 46, by inserting after the word
30 "law." the following: "The criteria shall include but
31 are not limited to a requirement that a community
32 empowerment area must be eligible to receive a school
33 ready children grant in order to receive an early
34 childhood programs grant."

35 18. Page 10, lines 43 and 44, by striking the
36 words "early stimulation of the brain" and inserting
37 the following: "early intellectual stimulation at a
38 very young age".

39 19. Page 11, by striking line 33 and inserting
40 the following: "paid. For the initial grants, plans
41 shall be submitted by September 1, 1998, or by January
42 1, 1999, in accordance with criteria established by
43 the board."

44 20. Page 12, line 10, by inserting after the word
45 "area." the following: "For an area which does not
46 encompass an innovation zone or decategorization
47 project, the chairperson of the county board of
48 supervisors may work with the local school district or
49 districts in initiating a process to designate an
50 initial community empowerment area and board."

Page 3

1 21. Page 12, line 14, by striking the figure
2 "2000" and inserting the following: "1999".

3 22. Page 12, by inserting after line 23 the
4 following:

5 "3. An area designated as an innovation zone in
6 accordance with section 8A.2, Code 1997, as of June
7 30, 1998, may continue to develop the area's plans to
8 achieve the results identified in the area's
9 innovation zone application. An innovation zone
10 transitioning to become a designated community
11 empowerment area shall continue to receive technical
12 assistance and guidance from the appropriate state
13 agencies. A transitioning innovation zone may
14 continue to pursue waivers and the reallocation of
15 funds to achieve the identified results. A
16 transitioning innovation zone may amend the zone's
17 previously approved plan to include the provisions
18 identified in section 7I.7, as enacted by this Act, as
19 necessary to be eligible for receipt of a school ready
20 children grant."

21 23. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-9179.

Grundberg of Polk moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read

a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2406)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Dinkla	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Van Maanen, Presiding		

The nays were, 1:

Kreiman

Absent or not voting, 1:

Rayhons

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **House File 2164**, a bill for an act relating to local community and economic development planning assistance and the community builder program, amended by the Senate amendment H-8994, previously deferred, and found on pages 1593 through 1597 of the House Journal.

Thomas of Clayton offered the following amendment H-9128, to the Senate amendment H-8994, filed by him and moved its adoption:

H-9128

- 1 Amend the Senate amendment, H-8994, to House File
- 2 2164, as passed by the House as follows:
- 3 1. Page 1, by inserting after line 35 the
- 4 following:
- 5 "Sec. ____ Section 15E.193, subsection 1,
- 6 paragraph d, Code Supplement 1997, is amended to read
- 7 as follows:
- 8 d. Creates at least ten full-time positions and
- 9 maintains them for at least ten years. For an
- 10 existing business in counties with a population of ten
- 11 thousand or less or in cities with a population of two
- 12 thousand or less, the commission may adopt a provision
- 13 that allows the business to create at least five
- 14 initial jobs with the additional jobs to be added in
- 15 five years. The business shall include in its
- 16 strategic plan the timeline for job creation. If the
- 17 existing business fails to meet the ten-job creation
- 18 requirement within the five-year period, all
- 19 incentives or assistance will cease immediately."
- 20 2. Page 3, line 35, by striking the word "to".
- 21 3. By renumbering as necessary.

Amendment H-9128 was adopted.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-9119, to the Senate amendment H-8994, filed by him on April 13, 1998, placing amendment H-9137 filed by Warnstadt of Woodbury on April 13, 1998 out of order.

Greiner of Washington called up the motion to reconsider the vote by which amendment H-9021 (found on pages 1596 and 1597 of the House Journal), to the Senate amendment H-8994, was adopted on April 14, 1998, which motion prevailed.

Weigel of Chickasaw moved the adoption of amendment H-9021, to the Senate amendment H-8994.

Amendment H-9021 lost.

Speaker Corbett in the chair at 11:15 a.m.

On motion by Boggess of Taylor, the House concurred in the Senate amendment H-8994, as amended.

Boggess of Taylor moved that the bill as amended by the Senate, further amended and concurred in by the House, be read a last time

now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2164)

The ayes were, 92:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Fallon
Foegen	Ford	Frevert	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Scherrman	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker. Corbett

The nays were, 8:

Bernau	Dix	Falck	Garman
Huser	Richardson	Schrader	Vande Hoef

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2410, 2406 and House File 2164.**

Special Order Calendar

House Joint Resolution 2005, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state

budget by limiting state general fund expenditures and restricting certain state tax revenue changes, was taken up for consideration.

SENATE JOINT RESOLUTION 2004 SUBSTITUTED FOR HOUSE JOINT RESOLUTION 2005

Larson of Linn asked and received unanimous consent to substitute Senate Joint Resolution 2004 for House Joint Resolution 2005.

Senate Joint Resolution 2004, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state budget by limiting state general fund expenditures and restricting certain state tax revenue changes, was taken up for consideration.

Siegrist of Pottawattamie asked and received unanimous consent that Senate Joint Resolution 2004 be temporarily deferred.

SENATE MESSAGE CONSIDERED

Senate File 2413, by committee on ways and means, a bill for an act relating to exemptions from and reductions in solid waste tonnage fees for certain persons.

Read first time and referred to committee on **ways and means**.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:48 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:22 p.m., Speaker Corbett in the chair.

INTRODUCTION OF BILL

House File 2559, by committee on ways and means, a bill for an act relating to funding of new jobs training programs.

Read first time and placed on the **ways and means calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2292, a bill for an act relating to the sex offender registry and providing for the Act's applicability.

Also: That the Senate has on April 15, 1998, adopted the conference committee report and passed Senate File 2295, a bill for an act relating to and making appropriations for agriculture and natural resources and providing an effective date.

Also: That the Senate has on April 15, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2313, a bill for an act relating to child support, providing penalties, and providing effective dates.

Also: That the Senate has on April 15, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2398, a bill for an act relating to the confinement and treatment of sex offenders.

MARY PAT GUNDERSON, Secretary

ADOPTION OF SENATE CONCURRENT RESOLUTION 115

Tyrrell of Iowa asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 115, a concurrent resolution urging federal Congressional support for widows and widowers under the federal Railroad Retirement Act of 1974, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate Concurrent Resolution 115** be immediately messaged to the Senate.

The House stood at ease at 2:26 p.m., until the fall of the gavel.

The House resumed session at 3:24 p.m., Speaker Corbett in the chair.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2295)

Greiner of Washington called up for consideration the report of the conference committee on Senate File 2295 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2295

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 2295, a bill for an Act relating to and making appropriations for agriculture and natural resources and providing an effective date, respectfully make the following report:

1. That the House recedes from its amendment, S-5365.

2. That Senate File 2295, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 11, line 12, by striking the figure "1,600,000" and inserting the following: "1,630,000".

2. Page 11, by inserting after line 17 the following:

"____. Of the amount appropriated in this section, not more than \$30,000 shall be used by the department to carry out the provisions of 1998 Iowa Acts, Senate File 429, if enacted by the Seventy-seventh General Assembly, 1998 Session. However, if Senate File 429 is not enacted, the amount appropriated under this section for the administration and enforcement of navigation laws and water safety shall be reduced by \$30,000."

3. By striking page 15, line 20, through page 16, line 2.

4. Page 16, by inserting after line 18, the following:

"Sec. ____ REDUCTION OF APPROPRIATIONS. This section shall apply to each appointed nonelected position which is supported by moneys appropriated in sections 1 and 3 of this Act. If the amount of moneys to be used for a salary during the fiscal year beginning July 1, 1998, and ending June 30, 1999, is more than the amount actually required to pay that salary for the fiscal year, the amount of the relevant appropriation shall be reduced by the amount equal to the difference. The amount appropriated in section 1, subsection 4, of this Act, to support financial incentives for soil conservation practices under chapter 161A shall be increased by the amount of the difference. However, the amount of the difference shall be allocated in the same manner as other moneys which are reallocated to soil and water conservation districts after the moneys are returned by a district to the soil conservation division."

5. Page 16, by inserting after line 18, the following:

"Sec. ____ COOPERATION BETWEEN DEPARTMENTS. It is the intent of the general assembly that the division of soil conservation of the department of agriculture and land stewardship may provide technical assistance to the department of natural resources regarding the design and engineering of unformed manure storage structures pursuant to chapter 455B. As used in this section an unformed manure storage structure means the same as defined in section 455B.161, as amended by 1998 Iowa Acts, House File 2494."

ON THE PART OF THE HOUSE:

SANDRA GREINER, Chair
 CECIL DOLECHECK
 RALPH KLEMME
 PAT MURPHY
 DELORES MERTZ

ON THE PART OF THE SENATE:

H. KAY HEDGE, Chair
 JERRY BEHN
 DENNIS H. BLACK
 PATTY JUDGE
 DERRYL McLAREN

Greiner of Washington moved the adoption of the conference committee report.

The motion prevailed and the report was adopted.

Greiner of Washington moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2295)

The ayes were, 80:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brunkhorst	Bukta	Carroll	Cataldo
Chapman	Churchill	Cohoon	Connors
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Holmes
Holveck	Huseman	Jacobs	Jenkins
Jochum	Klemme	Koenigs	Kremer
Lamberti	Larkin	Larson	Lord
Martin	May	Mertz	Metcalf
Meyer	Millage	Mundie	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Weigel	Welter	Witt	Mr. Speaker Corbett

The nays were, 15:

Brand	Burnett	Cormack	Fallon
Huser	Kinzer	Kreiman	Mascher
Moreland	Murphy	Reynolds-Knight	Richardson
Warnstadt	Whitead	Wise	

Absent or not voting, 5:

Brauns	Chiodo	Foege	Heaton
Houser			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2295** be immediately messaged to the Senate.

CONSIDERATION OF SENATE JOINT RESOLUTION 2004

The House resumed consideration of **Senate Joint Resolution 2004**, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state budget by limiting state general fund expenditures and restricting certain state tax revenue changes, previously deferred.

Warnstadt of Woodbury offered amendment H-9105 filed by him as follows:

H-9105

1 Amend Senate Joint Resolution 2004, as passed by
2 the Senate, as follows:

3 1. Page 1, by inserting after line 33 the
4 following:

5 "d. The first sixty million dollars of gambling
6 revenues received by the state in each fiscal year
7 shall be credited to the general fund of the state.
8 All such revenues in excess of sixty million dollars
9 shall be credited to the rebuild Iowa infrastructure
10 fund."

11 2. Page 3, by inserting after line 11 the
12 following:

13 "___ A rebuild Iowa infrastructure fund is
14 created. The fund shall consist of excess gambling
15 revenues as provided in section 1, paragraph "d",
16 interest and earnings on any surplus moneys, and any
17 appropriations made to the fund. The fund shall be
18 separate from the general fund of the state and the
19 balance in the fund shall not be considered part of
20 the balance of the general fund of the state.

21 Moneys in the infrastructure fund shall not revert
22 to any other fund. Interest or earnings on moneys in
23 the infrastructure fund shall be credited to the
24 infrastructure fund.

25 Moneys in the fund in a fiscal year shall be used
26 as directed by the General Assembly for public
27 vertical infrastructure projects. For the purposes of
28 this section, "vertical infrastructure" includes only
29 land acquisition and construction, major renovation
30 and major repair of buildings, all appurtenant

31 structures, utilities, site development, and
32 recreational trails. "Vertical infrastructure" does
33 not include routine, recurring maintenance or
34 operational expenses or leasing of a building,
35 appurtenant structure, or utility without a lease-
36 purchase agreement."

Warnstadt of Woodbury asked and received unanimous consent that amendments H-9105, H-9115 and H-9116 be deferred.

Bernau of Story asked and received unanimous consent that amendment H-9093 be deferred.

Weigel of Chickasaw asked and received unanimous consent that amendment H-9104 be deferred.

Frevert of Palo Alto asked and received unanimous consent that amendment H-9061 be deferred.

Weigel of Chickasaw asked and received unanimous consent that amendment H-9099 be deferred.

Chapman of Linn offered amendment H-9079 filed by her as follows:

H-9079

- 1 Amend Senate Joint Resolution 2004, as passed by
- 2 the Senate, as follows:
- 3 1. Page 2, by striking lines 20 through 28 and
- 4 inserting the following:
- 5 " _____. If a surplus will exist at the end of a
- 6 fiscal year, the state general fund expenditure
- 7 limitation amount provided for in subsection 3 for the
- 8 subsequent fiscal year shall be readjusted to include
- 9 one hundred percent of the amount of the surplus. For
- 10 purposes".
- 11 2. Page 3, line 4, by inserting after the word
- 12 "limitation." the following: "The governor in
- 13 submitting the budget, and the general assembly in
- 14 passing a budget, shall not have recurring
- 15 expenditures in excess of recurring revenues."

Chapman of Linn offered the following amendment H-9140, to amendment H-9079, filed by her and moved its adoption:

H-9140

- 1 Amend the amendment, H-9079, to Senate Joint
- 2 Resolution 2004, as passed by the Senate, as follows:
- 3 1. Page 1, line 3, by striking the figure "28"
- 4 and inserting the following: "23".

- 5 2. Page 1, line 6, by inserting after the word
 6 "year" the following: "in excess of ten percent of
 7 the adjusted revenue estimate for that fiscal year".
 8 3. Page 1, by striking lines 9 and 10 and
 9 inserting the following: "one hundred percent of such
 10 excess. Any surplus equal to ten".

Amendment H-9140 was adopted.

Bernau of Story requested division of amendment H-9079 as follows:

Division A - Lines 3 through 10.

Division B - Lines 11 through 15.

Chapman of Linn moved the adoption of amendment H-9079A, as amended.

Van Fossen of Scott in the chair at 4:40 p.m.

Speaker Corbett in the chair at 5:00 p.m.

Roll call was requested by Bernau of Story and Siegrist of Pottawattamie.

On the question "Shall amendment H-9079A, as amended, be adopted?" (S.J.R. 2004)

The ayes were, 43:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Moreland
Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Taylor	Thomas	Warnstadt	Weigel
Whitead	Wise	Witt	

The nays were, 55:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla

Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Mertz
Metcalf	Meyer	Millage	Mundie
Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, 2:

Greig Shoultz

Amendment H-9079A lost.

Chapman of Linn asked and received unanimous consent to withdraw amendment H-9092 filed by her on April 9, 1998.

Weigel of Chickasaw offered the following amendment H-9062 filed by him and moved its adoption:

H-9062

1 Amend Senate Joint Resolution 2004, as passed by
 2 the Senate, as follows:
 3 1. Page 2, by striking lines 20 through 32 and
 4 inserting the following:
 5 "5. a. The surplus existing in the general fund
 6 of the state at the conclusion of the fiscal year is
 7 appropriated for distribution in the succeeding fiscal
 8 year as provided in paragraph "c". As used in this
 9 subsection, "surplus" means the excess of revenues and
 10 other financing sources over expenditures and other
 11 financing uses for the general fund of the state in a
 12 fiscal year.
 13 b. The amount appropriated in this subsection is
 14 not subject to quarterly requisitions and allotment,
 15 or to conditional availability of appropriations.
 16 c. Moneys appropriated under paragraph "a" shall
 17 be first credited to the cash reserve fund. To the
 18 extent that moneys appropriated under paragraph "a"
 19 would make the moneys in the cash reserve fund exceed
 20 five percent of the adjusted revenue estimate for the
 21 next fiscal year, the moneys are appropriated to the
 22 Iowa economic emergency fund.
 23 d. If the moneys appropriated to the cash reserve
 24 fund from the surplus do not make the moneys in the
 25 cash reserve fund equal to five percent of the
 26 adjusted revenue estimate for the following fiscal
 27 year, there is appropriated from the general fund of
 28 the state at the beginning of the next fiscal year an
 29 amount sufficient for the cash reserve fund to reach

30 the five percent maximum balance for that fiscal
31 year."

32 2. Page 3, line 13, by inserting after the word
33 "section" the following: "and sections 2, 3, and 4".

34 3. Page 3, by inserting after line 13 the
35 following:

36 "GAAP FUND. Sec. 2.

37 1. The generally accepted accounting principles
38 fund is created. The fund shall be separate from the
39 general fund of the state and the balance in the fund
40 shall not be considered part of the balance of the
41 general fund of the state. The moneys in the fund
42 shall not revert to the general fund of the state or
43 any other fund.

44 2. There is no maximum balance for the generally
45 accepted accounting principles fund.

46 3. The moneys in the generally accepted accounting
47 principles fund shall only be appropriated by the
48 general assembly for reducing any deficit of the
49 state.

50 4. Interest or earnings on moneys deposited in the

Page 2

1 generally accepted accounting principles fund shall be
2 credited to the generally accepted accounting
3 principles fund.

4 IOWA ECONOMIC EMERGENCY FUND. Sec. 3.

5 1. The Iowa economic emergency fund is created.
6 The fund shall be separate from the general fund of
7 the state and the balance in the fund shall not be
8 considered part of the balance of the general fund of
9 the state. The moneys in the fund shall not revert to
10 the general fund unless and to the extent the fund
11 exceeds the maximum balance.

12 2. The maximum balance of the fund is the amount
13 equal to five percent of the adjusted revenue estimate
14 for the fiscal year. If the amount of moneys in the
15 Iowa economic emergency fund is equal to the maximum
16 balance, moneys in excess of this amount shall be
17 transferred to the general fund of the state and the
18 original state general fund expenditure limitation
19 provided in section 1, subsection 3, shall be
20 readjusted to include the moneys transferred.

21 3. The moneys in the Iowa economic emergency fund
22 may be appropriated by the general assembly only in
23 the fiscal year for which the appropriation is made.
24 The moneys shall only be appropriated by the general
25 assembly for emergency expenditures. However, except
26 as provided in subsection 6, the balance in the Iowa
27 economic emergency fund may be used in determining the
28 cash position of the general fund of the state for the
29 payment of state obligations.

30 4. Interest or earnings on moneys deposited in the
31 Iowa economic emergency fund shall be credited to the
32 Iowa economic emergency fund.

33 CASH RESERVE FUND. Sec. 4.

34 1. A cash reserve fund is created. The cash
35 reserve fund shall be separate from the general fund
36 of the state and shall not be considered part of the
37 general fund of the state except in determining the
38 cash position of the state as provided in subsection

39 3. The moneys in the cash reserve fund shall not
40 revert to the general fund of the state and shall not
41 be transferred, used, obligated, appropriated, or
42 otherwise encumbered except as provided in this
43 section. Interest or earnings on moneys deposited in
44 the cash reserve fund shall be credited to the cash
45 reserve fund. Moneys in the cash reserve fund may be
46 used for cash flow purposes provided that any moneys
47 so allocated are returned to the cash reserve fund by
48 the end of each fiscal year.

49 2. The maximum balance of the cash reserve fund is
50 equal to five percent of the adjusted revenue estimate

Page 3

1 for the general fund of the state for the fiscal year.

2 3. The moneys in the cash reserve fund may be
3 appropriated by the general assembly in accordance
4 with subsection 4 only in the fiscal year for which
5 the appropriation is made. The moneys shall only be
6 appropriated by the general assembly for nonrecurring
7 emergency expenditures and shall not be appropriated
8 for payment of any collective bargaining agreement or
9 arbitrator's decision negotiated or awarded under
10 state law. However, except as provided in subsection
11 6, the balance in the cash reserve fund may be used in
12 determining the cash position of the general fund of
13 the state for payment of state obligations.

14 4. a. Except as provided in subsection 1, an
15 appropriation shall not be made from the cash reserve
16 fund unless the appropriation is in accordance with
17 all of the following:

18 (1) The appropriation is contained in a bill or
19 joint resolution in which the appropriation is the
20 only subject matter of the bill or joint resolution.

21 (2) The bill or joint resolution states the
22 reasons the appropriation is necessary.

23 b. In addition to the requirements of paragraph
24 "a", an appropriation shall not be made from the cash
25 reserve fund which would cause the fund's balance to
26 be less than three percent of the adjusted revenue
27 estimate for the fiscal year for which the
28 appropriation is made unless the bill or joint
29 resolution is approved by vote of at least three-

- 30 fifths of the members of both chambers of the general
31 assembly and is signed by the governor.”
32 4. By renumbering as necessary.

Van Fossen of Scott in the chair at 6:15 p.m.

Speaker Corbett in the chair at 6:27 p.m.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-nine members present, thirty-one absent.

A non-record roll call was requested.

The ayes were 43, nays 56.

Amendment H-9062 lost.

Weigel of Chickasaw asked and received unanimous consent that amendment H-9088 be deferred.

Doderer of Johnson offered amendment H-9060 filed by her as follows:

H-9060

- 1 Amend Senate Joint Resolution 2004, as passed by
- 2 the Senate, as follows:
- 3 1. Page 3, line 1, by inserting after the word
- 4 “system.” the following: “Any expenditure made for
- 5 infrastructure purposes shall not be considered an
- 6 expenditure for purposes of the state general fund
- 7 expenditure limitation.”

Doderer of Johnson offered the following amendment H-9085, to amendment H-9060, filed by her and moved its adoption:

H-9085

- 1 Amend the amendment, H-9060, to Senate Joint
- 2 Resolution 2004, as passed by the Senate, as follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 “purposes” the following: “which is necessary due to
- 5 a state emergency or fire damage”.

Amendment H-9085 was adopted.

Doderer of Johnson moved the adoption of amendment H-9060, as amended.

Amendment H-9060 lost.

Bernau of Story asked and received unanimous consent that amendment H-9103 be deferred.

Myers of Johnson asked and received unanimous consent that amendment H-9063 be deferred.

Myers of Johnson offered the following amendment H-9064 filed by him and moved its adoption:

H-9064

- 1 Amend Senate Joint Resolution 2004, as passed by
- 2 the Senate, as follows:
- 3 1. Page 3, by inserting after line 1 the
- 4 following:
- 5 "___ The cost of providing a property tax credit
- 6 which is enacted by the General Assembly shall be
- 7 fully funded by the state."
- 8 2. By renumbering as necessary.

Dolecheck of Ringgold in the chair at 8:10 p.m.

Speaker Corbett in the chair at 8:34 p.m.

Roll call was requested by Myers of Johnson and Larson of Linn.

On the question "Shall amendment H-9064 be adopted?" (S.J.R. 2004)

The ayes were, 44:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Doderer	Dotzler	Falck
Fallon	Foege	Ford	Frevert
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Moreland	Mundie
Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shultz	Taylor	Thomas	Warnstadt
Weigel	Whitead	Wise	Witt

The nays were, 54:

Arnold	Barry	Blodgett	Boddicker
Boguess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman

Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson
Rants	Rayhons	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker Corbett		

Absent or not voting, 2:

Connors Drees

Amendment H-9064 lost.

Frevert of Palo Alto asked and received unanimous consent that amendment H-9086 be deferred.

The House resumed consideration of amendment H-9079B, found on page 1665 of the House Journal.

Chapman of Linn moved the adoption of amendment H-9079B.

A non-record roll call was requested.

The ayes were 33, nays 49.

Amendment H-9079B lost.

Siegrist of Pottawattamie asked and received unanimous consent that Senate Joint Resolution 2004 be deferred and that the resolution retain its place on the calendar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1998, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 8, a bill for an act relating to the funding of state mandates.

Also: That the Senate has on April 15, 1998, receded from the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 2136, a bill for an act relating to agricultural drainage wells, by extending the date for complying with certain requirements.

Also: That the Senate has on April 15, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2269, a bill for an act relating to permissible physical contact between school employees and students.

Also: That the Senate has on April 15, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2374, a bill for an act exempting sales made to and services performed for organ procurement organizations from the state sales, services, and use taxes.

Also: That the Senate has on April 15, 1998, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2387, a bill for an act relating to adoption procedural requirements including those related to investigations, reports, and counseling.

Also: That the Senate has on April 15, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2480, a bill for an act to repeal the future repeal of the interception of communications chapter.

Also: That the Senate has on April 15, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2513, a bill for an act relating to the individual income tax by eliminating the taxation of certain capital gains and providing special treatment of gains from the sales of businesses to descendants, increasing the amount of pension income excluded, increasing certain personal exemption tax credits, and increasing and expanding the tuition and textbook tax credit, exempting sales and services to certain nonprofit hospitals from the sales, services, and use taxes, and relating to the income eligibility requirements for the homestead property tax credit, mobile home tax credit, or reimbursement for rent constituting property taxes paid, and including effective and prospective and retroactive applicability date provisions.

MARY PAT GUNDERSON, Secretary

MOTION TO RECONSIDER (House File 2558)

I move to reconsider the vote by which House File 2558 passed the House on April 15, 1998.

Houser of Pottawattamie

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 15, 1998. Had I been present, I would have voted "aye" on Senate File 2295 and the conference committee report to Senate File 2295.

Brauns of Muscatine

I was necessarily absent from the House chamber on April 13, 1998. Had I been present, I would have voted "aye" on Senate File 187.

Carroll of Poweshiek

I was necessarily absent from the House chamber on April 15, 1998. Had I been present, I would have voted "aye" on Senate File 2295.

HEATON of Henry

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 15, 1998, he approved and transmitted to the Secretary of State the following bills:

House File 382, an act relating to certain relationships including certain marriages.

House File 2162, an act relating to nonsubstantive Code corrections and including a retroactive applicability provision.

Senate File 2201, an act relating to security for damages arising from the abandonment of natural gas pipelines.

Senate File 2335, an act relating to the prohibition of sex acts between juveniles and employees and agents at juvenile placement facilities and between prisoners incarcerated in a county jail and employees or agents of a county and providing a penalty.

Senate File 2337, an act to allow distribution of the presentence investigation report under certain circumstances.

Senate File 2348, an act relating to the locations at which shared public school services may be made available to nonpublic school students.

Senate File 2351, an act relating to the time for review of the reorganization of a public utility by the utilities board and providing an effective date.

Senate File 2399, an act providing for the merger of a limited partnership with other business entities.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixty-nine 3rd grade students from Anderson Elementary, Bondurant, accompanied by Georganne Lee. By Huser of Polk.

Forty-nine 4th, 5th and 6th grade students from St. Thomas Aquinas School, Webster City, accompanied by Duane Sipker. By Teig of Hamilton.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

IOWA ENERGY CENTER

The 1997 Annual Report, pursuant to Chapter 476.10A, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

1998\480 Pearl Miller, Camanche – For celebrating her 80th birthday.

1998\481 Don and Jean Lane, Dysart – For celebrating their 50th wedding anniversary.

1998\482 City of Corning – For receiving the Great American Mainstreet Award.

1998\483 Glen and Dorothy Pointer, Des Moines – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 2361
(Committee of the whole)

Ways and Means: Lamberti, Chair; Bernau, Blodgett, Chapman, Dinkla, Dix, Doderer, Drake, Frevert, Greig, Hansen, Holmes, Jenkins, Jochum, Larkin, Larson, Lord, Myers, Osterhaus, Rants, Richardson, Shoultz, Teig, Van Fossen and Weigel.

House File 2506

Ways and Means: Greig, Chair; Shoultz and Van Fossen.

Senate File 2409
(Committee of the whole)

Ways and Means: Van Fossen, Chair; Bernau, Blodgett, Chapman, Dinkla, Dix, Doderer, Drake, Frevert, Greig, Hansen, Holmes, Jenkins, Jochum, Lamberti, Larkin, Larson, Lord, Myers, Osterhaus, Rants, Richardson, Shoultz, Teig and Weigel.

Senate File 2412

Appropriations: Millage, Chair; Murphy and Sukup.

Senate File 2413

Ways and Means: Jenkins, Chair; Blodgett and Shoultz.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2381, a bill for an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the division of soil conservation for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the bluffslands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the bluffslands protection fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1,

1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-9185 April 15, 1998.

Senate File 2415, a bill for an act relating to agricultural finance, providing an appropriation, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-9196 April 15, 1998.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 95), relating to aircraft registration fees.

Fiscal Note is not required.

Recommended Amend and Do Pass April 15, 1998.

Committee Bill (Formerly House File 2361), relating to funding of new jobs training programs.

Fiscal Note is not required.

Recommended Amend and Do Pass April 14, 1998.

RESOLUTIONS FILED

HR 107, by Rants and Connors, a resolution honoring Representatives Charles Poncy, Delwyn Stromer, and Harold Van Maanen for their years of legislative service.

Laid over under Rule 25.

SCR 119, by committee on judiciary, a concurrent resolution requesting the Legislative Council to establish a sentencing commission.

Laid over under Rule 25.

AMENDMENTS FILED

H-9177	H.F.	2498	Van Maanen of Marion
H-9181	H.F.	2498	Warnstadt of Woodbury
H-9182	H.F.	2498	Taylor of Linn
H-9183	H.F.	2232	Huseman of Cherokee
H-9184	S.F.	2416	Gries of Crawford
			Wise of Lee
			Larson of Linn

H—9185	S.F.	2381	Committee on Appropriations
H—9186	H.F.	2498	Martin of Scott Brunkhorst of Bremer
H—9187	H.F.	2498	Blodgett of Cerro Gordo
H—9188	H.F.	2498	Murphy of Dubuque
H—9189	H.F.	2498	Murphy of Dubuque
H—9190	H.F.	2498	Murphy of Dubuque
H—9191	S.J.R.	2004	Schrader of Marion
H—9192	H.F.	2374	Senate Amendment
H—9193	H.F.	2269	Senate Amendment
H—9194	S.F.	2387	Senate Amendment
H—9195	S.J.R.	2004	Schrader of Marion
H—9196	S.F.	2415	Committee on Appropriations
H—9197	S.F.	2381	Eddie of Buena Vista
H—9198	S.F.	2381	Mascher of Johnson
H—9199	H.F.	2498	Huser of Polk
H—9200	S.F.	2286	Nelson of Marshall
H—9201	H.F.	2498	Jochum of Dubuque
H—9202	S.F.	2381	Kremer of Buchanan Thomas of Clayton
H—9203	H.F.	2403	Kremer of Buchanan
H—9204	S.F.	2345	Boddicker of Cedar Fallon of Polk
H—9205	S.F.	2416	Rants of Woodbury Warnstadt of Woodbury Connors of Polk Holmes of Scott Millage of Scott May of Worth Eddie of Buena Vista Kinzer of Scott Drake of Pottawattamie Van Fossen of Scott Hansen of Pottawattamie Klemme of Plymouth Blodgett of Cerro Gordo Brunkhorst of Bremer Vande Hoef of Osceola Witt of Black Hawk
			Chapman of Linn
			Dinkla of Guthrie
			Dix of Butler
			Greiner of Washington
			Whitead of Woodbury
			Teig of Hamilton
			Lord of Dallas
			Huseman of Cherokee
			Jenkins of Black Hawk
			Chiodo of Polk
			Greig of Emmet
			Jacobs of Polk
			Metcalf of Polk
			Weidman of Cass
			Tyrrell of Iowa
			Rayhons of Hancock
H—9206	S.F.	2381	Brauns of Muscatine
H—9207	S.F.	2381	Mascher of Johnson

H—9208

S.F. 2381 Brauns of Muscatine

On motion by Siegrist of Pottawattamie, the House adjourned at 10:35 p.m., until 8:45 a.m., Thursday, April 16, 1998.

JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day - Sixty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 16, 1998

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Louis Jaeger, St. Patrick's Church, Epworth.

The Journal of Wednesday, April 15, 1998 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2533, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents, providing related statutory changes, and providing effective dates.

Also: That the Senate has on April 15, 1998, passed the following bill in which the concurrence of the House is asked:

Senate File 2418, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, providing for the transfer of the information technology division, providing for the use of the network, establishing an information technology bureau, making miscellaneous related changes, and providing effective dates.

MARY PAT GUNDERSON, Secretary

CONSIDERATION OF BILLS

Ways and Means Calendar

Senate File 2416, a bill for an act relating to the replacement of property tax on property associated with electricity and natural gas with excise taxes associated with electricity and natural gas, establishing a statewide property tax on property associated with electricity and natural gas, providing for a special utility property tax levy or tax credit, providing for the Act's retroactive applicability, providing an effective

date, and providing penalties, with report of committee recommending passage, was taken up for consideration.

The House stood at ease at 9:10 a.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2416 at 10:48 a.m., Carroll of Poweshiek in the chair.

Rants of Woodbury offered amendment H-9205 filed by Rants, et al., and requested division as follows:

H-9205

- 1 Amend Senate File 2416, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H-9205A

- 3 1. Page 1, line 1, by striking the word
- 4 "PROVISIONS" and inserting the following:
- 5 "PROVISION".

H-9205B

- 6 2. Page 3, line 32, by striking the figure "1996"
- 7 and inserting the following: "1997".
- 8 3. Page 4, line 1, by striking the figure "1996"
- 9 and inserting the following: "1997".
- 10 4. Page 4, line 5, by striking the figure "1992"
- 11 and inserting the following: "1993".
- 12 5. Page 4, line 6, by striking the figure "1996"
- 13 and inserting the following: "1997".
- 14 6. Page 4, line 8, by striking the figure "1997"
- 15 and inserting the following: "1998".
- 16 7. Page 5, line 13, by striking the figure "1998"
- 17 and inserting the following: "1999".
- 18 8. Page 5, line 17, by striking the figure "1998"
- 19 and inserting the following: "1999".
- 20 9. Page 6, line 35, by striking the figure "1997"
- 21 and inserting the following: "1998".
- 22 10. Page 14, line 33, by striking the figure
- 23 "1998" and inserting the following: "1999".
- 24 11. Page 17, line 20, by striking the word and
- 25 figures "1992 through 1996" and inserting the
- 26 following: "1993 through 1997".
- 27 12. Page 17, line 25, by striking the figure
- 28 "1996" and inserting the following: "1997".
- 29 13. Page 17, line 33, by striking the figure
- 30 "1997" and inserting the following: "1998".
- 31 14. Page 17, line 34, by striking the figure
- 32 "1997" and inserting the following: "1998".
- 33 15. Page 18, line 11, by striking the figure

- 34 "1997" and inserting the following: "1998".
35 16. Page 18, line 12, by striking the figure
36 "1997" and inserting the following: "1998".
37 17. Page 18, line 19, by striking the figure
38 "1997" and inserting the following: "1998".
39 18. Page 18, line 20, by striking the figure
40 "1997" and inserting the following: "1998".
41 19. Page 18, line 33, by striking the figure
42 "1998" and inserting the following: "1999".
43 20. Page 19, line 5, by striking the figure
44 "1997" and inserting the following: "1998".
45 21. Page 19, line 13, by striking the figure
46 "1997" and inserting the following: "1998".
47 22. Page 19, line 18, by striking the word and
48 figures "1992 through 1996" and inserting the
49 following: "1993 through 1997".
50 23. Page 19, line 22, by striking the figure

Page 2

- 1 "1997" and inserting the following: "1998".
2 24. Page 19, line 23, by striking the figure
3 "1997" and inserting the following: "1998".
4 25. Page 19, line 33, by striking the figure
5 "1997" and inserting the following: "1998".
6 26. Page 19, line 35, by striking the figure
7 "1997" and inserting the following: "1998".
8 27. Page 20, line 4, by striking the figure
9 "1998" and inserting the following: "1999".
10 28. Page 21, line 12, by striking the figure
11 "1998" and inserting the following: "1999".
12 29. Page 21, line 19, by striking the figure
13 "1997" and inserting the following: "1998".
14 30. Page 22, line 12, by striking the figure
15 "1998" and inserting the following: "1999".
16 31. Page 23, line 2, by striking the figure
17 "1998" and inserting the following: "1999".
18 32. Page 23, line 8, by striking the figure
19 "1997" and inserting the following: "1998".
20 33. Page 23, line 12, by striking the figure
21 "1997" and inserting the following: "1998".
22 34. Page 23, line 15, by striking the figure
23 "1997" and inserting the following: "1998".
24 35. Page 23, line 22, by striking the figure
25 "1998" and inserting the following: "1999".
26 36. Page 23, line 27, by striking the figure
27 "1997" and inserting the following: "1998".
28 37. Page 23, line 29, by striking the figure
29 "1997" and inserting the following: "1998".
30 38. Page 24, line 3, by striking the figure
31 "1998" and inserting the following: "1999".
32 39. Page 24, line 27, by striking the figure
33 "1998" and inserting the following: "1999".

- 34 40. Page 25, line 23, by striking the word and
35 figures "1992 through 1996" and inserting the
36 following: "1993 through 1997".
- 37 41. Page 25, line 28, by striking the figure
38 "1996" and inserting the following: "1997".
- 39 42. Page 25, line 34, by striking the figure
40 "1997" and inserting the following: "1998".
- 41 43. Page 25, line 35, by striking the figure
42 "1997" and inserting the following: "1998".
- 43 44. Page 26, line 7, by striking the figure
44 "1997" and inserting the following: "1998".
- 45 45. Page 26, line 9, by striking the figure
46 "1997" and inserting the following: "1998".
- 47 46. Page 26, line 13, by striking the figure
48 "1998" and inserting the following: "1999".
- 49 47. Page 27, line 9, by striking the figure
50 "1998" and inserting the following: "1999".

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- 1 48. Page 27, line 25, by striking the figure
2 "1998" and inserting the following: "1999".
- 3 49. Page 27, line 29, by striking the figure
4 "1997" and inserting the following: "1998".
- 5 50. Page 28, line 22, by striking the figure
6 "1998" and inserting the following: "1999".
- 7 51. Page 29, line 12, by striking the figure
8 "1998" and inserting the following: "1999".
- 9 52. Page 29, line 18, by striking the figure
10 "1997" and inserting the following: "1998".
- 11 53. Page 29, line 25, by striking the figure
12 "1998" and inserting the following: "1999".
- 13 54. Page 33, line 4, by striking the figure
14 "1998" and inserting the following: "1999".
- 15 55. Page 34, line 9, by striking the figure
16 "1999" and inserting the following: "2000".
- 17 56. Page 35, line 6, by striking the word and
18 figures "1992 through 1996" and inserting the
19 following: "1993 through 1997".
- 20 57. Page 35, line 33, by striking the figure
21 "1998" and inserting the following: "1999".
- 22 58. Page 44, lines 19 and 20, by striking the
23 word and figures "1998, 1999, and 2000" and inserting
24 the following: "1999, 2000, and 2001".
- 25 59. Page 46, line 16, by striking the figure
26 "1996" and inserting the following: "1997".
- 27 60. Page 46, line 32, by striking the figure
28 "2002" and inserting the following: "2003".
- 29 61. Page 47, line 4, by striking the figure
30 "2001" and inserting the following: "2002".
- 31 62. Page 48, line 3, by striking the figure
32 "1998" and inserting the following: "1999".
- 33 63. Page 48, line 13, by striking the figure

- 34 "1997" and inserting the following: "1998".
35 64. Page 48, line 19, by striking the figure
36 "1997" and inserting the following: "1998".
37 65. Page 49, line 3, by striking the figure
38 "1997" and inserting the following: "1998".
39 66. Page 49, line 4, by striking the figure
40 "1997" and inserting the following: "1998".
41 67. Page 49, line 11, by striking the figure
42 "1998" and inserting the following: "1999".
43 68. Page 50, line 5, by striking the figure
44 "1997" and inserting the following: "1998".
45 69. Page 50, line 22, by striking the figure
46 "1998" and inserting the following: "1999".
47 70. Page 50, line 23, by striking the figure
48 "1998" and inserting the following: "1999".
49 71. Page 50, line 30, by striking the figure
50 "1998" and inserting the following: "1999".

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- 1 72. Page 50, line 31, by striking the figure
2 "1998" and inserting the following: "1999".
3 73. Page 51, line 15, by striking the figure
4 "1998" and inserting the following: "1999".
5 74. Page 51, line 33, by striking the figure
6 "1999" and inserting the following: "2000".
7 75. Page 52, line 2, by striking the figure
8 "1999" and inserting the following: "2000".
9 76. Page 59, line 31, by striking the figure
10 "1999" and inserting the following: "2000".
11 77. Page 60, line 10, by striking the figure
12 "2002" and inserting the following: "2003".
13 78. Page 60, line 26, by striking the figure
14 "2005" and inserting the following: "2006".
15 79. Page 60, line 29, by striking the figure
16 "2007" and inserting the following: "2008".
17 80. Page 61, line 12, by striking the word and
18 figures "1992 through 1996" and inserting the
19 following: "1993 through 1997".
20 81. Page 61, line 16, by striking the word and
21 figures "1992 through 1996" and inserting the
22 following: "1993 through 1997".
23 82. Page 61, line 20, by striking the figure
24 "1997" and inserting the following: "1998".
25 83. Page 61, line 21, by striking the figure
26 "1997" and inserting the following: "1998".
27 84. Page 61, line 23, by striking the figure
28 "1997" and inserting the following: "1998".
29 85. Page 61, line 25, by striking the figure
30 "1997" and inserting the following: "1998".
31 86. Page 61, line 27, by striking the figure
32 "1997" and inserting the following: "1998".
33 87. Page 61, line 29, by striking the figure

- 34 "1997" and inserting the following: "1998".
35 88. Page 61, line 30, by striking the figure
36 "1997" and inserting the following: "1998".
37 89. Page 61, line 32, by striking the figure
38 "1997" and inserting the following: "1998".
39 90. Page 61, line 34, by striking the figure
40 "1997" and inserting the following: "1998".
41 91. Page 62, lines 2 and 3, by striking the word
42 and figures "1993 through 1997" and inserting the
43 following: "1994 through 1998".
44 92. Page 62, line 7, by striking the word and
45 figures "1993 through 1997" and inserting the
46 following: "1994 through 1998".
47 93. Page 62, line 18, by striking the figure
48 "1998" and inserting the following: "1999".
49 94. Page 62, line 35, by striking the figure
50 "1999" and inserting the following: "2000".

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- 1 95. Page 63, by striking lines 3 through 8 and
2 inserting the following:
3 "Sec. ____ EFFECTIVE AND APPLICABILITY DATES -
4 DIRECTIONS TO CODE EDITOR.
5 1. Except as provided in subsection 2, this Act
6 takes effect January 1, 1999, and is applicable to
7 property tax assessment years beginning on or after
8 January 1, 1999, and to replacement tax years
9 beginning on or after January 1, 1999.
10 2. Notwithstanding subsection 1, section 437A.15,
11 subsection 7, as enacted in this Act and which
12 provides for the establishment of a task force to
13 study the effects of the replacement tax, takes effect
14 upon enactment."

Rants of Woodbury moved the adoption of amendment H-9205A.

Amendment H-9205A was adopted.

Larson of Linn requested further division as follows:

Division C - Page 3 Lines 22-24

Division B - Page 3 Lines 25-50

Division B - Page 4 Lines 1-50

Division D - Page 5 Lines 1-14

Rants of Woodbury asked and received unanimous consent that amendment H-9205B be deferred.

Bernau of Story asked and received unanimous consent to withdraw amendment H-9212 filed by him from the floor.

Bernau of Story offered the following amendment H-9211 filed by him from the floor and moved its adoption:

H-9211

- 1 Amend Senate File 2416, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 29, by striking lines 29 through 33 and
- 4 inserting the following:
- 5 "1. A replacement generation tax in an amount
- 6 determined by the director in consultation with the
- 7 utility industry and all classes of consumers is
- 8 imposed on every person generating electricity on each
- 9 kilowatt-hour of electricity generated within this
- 10 state during the tax year, except electricity
- 11 generated by the following:"

Amendment H-9211 lost.

Gries of Crawford asked and received unanimous consent that amendment H-9184 be deferred.

The House resumed consideration of amendment H-9205C.

Wise of Lee offered the following amendment H-9216, to amendment H-9205C filed by him, Myers of Johnson and Gries of Crawford from the floor and moved its adoption:

H-9216

- 1 Amend the amendment, H-9205, to Senate File 2416,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, line 24, by striking the word and
- 5 figure "and 2001" and inserting the following: "2001,
- 6 2002, 2003, 2004, 2005, 2006, 2007, and 2008".

Speaker pro tempore Van Maanen of Marion in the chair at 12:05 p.m.

Roll call was requested by Myers of Johnson and Wise of Lee.

Rule 75 was invoked.

On the question "Shall amendment H-9216, to amendment H-9205C, be adopted?" (S.F. 2416)

The ayes were, 46:

Arnold	Bell	Bernau	Boddicker
Brand	Bukta	Burnett	Cohoon
Connors	Cormack	Doderer	Dotzler

Drees	Falck	Fallon	Foegel
Frevert	Garman	Gries	Hahn
Holveck	Houser	Huser	Jacobs
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Larson	Mascher	Moreland
Murphy	Myers	Nicholson	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Taylor	Thomson
Weigel	Wise		

The nays were, 53:

Barry	Blodgett	Boggett	Bradley
Brauns	Brunkhorst	Carroll	Cataldo
Chiodo	Churchill	Corbett, Spkr.	Dinkla
Dix	Dolecheck	Drake	Eddie
Ford	Gipp	Greig	Greiner
Grundberg	Hansen	Heaton	Holmes
Huseman	Jenkins	Klemme	Kremer
Lamberti	Lord	Martin	May
Mertz	Metcalf	Meyer	Millage
Mundie	Rants	Rayhons	Siegrist
Sukup	Teig	Thomas	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Welter	Whitead	Witt
Van Maanen, Presiding			

Absent or not voting, 1:

Chapman

Amendment H-9216 lost.

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 2416 be temporarily deferred. (Amendment H-9205C pending.)

On motion by Siegrist of Pottawattamie, the House was recessed at 1:10 p.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:00 p.m., Veenstra of Sioux in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-eight members present, twenty-two absent.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 16, 1998, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 2164, a bill for an act relating to local community and economic development planning assistance and the community builder program.

Also: That the Senate has on April 16, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2545, a bill for an act relating to county mental health, mental retardation, and developmental disabilities service funding, allocating an appropriation, and providing effective dates.

Also: That the Senate has on April 16, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2316, a bill for an act relating to entities and subject matter under the regulatory authority of the regulated industries unit of the insurance division, including business opportunities, cemeteries, and cemetery merchandise, motor vehicle service contracts, preneed funeral merchandise and services, and residential service contracts, providing for fees, and establishing penalties.

Also: That the Senate has on April 16, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2374, a bill for an act providing for the regulation of bail enforcement businesses and their agents, limiting their actions, establishing fees, eliminating temporary county-issued identification for private security agents and investigators, and providing penalties.

MARY PAT GUNDERSON, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2418, by committee on appropriations, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, providing for the transfer of the information technology division, providing for the use of the network, establishing an information technology bureau, making miscellaneous related changes, and providing effective dates.

Read first time and referred to committee on **appropriations**.

SENATE AMENDMENT CONSIDERED

Carroll of Poweshiek called up for consideration **House File 2545**, a bill for an act relating to county mental health, mental retardation, and developmental disabilities service funding, allocating an appropriation, and providing effective dates, amended by the Senate, and moved that the House concur in the following Senate amendment H-9213:

H-9213

- 1 Amend House File 2545, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, by striking lines 2 through 9.
- 4 2. Page 5, lines 13 and 14, by striking the words
- 5 " , as determined by the risk pool board".
- 6 3. Page 6, line 4, by inserting after the word
- 7 "administrators" the following: " , all".
- 8 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-9213.

Carroll of Poweshiek moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2545)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chiodo
Churchill	Cohoon	Connors	Corbett, Spkr.
Cormack	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Murphy
Myers	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell

Van Fossen
Weidman
Wise

Van Maanen
Weigel
Witt

Vande Hoef
Welter
Veenstra,
Presiding

Warnstadt
Whitead

The nays were, none.

Absent or not voting, 5:

Chapman
Siegrist

Dinkla

Mundie

Nelson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILL

House File 2560, by committee on ways and means, a bill for an act relating to aircraft registration fees.

Read first time and placed on the **ways and means calendar**.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2545** be immediately messaged to the Senate.

Ways and Means Calendar

The House resumed consideration of **Senate File 2416**, a bill for an act relating to the replacement of property tax on property associated with electricity and natural gas with excise taxes associated with electricity and natural gas, establishing a statewide property tax on property associated with electricity and natural gas, providing for a special utility property tax levy or tax credit, providing for the Act's retroactive applicability, providing an effective date, and providing penalties, previously deferred, and amendment H-9205C (found on page 1683 of the House Journal.)

Rants of Woodbury moved the adoption of amendment H-9205C.

Amendment H-9205C was adopted, placing amendment H-9184 filed by Gries, et al., on April 15, 1998, out of order.

Jacobs of Polk offered the following amendment H-9219 filed by her and Connors of Polk from the floor and moved its adoption:

H-9219

- 1 Amend Senate File 2416, as amended, passed, and
- 2 reprinted by the Senate, as follows:

3 1. Page 45, by inserting after line 25 the
 4 following:
 5 "It is the intent of the general assembly that the
 6 general assembly evaluate the impact of the imposition
 7 of the replacement tax for purposes of determining
 8 whether this subsection shall remain in effect and
 9 whether a determination shall be made as to the
 10 necessity of a recalculation as provided in this
 11 subsection for tax years beginning after tax year
 12 2000."

Amendment H-9219 was adopted.

Larson of Linn offered the following amendment H-9158 filed by
 Larson, et al., and moved its adoption:

H-9158

1 Amend Senate File 2416, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 59, lines 9 and 10, by striking the words
 4 "to the maximum extent practicable".
 5 2. Page 59, lines 17 and 18, by striking the
 6 words "to the maximum extent practicable".

Roll call was requested by Wise of Lee and Jochum of Dubuque.

On the question "Shall amendment H-9158 be adopted?" (S.F. 2416)

The ayes were, 46:

Arnold	Bell	Bernau	Boddicker
Brand	Bukta	Burnett	Cohoon
Connors	Cormack	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Frevert	Garman	Gries	Hahn
Holveck	Huser	Jochum	Kinzer
Koenigs	Kreiman	Larkin	Larson
Mascher	Mertz	Moreland	Mundie
Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomson	Weigel
Whitead	Wise		

The nays were, 52:

Barry	Blodgett	Bogges	Bradley
Brauns	Brunckhorst	Carroll	Cataldo
Chiodo	Churchill	Corbett, Spkr.	Dix
Dolecheck	Drake	Eddie	Ford
Gipp	Greig	Greiner	Grundberg
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Klemme

Kremer	Lamberti	Lord	Martin
May	Metcalf	Meyer	Millage
Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomas	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Warnstadt
Weidman	Welter	Witt	Veenstra, Presiding

Absent or not voting, 2:

Chapman Dinkla

Amendment H-9158 lost.

Larson of Linn asked and received unanimous consent to withdraw amendment H-9159 filed by Larson, et al., on April 14, 1998.

Wise of Lee offered the following amendment H-9218 filed by him from the floor and moved its adoption:

H-9218

- 1 Amend Senate File 2416, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by striking the words "and
- 4 natural gas".
- 5 2. Page 1, line 11, by striking the words "and
- 6 natural gas".
- 7 3. Page 1, line 12, by striking the words "and
- 8 natural gas".
- 9 4. Page 1, line 25, by striking the words "and
- 10 natural gas".
- 11 5. Page 1, line 32, by striking the words "and
- 12 natural gas".
- 13 6. Page 2, line 1, by striking the words "and
- 14 natural gas".
- 15 7. Page 2, line 10, by striking the words "gas
- 16 and".
- 17 8. Page 2, line 22, by striking the words "and
- 18 natural gas".
- 19 9. Page 2, lines 23 and 24, by striking the words
- 20 "and natural gas".
- 21 10. Page 2, line 25, by striking the words "and
- 22 natural gas".
- 23 11. Page 2, line 29, by striking the words "and
- 24 natural gas".
- 25 12. Page 3, line 9, by striking the words
- 26 "natural gas companies,".
- 27 13. Page 3, lines 14 and 15, by striking the
- 28 words "or natural gas".
- 29 14. Page 3, line 19, by striking the words "and
- 30 natural gas".
- 31 15. Page 3, line 28, by striking the words

- 32 "natural gas company,".
- 33 16. Page 4, lines 2 and 3, by striking the words
- 34 "natural gas companies,".
- 35 17. Page 4, by striking lines 15 through 18 and
- 36 inserting the following: "to electric service."
- 37 18. Page 4, lines 19 and 20, by striking the
- 38 words "or natural gas".
- 39 19. Page 4, lines 21 and 22, by striking the
- 40 words "or natural gas".
- 41 20. Page 4, lines 23 and 24, by striking the
- 42 words "or natural gas".
- 43 21. Page 4, line 27, by striking the words "or
- 44 natural gas".
- 45 22. Page 4, line 35, by striking the words "or
- 46 natural gas".
- 47 23. Page 5, line 1, by striking the words "or
- 48 natural gas".
- 49 24. Page 5, line 2, by striking the words "or
- 50 natural gas".

Page 2

- 1 25. Page 6, line 7, by striking the words "or
- 2 natural gas".
- 3 26. Page 7, by striking lines 14 through 16.
- 4 27. Page 7, lines 26 and 27, by striking the
- 5 words "or a natural gas system, either of".
- 6 28. By striking page 7, line 31, through page 14,
- 7 line 33.
- 8 29. Page 14, line 35, by striking the word
- 9 "municipal" and inserting the following: "or
- 10 municipal".
- 11 30. Page 15, line 1, by striking the words "or
- 12 natural gas company,".
- 13 31. Page 15, line 4, by striking the word
- 14 "municipal" and inserting the following: "or
- 15 municipal".
- 16 32. Page 15, lines 4 and 5, by striking the words
- 17 "or natural gas company".
- 18 33. Page 15, by striking line 20 and inserting
- 19 the following: "electricity under section 437A.4,".
- 20 34. Page 15, line 23, by striking the words
- 21 "natural gas company,".
- 22 35. Page 16, lines 7 and 8 by striking the words
- 23 "natural gas company,".
- 24 36. Page 16, line 10, by striking the figure
- 25 "437A.5,".
- 26 37. By striking page 24, line 29, through page
- 27 29, line 26.
- 28 38. Page 32, by striking lines 8 through 11 and
- 29 inserting the following: "competitive service area
- 30 during the tax year."
- 31 39. Page 32, by striking lines 15 through 18 and

- 32 inserting the following: "2."
33 40. Page 32, by striking lines 26 and 27 and
34 inserting the following: "subsection 2, and sections
35 437A.6 and 437A.7,".
36 41. Page 33, line 3, by striking the words "or
37 natural gas".
38 42. Page 33, by striking lines 10 through 13 and
39 inserting the following: "the tax year."
40 43. Page 33, lines 17 and 18, by striking the
41 words "and natural gas-related transfers".
42 44. Page 33, line 19, by striking the words and
43 figures ", and section 437A.5, subsection 5".
44 45. Page 33, by striking lines 21 and 22, and
45 inserting the following: "437A.4, subsection 1,
46 paragraph "b", due for the tax year."
47 46. Page 33, lines 34 and 35, by striking the
48 words and figures "and section 437A.5, subsection 8,".
49 47. Page 35, line 1, by striking the words "and
50 natural gas".

Page 3

- 1 48. Page 35, line 3, by striking the words and
2 figures "and section 437A.5, subsection 3,".
3 49. Page 35, line 8, by striking the words "or
4 natural gas".
5 50. Page 35, line 12, by striking the words "or
6 natural gas".
7 51. Page 35, lines 13 and 14, by striking the
8 words and figures ", and section 437A.5, subsection 3,
9 paragraph "a"".
10 52. Page 42, lines 3 and 4, by striking the words
11 "or therms of natural gas".
12 53. Page 42, line 13, by striking the words "or
13 therms".
14 54. Page 42, lines 18 and 19, by striking the
15 words "or therms of natural gas".
16 55. Page 43, lines 4 and 5, by striking the words
17 "or therms of natural gas".
18 56. Page 46, lines 25 and 26, by striking the
19 words "natural gas companies,".
20 57. Page 47, line 9, by striking the words "or
21 natural gas".
22 58. Page 51, line 22, by striking the words
23 "natural gas company,".
24 59. Page 51, line 34, by striking the words
25 "natural gas company,".
26 60. Page 52, lines 16 and 17, by striking the
27 words "natural gas companies,".
28 61. Page 54, line 9, by striking the words
29 "natural gas company,".
30 62. Page 55, lines 29 and 30 by striking the
31 words "except those natural gas pipelines permitted

- 32 pursuant to chapter 479.
- 33 63. Page 56, lines 11 and 12 by striking the
- 34 words "other than natural gas pipelines permitted
- 35 pursuant to chapter 479."
- 36 64. Page 56, lines 26 and 27 by striking the
- 37 words "other than natural gas pipelines permitted
- 38 pursuant to chapter 479."
- 39 65. Page 58, lines 6 and 7 by striking the words
- 40 "other than natural gas pipelines permitted pursuant
- 41 to chapter 479."
- 42 66. Page 58, lines 16 and 17 by striking the
- 43 words "other than natural gas pipelines permitted
- 44 pursuant to chapter 479."
- 45 67. Page 59, by striking lines 3 and 4 and
- 46 inserting the following: "electricity that is subject
- 47 to regulation by the board and in".
- 48 68. Page 60, line 8, by striking the words "gas
- 49 and electric industries" and inserting the following:
- 50 "electric industry".

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- 1 69. Page 60, line 13, by striking the words "and
- 2 gas".
- 3 70. Page 60, lines 14 and 15, by striking the
- 4 words "and gas industries" and inserting the
- 5 following: "industry".
- 6 71. Page 60, line 21, by striking the words "and
- 7 gas industries" and inserting the following:
- 8 "industry".
- 9 72. Page 61, lines 7 and 8, by striking the words
- 10 "municipal utility, and natural gas company" and
- 11 inserting the following: "and municipal utility".
- 12 73. Page 61, by striking lines 14 through 17.
- 13 74. Page 62, by striking lines 5 through 8.
- 14 75. Page 62, line 20, by striking the words "or
- 15 natural gas".
- 16 76. Page 62, line 22, by striking the words "or
- 17 natural gas".
- 18 77. Page 62, lines 23 and 24, by striking the
- 19 words "or natural gas".
- 20 78. Page 62, lines 24 and 25 by striking the
- 21 words "or natural gas".
- 22 79. Page 62, lines 29 and 30, by striking the
- 23 words and figures "and section 437A.5, subsection 3,
- 24 paragraph "c".
- 25 80. Page 62, line 30, by striking the words "or
- 26 natural".
- 27 81. Page 62, by striking line 31 and inserting
- 28 the following: "delivery tax rate for such electric".
- 29 82. Page 62, line 33, by striking the words "or
- 30 natural gas".
- 31 83. Title page, line 2, by striking the words

- 32 "and natural gas".
 33 84. Title page, line 3, by striking the words
 34 "and natural gas".
 35 85. Title page, line 5, by striking the words
 36 "and natural gas".
 37 86. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 29, nays 52.

Amendment H-9218 lost.

The House resumed consideration of amendment H-9205D.

Rants of Woodbury asked and received unanimous consent that amendment H-9205D be deferred.

The House resumed consideration of amendment H-9205B.

Larson of Linn offered amendment H-9228, to amendment H-9205B, filed by him and Myers of Johnson from the floor and requested division as follows:

H-9228

- 1 Amend the amendment, H-9205, to Senate File 2416,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

H-9228A

- 4 1. Page 1, line 7, by striking the figure "1997"
- 5 and inserting the following: "1998".
- 6 2. Page 1, line 9, by striking the figure "1997"
- 7 and inserting the following: "1998".
- 8 3. Page 1, line 11, by striking the figure "1993"
- 9 and inserting the following: "1994".
- 10 4. Page 1, line 13, by striking the figure "1997"
- 11 and inserting the following: "1998".
- 12 5. Page 1, line 15, by striking the figure "1998"
- 13 and inserting the following: "1999".
- 14 6. Page 1, line 17, by striking the figure "1999"
- 15 and inserting the following: "2000".
- 16 7. Page 1, line 19, by striking the figure "1999"
- 17 and inserting the following: "2000".
- 18 8. Page 1, line 21, by striking the figure "1998"
- 19 and inserting the following: "1999".
- 20 9. Page 1, line 23, by striking the figure "1999"
- 21 and inserting the following: "2000".
- 22 10. Page 1, line 26, by striking the word and
- 23 figures "1993 through 1997" and inserting the
- 24 following: "1994 through 1998".

- 25 11. Page 1, line 28, by striking the figure
26 "1997" and inserting the following: "1998".
27 12. Page 1, line 30, by striking the figure
28 "1998" and inserting the following: "1999".
29 13. Page 1, line 32, by striking the figure
30 "1998" and inserting the following: "1999".
31 14. Page 1, line 34, by striking the figure
32 "1998" and inserting the following: "1999".
33 15. Page 1, line 36, by striking the figure
34 "1998" and inserting the following: "1999".
35 16. Page 1, line 38, by striking the figure
36 "1998" and inserting the following: "1999".
37 17. Page 1, line 40, by striking the figure
38 "1998" and inserting the following: "1999".
39 18. Page 1, line 42, by striking the figure
40 "1999" and inserting the following: "2000".
41 19. Page 1, line 44, by striking the figure
42 "1998" and inserting the following: "1999".
43 20. Page 1, line 46, by striking the figure
44 "1998" and inserting the following: "1999".
45 21. Page 1, line 49, by striking the word and
46 figure "1993 through 1997" and inserting the
47 following: "1994 through 1998".
48 22. Page 2, line 1, by striking the figure "1998"
49 and inserting the following: "1999".
50 23. Page 2, line 3, by striking the figure "1998"

Page 2

- 1 and inserting the following: "1999".
2 24. Page 2, line 5, by striking the figure "1998"
3 and inserting the following: "1999".
4 25. Page 2, line 7, by striking the figure "1998"
5 and inserting the following: "1999".
6 26. Page 2, line 9, by striking the figure "1999"
7 and inserting the following: "2000".
8 27. Page 2, line 11, by striking the figure
9 "1999" and inserting the following: "2000".
10 28. Page 2, line 13, by striking the figure
11 "1998" and inserting the following: "1999".
12 29. Page 2, line 15, by striking the figure
13 "1999" and inserting the following: "2000".
14 30. Page 2, line 17, by striking the figure
15 "1999" and inserting the following: "2000".
16 31. Page 2, line 19, by striking the figure
17 "1998" and inserting the following: "1999".
18 32. Page 2, line 21, by striking the figure
19 "1998" and inserting the following: "1999".
20 33. Page 2, line 23, by striking the figure
21 "1998" and inserting the following: "1999".
22 34. Page 2, line 25, by striking the figure
23 "1999" and inserting the following: "2000".
24 35. Page 2, line 27, by striking the figure

- 25 "1998" and inserting the following: "1999".
26 36. Page 2, line 29, by striking the figure
27 "1998" and inserting the following: "1999".
28 37. Page 2, line 31, by striking the figure
29 "1999" and inserting the following: "2000".
30 38. Page 2, line 33, by striking the figure
31 "1999" and inserting the following: "2000".
32 39. Page 2, line 36, by striking the word and
33 figures "1993 through 1997" and inserting the
34 following: "1994 through 1998".
35 40. Page 2, line 38, by striking the figure
36 "1997" and inserting the following: "1998".
37 41. Page 2, line 40, by striking the figure
38 "1998" and inserting the following: "1999".
39 42. Page 2, line 42, by striking the figure
40 "1998" and inserting the following: "1999".
41 43. Page 2, line 44, by striking the figure
42 "1998" and inserting the following: "1999".
43 44. Page 2, line 46, by striking the figure
44 "1998" and inserting the following: "1999".
45 45. Page 2, line 48, by striking the figure
46 "1999" and inserting the following: "2000".
47 46. Page 2, line 50, by striking the figure
48 "1999" and inserting the following: "2000".
49 47. Page 3, line 2, by striking the figure "1999"
50 and inserting the following: "2000".

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- 1 48. Page 3, line 4, by striking the figure "1998"
2 and inserting the following: "1999".
3 49. Page 3, line 6, by striking the figure "1999"
4 and inserting the following: "2000".
5 50. Page 3, line 8, by striking the figure "1999"
6 and inserting the following: "2000".
7 51. Page 3, line 10, by striking the figure
8 "1998" and inserting the following: "1999".
9 52. Page 3, line 12, by striking the figure
10 "1999" and inserting the following: "2000".
11 53. Page 3, line 14, by striking the figure
12 "1999" and inserting the following: "2000".
13 54. Page 3, line 16, by striking the figure
14 "2000" and inserting the following: "2001".
15 55. Page 3, line 19, by striking the word and
16 figures "1993 through 1997" and inserting the
17 following: "1994 through 1998".
18 56. Page 3, line 21, by striking the figure
19 "1999" and inserting the following: "2000".

H-9228B

- 20 57. Page 3, line 24, by striking the word and
21 figures "1999, 2000, and 2001" and inserting the

22 following: "2000, 2001, and 2002".

H-9228A

- 23 58. Page 3, line 26, by striking the figure
24 "1997" and inserting the following: "1998".
25 59. Page 3, line 28, by striking the figure
26 "2003" and inserting the following: "2004".
27 60. Page 3, line 30, by striking the figure
28 "2002" and inserting the following: "2003".
29 61. Page 3, line 32, by striking the figure
30 "1999" and inserting the following: "2000".
31 62. Page 3, line 34, by striking the figure
32 "1998" and inserting the following: "1999".
33 63. Page 3, line 36, by striking the figure
34 "1998" and inserting the following: "1999".
35 64. Page 3, line 38, by striking the figure
36 "1998" and inserting the following: "1999".
37 65. Page 3, line 40, by striking the figure
38 "1998" and inserting the following: "1999".
39 66. Page 3, line 42, by striking the figure
40 "1999" and inserting the following: "2000".
41 67. Page 3, line 44, by striking the figure
42 "1998" and inserting the following: "1999".
43 68. Page 3, line 46, by striking the figure
44 "1999" and inserting the following: "2000".
45 69. Page 3, line 48, by striking the figure
46 "1999" and inserting the following: "2000".
47 70. Page 3, line 50, by striking the figure
48 "1999" and inserting the following: "2000".
49 71. Page 4, line 2, by striking the figure "1999"
50 and inserting the following: "2000".

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- 1 72. Page 4, line 4, by striking the figure "1999"
2 and inserting the following: "2000".
3 73. Page 4, line 6, by striking the figure "2000"
4 and inserting the following: "2001".
5 74. Page 4, line 8, by striking the figure "2000"
6 and inserting the following: "2001".
7 75. Page 4, line 10, by striking the figure
8 "2000" and inserting the following: "2001".
9 76. Page 4, line 12, by striking the figure
10 "2003" and inserting the following: "2004".
11 77. Page 4, line 14, by striking the figure
12 "2006" and inserting the following: "2007".
13 78. Page 4, line 16, by striking the figure
14 "2008" and inserting the following: "2009".
15 79. Page 4, line 19, by striking the word and
16 figures "1993 through 1997" and inserting the
17 following: "1994 through 1998".
18 80. Page 4, line 22, by striking the word and

- 19 figures "1993 through 1997" and inserting the
 20 following: "1994 through 1998".
- 21 81. Page 4, line 24, by striking the figure
 22 "1998" and inserting the following: "1999".
- 23 82. Page 4, line 26, by striking the figure
 24 "1998" and inserting the following: "1999".
- 25 83. Page 4, line 28, by striking the figure
 26 "1998" and inserting the following: "1999".
- 27 84. Page 4, line 30, by striking the figure
 28 "1998" and inserting the following: "1999".
- 29 85. Page 4, line 32, by striking the figure
 30 "1998" and inserting the following: "1999".
- 31 86. Page 4, line 34, by striking the figure
 32 "1998" and inserting the following: "1999".
- 33 87. Page 4, line 36, by striking the figure
 34 "1998" and inserting the following: "1999".
- 35 88. Page 4, line 38, by striking the figure
 36 "1998" and inserting the following: "1999".
- 37 89. Page 4, line 40, by striking the figure
 38 "1998" and inserting the following: "1999".
- 39 90. Page 4, line 43, by striking the word and
 40 figures "1994 through 1998" and inserting the
 41 following: "1995 through 1999".
- 42 91. Page 4, line 46, by striking the word and
 43 figures "1994 through 1998" and inserting the
 44 following: "1995 through 1999".
- 45 92. Page 4, line 48, by striking the figure
 46 "1999" and inserting the following: "2000".
- 47 93. Page 4, line 50, by striking the figure
 48 "2000" and inserting the following: "2001".

H-9228C

- 49 94. Page 5, line 6, by striking the word
 50 "January" and inserting the following: "July".

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- 1 95. Page 5, line 8, by striking the figure "1999"
 2 and inserting the following: "2000".
- 3 96. Page 5, line 9, by striking the figure "1999"
 4 and inserting the following: "2000".

Larson of Linn moved the adoption of amendment H-9228A, to amendment H-9205B.

A non-record roll call was requested.

The ayes were 38, nays 49.

Amendment H-9228A lost.

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 2416 be temporarily deferred.

MOTION TO RECONSIDER WITHDRAWN
(House File 2558)

Houser of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider House File 2558, a bill for an act relating to mental health, developmental disability, and substance abuse service, commitment, and payment provisions, and including an applicability provision and an effective date, filed by him on April 15, 1998.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2558** be immediately messaged to the Senate.

The House resumed consideration of Senate File 2416, previously deferred.

Larson of Linn asked and received unanimous consent to withdraw amendment H-9228B.

Rants of Woodbury moved the adoption of amendment H-9205B.

Amendment H-9205B was adopted.

Larson of Linn asked and received unanimous consent to withdraw amendment H-9228C, to amendment H-9205D.

Rants of Woodbury moved the adoption of amendment H-9205D.

Amendment H-9205D was adopted.

Speaker Corbett in the chair at 4:43 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cataldo of Polk, until his return, on request of Schrader of Marion.

Rants of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2416)

The ayes were, 61:

Arnold
Bogges

Barry
Bradley

Blodgett
Brand

Boddicker
Brauns

Brunkhorst	Carroll	Cataldo	Chiodo
Churchill	Cormack	Dinkla	Dix
Dolecheck	Drake	Eddie	Ford
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Lord	Martin	May	Mertz
Metcalf	Meyer	Millage	Mundie
O'Brien	Rants	Rayhons	Siegrist
Sukup	Teig	Thomas	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Welter	Witt
Mr. Speaker Corbett			

The nays were, 38:

Bell	Bernau	Bukta	Burnett
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foegen
Frevert	Garman	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Larson	Mascher	Moreland
Murphy	Myers	Nelson	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomson	Weigel
Whitead	Wise		

Absent or not voting, 1:

Chapman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2416** be immediately messaged to the Senate.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2381.

Appropriations Calendar

Senate File 2381, a bill for an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the division of soil conservation for deposit in the

Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the bluffslands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the bluffslands protection fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a

result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

The House stood at ease at 5:14 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2381 at 6:25 p.m., Speaker Corbett in the chair.

Brauns of Muscatine offered amendment H-9185 filed by the committee on appropriations as follows:

H-9185

- 1 Amend Senate File 2381, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 14, by striking the figure
- 4 "1,000,000" and inserting the following: "1,200,000".
- 5 2. Page 1, line 29, by striking the words "an
- 6 additional cellblock" and inserting the following:
- 7 "two additional cellblocks".
- 8 3. Page 1, line 31, by striking the figure
- 9 "5,000,000" and inserting the following:
- 10 "10,000,000".
- 11 4. Page 1, by inserting after line 31 the
- 12 following:
- 13 "It is the intent of the general assembly that the
- 14 amount appropriated in this subsection shall only be
- 15 used to fund the design, construction services related
- 16 to, and construction of the additional cellblocks."
- 17 5. Page 1, by inserting after line 34 the
- 18 following:
- 19 "_. For the construction, renovation, and
- 20 expansion of community-based correctional facilities:
- 21 \$ 2,000,000"
- 22 6. Page 4, line 14, by striking the word
- 23 "purpose" and inserting the following: "purposes".
- 24 7. Page 4, line 15, by inserting before the word
- 25 "For" the following: "1."
- 26 8. Page 4, by inserting after line 20 the
- 27 following:
- 28 "2. For the completion of the training facility
- 29 infrastructure and site development phase of the

30 national education center for agriculture safety, on
 31 the campus of the northeast Iowa community college in
 32 the City of Peosta:
 33 \$ 450,000"
 34 9. Page 4, line 34, by striking the figure
 35 "7,000,000" and inserting the following: "7,800,000".
 36 10. Page 5, line 5, by striking the figure
 37 "350,000" and inserting the following: "1,250,000".
 38 11. Page 5, line 24, by striking the words "and
 39 design" and inserting the following: ", design, and
 40 construction".
 41 12. Page 5, line 26, by striking the figure
 42 "820,000" and inserting the following: "6,820,000".
 43 13. Page 8, line 2, by inserting after the word
 44 "facilities" the following: "started or completed
 45 after July 1, 1997, or construction of structures
 46 designated to make such complexes and facilities more
 47 accessible".
 48 14. Page 8, line 4, by inserting after the word
 49 "raised." the following: "If a recreational complex
 50 or facility has been started or completed and has

Page 2

1 existing debt obligations, a grant may be awarded if
 2 the applicant otherwise qualifies under this
 3 subsection."
 4 15. Page 8, by striking lines 6 through 9.
 5 16. Page 8, line 10, by inserting after the word
 6 "lakes" the following: ", including necessary
 7 preparation for dredging,".
 8 17. Page 8, line 13, by striking the figure
 9 "2,000,000" and inserting the following: "2,200,000".
 10 18. Page 8, by inserting after line 13 the
 11 following:
 12 "Of the amount appropriated in this subsection up
 13 to \$200,000 shall be used by the department to
 14 implement a lake rehabilitation pilot program for
 15 state-owned or public lakes in cooperation with local
 16 project sponsors. The department shall adopt rules to
 17 administer the program to include requirements for the
 18 development of diagnostic feasibility lake studies,
 19 development of plans for lakes judged suitable for
 20 restoration, and provisions for grants to local
 21 sponsors by which the department shall match the cost
 22 of studies and plans at a rate of one dollar of state
 23 appropriated moneys for every three dollars of local
 24 project moneys raised."
 25 19. Page 10, by inserting after line 27 the
 26 following:
 27 "Sec. ____ Section 174.15, Code 1997, is amended
 28 to read as follows:
 29 174.15 PURCHASE AND MANAGEMENT.

30 Title to land purchased or received for fairground
 31 purposes shall be taken in the name of the county or a
 32 society, but the board of supervisors shall place it
 33 under the control and management of ~~an incorporated~~
 34 ~~county or district fair~~ a society. The society may
 35 act as agent for the county in the erection of
 36 buildings, maintenance of grounds and buildings, or
 37 improvements constructed on the grounds. Title to new
 38 buildings or improvements shall be taken in the name
 39 of the county or a society, but the county is not
 40 liable for the improvements or expenditures for them."

41 20. By striking page 10, line 28, through page
 42 12, line 3.

43 21. Page 12, by inserting after line 18 the
 44 following:

45 "Sec. ____ 1997 Iowa Acts, chapter 215, section 2,
 46 subsection 8, is amended to read as follows:

47 8. For the state training school for the design
 48 and construction of new or replacement buildings, at
 49 ~~the state training school, by allocating not more than~~
 50 ~~\$1,600,000~~ for design and construction of a living

Page 3

1 unit, ~~allocating not more than \$800,000 for design and~~
 2 ~~for~~ construction of a multipurpose building, and
 3 ~~allocating not more than \$200,000 for the design of a~~
 4 ~~new school building, and for institution utilities~~
 5 infrastructure:

6 \$ 2,600,000

7 Sec. ____ 1997 Iowa Acts, chapter 215, section 4,
 8 subsection 4, is amended to read as follows:

9 4. For the state training school for the design
 10 and construction of new or replacement buildings at
 11 ~~the state training school by allocating not more than~~
 12 ~~\$2,300,000 to complete, for~~ construction of the new
 13 school building, for institution utilities
 14 infrastructure, and allocating not more than \$400,000
 15 and for the design of the new gymnasium building:

16 \$ 2,700,000

17 Sec. ____ 1997 Iowa Acts, chapter 215, section 5,
 18 is amended to read as follows:

19 SEC. 5. There is appropriated from the rebuild
 20 Iowa infrastructure fund to the department of general
 21 services for the fiscal year beginning July 1, 1999,
 22 and ending June 30, 2000, the following amount, or so
 23 much thereof as is necessary, to be used for the
 24 purpose designated:

25 For construction of a new school and gymnasium
 26 building at the state training school:

27 \$ 4,000,000"

28 22. Page 13, by striking lines 3 through 14 and
 29 inserting the following: "unnumbered paragraph 2, is

30 amended by striking the unnumbered paragraph and
31 inserting in lieu thereof the following:

32 As a condition of receiving the appropriations in
33 this section, the department shall support county
34 programs to close agricultural drainage wells,
35 including connecting drainage systems which are
36 tributary to the drainage wells to alternative
37 drainage outlets. The department shall pay for
38 seventy-five percent of the estimated or actual cost
39 of closing the agricultural drainage wells. The soil
40 conservation division shall award assistance to
41 counties based on an objective evaluation of factors
42 specified in the priority system established pursuant
43 to section 159.29, subsection 6, which shall include,
44 but is not limited to, the level of environmental risk
45 caused by not closing the wells, the cost
46 effectiveness of the proposed closure, and the amount
47 of county support for a closure program."

48 23. Page 13, line 15, by inserting after the word
49 "sections" the following: "and subsections".

50 24. Page 13, by inserting after line 16 the

Page 4

1 following:

2 "___ Section 2, subsection 2, appropriating funds
3 for the construction of additional cellblocks at the
4 Fort Dodge correctional facility."

5 25. Title, page 1, line 7, by striking the words
6 "an additional cellblock" and inserting the following:
7 "two additional cellblocks".

8 26. Title, page 1, line 10, by inserting after
9 the word "Madison" the following: ", and for
10 construction and renovation of community-based
11 correctional facilities".

12 27. Title, page 1, line 17, by inserting after
13 the word "colleges" the following: ", for completion
14 of the training facility and site development phase of
15 the national education center for agricultural
16 safety".

17 28. Title, page 2, line 18, by inserting after
18 the word "program," the following: "creation of a
19 lake rehabilitation pilot program,".

20 29. Title, page 2, lines 18 and 19, by striking
21 the words "for the blufflands protection revolving
22 fund,".

23 30. Title, page 2, lines 32 and 33, by striking
24 the words "by establishing the blufflands protection
25 fund,".

26 31. Title, page 3, line 44, by inserting after
27 the words "infrastructure fund" the following: ", by
28 reallocating certain funds to design and construct new
29 or replacement buildings at the state training

30 school".

31 32. By renumbering, relettering, or redesignating
32 and correcting internal references as necessary.

Brauns of Muscatine offered the following amendment H-9227, to the committee amendment H-9185, filed by him, Mascher of Johnson and Brand of Tama from the floor and moved its adoption:

H-9227

1 Amend the amendment, H-9185, to Senate File 2381,
2 as amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 1, line 21 by striking the figure
5 "2,000,000" and inserting the following: "1,500,000".
6 2. Page 1, by inserting after line 37 the
7 following:
8 "_. Page 5, by inserting after line 23 the
9 following:
10 "_. For the renovation of a cottage to provide
11 additional bed space for females at the Iowa juvenile
12 home:
13 \$ 500,000"
14 3. Page 4, by inserting after line 16 the
15 following:
16 "_. Title, page 2, line 7, by inserting after
17 the word "complex," the following: "for renovation of
18 a cottage at the Iowa juvenile home,""
19 4. By renumbering as necessary.

Amendment H-9227, to the committee amendment H-9185, was adopted.

Mascher of Johnson asked and received unanimous consent to withdraw amendments H-9198 and H-9207, both to the committee amendment H-9185, filed by her on April 15, 1998.

Brauns of Muscatine offered the following amendment H-9206, to the committee amendment H-9185, filed by him and moved its adoption:

H-9206

1 Amend the House amendment, H-9185, to Senate File
2 2381, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 35, by striking the figure
5 "7,800,000" and inserting the following: "8,800,000".
6 2. Page 1, line 42, by striking the figure
7 "6,820,000" and inserting the following: "5,820,000".
8 3. By renumbering as necessary.

Amendment H-9206 was adopted.

Witt of Black Hawk offered the following amendment H-9234, to the committee amendment H-9185, filed by him, Houser of Pottawattamie and Barry of Harrison from the floor and moved its adoption:

H-9234

- 1 Amend the amendment, H-9185, to Senate File 2381,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking line 4 and inserting the
- 5 following:
- 6 "_. Page 8, line 6, by inserting after the word
- 7 "protection" the following: "program and revolving".
- 8 2. Page 2, by striking lines 41 and 42.
- 9 3. Page 2, by inserting before line 43 the
- 10 following:
- 11 "_. Page 10, line 28, by inserting after the
- 12 word "PROTECTION" the following: "PROGRAM AND
- 13 REVOLVING".
- 14 _ . Page 11, line 5, by inserting after the word
- 15 "protection" the following: "revolving".
- 16 _ . Page 11, line 11, by inserting after the
- 17 word "the" the following: "revolving".
- 18 _ . Page 11, line 11, by striking the word
- 19 "grants" and inserting the following: "loans".
- 20 _ . Page 11, line 18, by inserting before the
- 21 word "fund" the following: "revolving".
- 22 _ . Page 11, line 19, by inserting after the
- 23 word "protection" the following: "revolving".
- 24 _ . Page 11, by inserting after line 24 the
- 25 following:
- 26 "a. This section is repealed on July 1, 2005.
- 27 b. The principal and interest from any bluffslands
- 28 protection loans outstanding on July 1, 2005, and
- 29 payable to the bluffslands protection revolving fund,
- 30 shall be paid to the administrative director of the
- 31 division of soil conservation on or after July 1,
- 32 2005, pursuant to the terms of the loans agreement and
- 33 shall be credited to the rebuild Iowa infrastructure
- 34 fund.""
- 35 4. Page 4, by striking lines 20 through 25 and
- 36 inserting the following:
- 37 "_. Title page 2, line 33, by inserting after
- 38 the word "protection" the following: "program and
- 39 revolving".
- 40 5. By renumbering as necessary.

Amendment H-9234 was adopted placing amendment H-9208, to the committee amendment H-9185, filed by Brauns of Muscatine on April 15, 1998, out of order.

Cohoon of Des Moines asked and received unanimous consent that amendment H-9220, to the committee amendment H-9185, be deferred.

Eddie of Buena Vista offered the following amendment H-9197, to the committee amendment H-9185, filed by him and moved its adoption:

H-9197

- 1 Amend the House amendment, H-9185, to Senate File
- 2 2381, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 3, by striking lines 28 through 47.
- 5 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 43, nays 30.

Amendment H-9197 was adopted placing amendment H-9217, to the committee amendment H-9185, filed by Mertz of Kossuth from the floor out of order.

Falck of Fayette asked and received unanimous consent to withdraw amendment H-9220, to the committee amendment H-9185, filed by him from the floor.

Brauns of Muscatine moved the adoption of the committee amendment H-9185, as amended.

The committee amendment H-9185, as amended, was adopted.

Ford of Polk offered the following amendment H-8841 filed by him and Brauns of Muscatine and moved its adoption:

H-8841

- 1 Amend Senate File 2381, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 25 the
- 4 following:
- 5 "___ Of the amount appropriated in this section,
- 6 not more than \$250,000 may be used to fund a state
- 7 contribution toward the construction of the Fort Des
- 8 Moines black officers memorial."
- 9 2. By renumbering as necessary.

Amendment H-8841 was adopted.

Whitead of Woodbury offered the following amendment H-9003 filed by him and moved its adoption:

H-9003

- 1 Amend Senate File 2381, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting after line 25 the
 4 following:
 5 "___ Of the amount appropriated in this section,
 6 not more than \$450,000 may be used to fund a state
 7 contribution toward the restoration and preservation
 8 of the viewing structure located at the Sergeant Floyd
 9 monument in Sioux City."
 10 2. By renumbering as necessary.

Amendment H-9003 lost.

Fallon of Polk offered the following amendment H-9246 filed by him from the floor and moved its adoption:

H-9246

- 1 Amend Senate File 2381, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, line 14, by striking the figure
 4 "2,425,000" and inserting the following: "2,325,000".
 5 2. Page 2, by striking lines 19 through 21.
 6 3. Page 5, by inserting after line 26 the
 7 following:
 8 "___ For the funding of a state contribution
 9 toward the planning, design, and construction of an
 10 Iowa hall of pride:
 11 \$ 100,000"
 12 4. Title page 2, line 8, by inserting after the
 13 word "complex," the following: "for the design and
 14 construction of an Iowa hall of pride,".
 15 4. By renumbering as necessary.

Amendment H-9246 was adopted.

Churchill of Polk asked and received unanimous consent to withdraw amendment H-9239 filed by him from the floor.

Richardson of Warren offered the following amendment H-9172 filed by him and moved its adoption:

H-9172

- 1 Amend Senate File 2381, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 6, line 15, by striking the figure
 4 "1,040,000" and inserting the following: "1,060,000".

Amendment H-9172 was adopted.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H-8709 filed by him and Thomas of Clayton on March 25, 1998.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H-9202 filed by him and Thomas of Clayton on April 15, 1998.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-9230 filed by him from the floor.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-9157 filed by her on April 14, 1998.

Mertz of Kossuth offered the following amendment H-9247 filed by her from the floor and moved its adoption:

H-9247

- 1 Amend Senate File 2381, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 13, by inserting before line 15 the
- 4 following:
- 5 "Any balance remaining unobligated or unexpended on
- 6 June 30, 1999, from the funds appropriated in this
- 7 section shall be transferred to the agricultural
- 8 management account of the groundwater protection fund
- 9 created in section 455E.11. Moneys deposited in that
- 10 account under this section shall be allocated to the
- 11 department of agriculture and land stewardship for
- 12 cost-share assistance for the following programs:
- 13 To reimburse owners of agricultural drainage wells
- 14 and surface water intakes which drain into
- 15 agricultural drainage wells for up to seventy-five
- 16 percent of the costs incurred after May 29, 1997, to
- 17 prevent surface water drainage into agricultural
- 18 drainage wells as required pursuant to section 455I.2.
- 19 To reimburse individual owners and users of
- 20 agricultural drainage wells for up to seventy-five
- 21 percent of the costs incurred after May 29, 1997, to
- 22 close agricultural drainage wells and to connect
- 23 drainage systems which are tributary to the drainage
- 24 wells to alternative drainage outlets as required
- 25 pursuant to section 455I.3."
- 26 2. By renumbering as necessary.

Amendment H-9247 was adopted.

Chiodo of Polk offered the following amendment H-9248 filed by him from the floor and moved its adoption:

H-9248

- 1 Amend Senate File 2381, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting after line 25 the
 4 following:
 5 "___ Of the amount appropriated in this section,
 6 not more than \$100,000 may be used to fund a state
 7 contribution toward the restoration and renovation of
 8 the roof at St. John's Basilica which is on the
 9 national register of historic places and is located in
 10 Des Moines."
 11 2. By renumbering as necessary.

Amendment H-9248 lost.

Brauns of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2381)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chiodo
Cohoon	Connors	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Foegen	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 1:

Fallon

Absent or not voting, 4:

Chapman

Churchill

Larson

Sukup

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2381** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Grundberg of Polk called up for consideration **House File 2533**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents, providing related statutory changes, and providing effective dates, amended by the Senate amendment H-9210 as follows:

H-9210

- 1 Amend House File 2533, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, line 12, by striking the figure
- 4 "3,103,788" and inserting the following: "3,078,788".
- 5 2. Page 7, line 26, by striking the figure
- 6 "3,172,098" and inserting the following: "3,072,098".
- 7 3. By striking page 7, lines 28 through 31.
- 8 4. Page 8, line 7, by striking the figure
- 9 "1,537,000" and inserting the following: "1,637,000".
- 10 5. Page 8, by striking lines 21 through 23.
- 11 6. By striking page 9, line 33, through page 10,
- 12 line 12.
- 13 7. Page 10, by inserting after line 12 the
- 14 following:
- 15 "___ AREA EDUCATION AGENCY AUDIT
- 16 For allocation to the auditor of state for the
- 17 costs of conducting the audit of area education
- 18 agencies as provided in section 50 of this Act, if
- 19 enacted:
- 20 \$ 75,000"
- 21 8. By striking page 11, line 28, through page 12,
- 22 line 2.
- 23 9. Page 12, by striking lines 23 through 27 and
- 24 inserting the following: "information services for
- 25 purposes of the open access program."
- 26 10. By striking page 12, line 35, through page
- 27 13, line 4, and inserting the following: "services
- 28 for purposes of the open access program."
- 29 11. Page 14, by inserting after line 14 the

30 following:

31 "Sec. ____ 1998 Iowa Acts, Senate File 2366,
32 section 1, subsection 1, unnumbered paragraphs 2 and
33 3, if enacted, are amended by striking the unnumbered
34 paragraphs."

35 12. Page 14, by striking lines 27 through 31.

36 13. Page 24, by striking lines 24 through 32.

37 14. Page 25, by striking lines 5 through 18.

38 15. Page 26, by inserting after line 12 the

39 following:

40 "Sec. ____ Section 256.22, subsection 1,
41 unnumbered paragraph 1, if enacted by 1998 Iowa Acts,
42 Senate File 2366, is amended to read as follows:

43 Subject to an appropriation of sufficient funds by
44 the general assembly, the department shall establish a
45 frontier school and extended year school grant program
46 to provide for the allocation of grants to school
47 districts, or a collaboration of school districts, to
48 provide technical assistance for conversion of an
49 existing school to a frontier school or to an extended
50 school year calendar, or for investigating the

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1 possibility of converting an existing school within a
2 district to a frontier school or to an extended school
3 year calendar. A district that wants to participate
4 in the program shall submit to the department a
5 written request for a grant by ~~September~~ October 1,
6 ~~1998~~. The school district or collaboration of school
7 districts shall agree to appoint a planning committee
8 composed of parents, guardians, teachers,
9 administrators, and individuals representing business,
10 and the local community. The school district or
11 collaboration shall also indicate in its request its
12 intention to use any grant moneys received under this
13 section to examine, at a minimum, all of the
14 following:

15 Sec. ____ Section 256.22, subsections 2 and 5, if
16 enacted by 1998 Iowa Acts, Senate File 2366, are
17 amended to read as follows:

18 2. Grant moneys shall be distributed to qualifying
19 school districts by the department no later than
20 ~~October 15, 1998~~ 30 annually. Grant amounts shall be
21 distributed as determined by the department. Not more
22 than fifteen of the grants awarded per year in
23 accordance with this section shall be used for
24 purposes of frontier school planning or conversion. A
25 grant awarded to a school district under this section
26 shall not exceed twenty-five thousand dollars.
27 Notwithstanding the other provisions of this section,
28 the department shall not award grant moneys for
29 technical assistance for conversion of an existing

30 school to a frontier school or to an extended school
31 year calendar prior to July 1, 1999.
32 5. Except as provided in this subsection, frontier
33 schools are exempt from all statutes and rules
34 applicable to a school, a school board, or a school
35 district, although a frontier school may elect to
36 comply with one or more provisions of statute or rule.
37 However, a frontier school shall meet all applicable
38 state and local health and safety requirements; the
39 ~~frontier school shall be organized and operated as a~~
40 ~~nonprofit cooperative association under chapter 498 or~~
41 ~~nonprofit corporation under chapter 504A;~~ the
42 provisions of chapters 21 and 22 shall apply to
43 meetings and records of the frontier school board; and
44 frontier schools are subject to and shall comply with
45 chapters 216 and 216A relating to civil and human
46 rights, and sections 275.55A, 279.9A, 280.17B,
47 280.21B, and 282.4, relating to suspension and
48 expulsion of a student. The frontier school shall
49 employ or contract with necessary teachers, as defined
50 in section 272.1, who hold a valid license with an

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1 endorsement for the type of service for which the
2 teacher is employed. Frontier schools are subject to
3 the same financial audits, audit procedures, and audit
4 requirements as a school district. The audits shall
5 be consistent with the requirements of sections 11.6,
6 11.14, 11.19, 256.9, subsection 19, and section
7 279.29, except to the extent deviations are necessary
8 because of the program at the school. The department,
9 auditor of state, or the legislative fiscal bureau may
10 conduct financial, program, or compliance audits. The
11 provisions of chapter 20 shall not apply to the board
12 of directors of a frontier school or its employees.
13 Sec. ____ Section 256.22, if enacted by 1998 Iowa
14 Acts, Senate File 2366, section 4, is amended by
15 adding the following new subsection:
16 NEW SUBSECTION. 6. Notwithstanding section 8.33,
17 unencumbered or unobligated funds remaining on June 30
18 of the fiscal year for which the funds were
19 appropriated shall not revert but shall be available
20 for expenditure for the following fiscal year for
21 purposes of this section.
22 Sec. ____ NEW SECTION. 256.24 MATHEMATICS PILOT
23 PROGRAMS.
24 1. The Iowa mathematics and science coalition
25 shall administer a two-year mathematics pilot program
26 to help teachers become aware of possibilities for
27 mathematics instruction other than traditional
28 approaches and discuss those approaches with other
29 teachers, employ new problem-centered approaches,

30 develop routines that create an environment that
31 promotes problem solving and student autonomy, and
32 integrate new approaches to teaching mathematics in
33 the regular mathematics curriculum.
34 2. The Iowa mathematics and science coalition
35 shall locate the pilot programs in at least four
36 public school districts, one located in a large school
37 district, one located in a medium-sized school
38 district, and two located in small school districts.
39 In the case of a large school district, the district
40 shall apply for a secondary school in the district
41 provided that the middle and elementary schools within
42 the secondary school attendance area shall be
43 represented in the application. Districts
44 participating in the program shall require all
45 teachers employed by the district who teach
46 mathematics to participate in the pilot program.
47 However, in the case of a large district, only
48 teachers employed to teach mathematics in the
49 secondary school for which the application was made,
50 and the teachers employed to teach mathematics in the

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1 middle and elementary schools within the secondary
2 school attendance area, shall be required to
3 participate in the pilot program. For purposes of
4 this section, a large school district is a district
5 with an actual enrollment of five thousand or more
6 pupils; a medium-sized school district is a district
7 with an actual enrollment that is greater than one
8 thousand one hundred ninety-nine pupils, but less than
9 five thousand pupils; and a small school district is a
10 district with an actual enrollment of one thousand one
11 hundred ninety-nine or fewer pupils.

12 3. Funds appropriated for purposes of this section
13 may be used for administrative costs of the program
14 and shall be used to provide partial financial
15 assistance to a participating school district. The
16 portion of the program costs for which a district does
17 not receive financial assistance pursuant to this
18 section shall be paid by the district. However, the
19 district may use phase III funds to pay this portion
20 of the program costs.

21 Sec. ____ Section 256.44, subsection 3, if enacted
22 by 1998 Iowa Acts, Senate File 2366, section 5, is
23 amended to read as follows:

24 3. To receive a five-year annual award for
25 achieving certification by the national board of
26 professional teaching standards, a teacher shall apply
27 to the department within one year of eligibility.
28 Payment for awards shall be made only upon
29 departmental approval of an application or

30 recertification of eligibility. A nonrenewable term
31 of eligibility shall be for five years or for the
32 years the certificate is valid, whichever time period
33 is shorter. In order to continue receipt of payments,
34 a recipient shall annually recertify eligibility. It
35 is the intent of the general assembly to appropriate
36 not more than one million dollars from the general
37 fund for purposes of this program during the lifetime
38 of this program."

39 16. By striking page 29, line 25, through page
40 30, line 6, and inserting the following:

41 "Sec. ____ Section 261.25, Code Supplement 1997,
42 is amended by adding the following new subsection:
43 NEW SUBSECTION. 3A. There is appropriated from
44 the general fund of the state to the commission for
45 each fiscal year the sum of ninety thousand dollars
46 for the industrial technology forgivable loan program
47 established in section 261.111.

48 Sec. ____ NEW SECTION. 261.111 INDUSTRIAL
49 TECHNOLOGY FORGIVABLE LOAN PROGRAM.

50 1. There is established an industrial technology

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1 forgivable loan program to be administered by the
2 college student aid commission. An individual is
3 eligible for the forgivable loan program if the
4 individual meets all of the following conditions:
5 a. Is a resident of this state who is enrolled as
6 a sophomore, junior, or senior in the area of
7 industrial technology education at an institution of
8 higher learning under the control of the state board
9 of regents or an accredited private institution as
10 defined in section 261.9, or, is a resident of this
11 state who is enrolled in the area of industrial
12 technology at a community college in the state and the
13 credits for the coursework in industrial technology
14 are transferable to an institution of higher learning
15 under the control of the state board of regents, or to
16 an accredited private institution as defined in
17 section 261.9.

18 b. Completes and files an application for an
19 industrial technology forgivable loan. The individual
20 shall be responsible for the submission of the
21 parents' confidential statement for processing to both
22 the commission and the institution in which the
23 applicant is enrolling.

24 c. Reports promptly to the commission any
25 information requested.

26 d. Files a new application and parents'
27 confidential statement annually on the basis of which
28 the applicant's eligibility for a renewed industrial
29 technology forgivable loan will be evaluated and

30 determined.

31 2. Forgivable loans to eligible students shall not
32 become due until after the student graduates or leaves
33 school. The individual's total loan amount, including
34 principal and interest, shall be reduced by twenty
35 percent for each year in which the individual remains
36 an Iowa resident and is employed by a school district
37 or an accredited nonpublic school as an industrial
38 technology teacher. If the commission determines that
39 the person does not meet the criteria for forgiveness
40 of the principal and interest payments, the commission
41 shall establish a plan for repayment of the principal
42 and interest over a ten-year period. If a person
43 required to make the repayment does not make the
44 required payments, the commission shall provide for
45 payment collection.

46 3. There is created an industrial technology
47 forgivable loan repayment fund for deposit of payments
48 made by forgivable loan recipients who do not fulfill
49 the conditions of the forgivable loan program.
50 Notwithstanding section 8.33, moneys deposited in the

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1 industrial technology forgivable loan repayment fund
2 shall not revert to the general fund of the state at
3 the end of any fiscal year but shall remain in the
4 industrial technology forgivable loan repayment fund
5 and be continuously available to make additional loans
6 under the program.

7 Sec. . NEW SECTION. 261.112 INDUSTRIAL
8 TECHNOLOGY FORGIVABLE LOAN ADMINISTRATION.

9 1. The college student aid commission shall
10 administer the industrial technology forgivable loan
11 program. The amount of an industrial technology
12 forgivable loan shall not exceed three thousand
13 dollars annually, or the amount of the student's
14 established financial need, whichever is less.

15 2. The interest rate for the forgivable loan shall
16 be equal to the interest rate collected by an eligible
17 lender under the Iowa guaranteed student loan program
18 for the year in which the forgivable loan is made.

19 Sec. . Section 279.14, subsection 2, if enacted
20 by 1998 Iowa Acts, Senate File 2366, is amended by
21 striking the subsection and inserting in lieu thereof
22 the following:

23 2. The determination of standards of performance
24 expected of school district personnel shall be
25 reserved as an exclusive management right of the
26 school board and shall not be subject to mandatory
27 negotiations under chapter 20. Notwithstanding
28 chapter 20, objections to the procedures, use, or
29 content of an evaluation in a teacher termination

30 proceeding brought before the school board in a
31 hearing held in accordance with section 279.16 or
32 279.27 shall not be subject to the grievance
33 procedures negotiated in accordance with chapter 20.
34 A school district shall not be obligated to process
35 any evaluation grievance after service of a notice and
36 recommendation to terminate an individual's continuing
37 teaching contract in accordance with chapter 279.
38 Sec. ____ Section 279.14A, subsection 1, if
39 enacted by 1998 Iowa Acts, Senate File 2366, is
40 amended to read as follows:
41 1. The department of education shall establish and
42 implement a voluntary practitioner performance
43 improvement program that shall provide technical
44 assistance to teachers and administrators from each
45 public school district and area education agency.
46 Individuals under contract with a school district may
47 receive technical assistance in accordance with this
48 subsection. The department shall consult with the
49 Iowa state education association, the Iowa association
50 of school boards, the school administrators of Iowa,

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1 the professional educators of Iowa, and, as
2 practicable, other entities providing similar
3 programs, in developing the program. At a minimum,
4 the program shall provide administrators with
5 training, including but not limited to, seminars and
6 written materials, relating to the areas of employment
7 policies and procedures, employment documentation,
8 performance evaluations, corrective performance
9 techniques, discipline, termination, and support by
10 qualified individuals for implementation of the
11 program. The program shall not be used to provide
12 consultation or assistance on specific employment
13 situations. Training received by an administrator in
14 accordance with this section shall apply toward an
15 administrator's evaluator approval renewal.
16 Sec. ____ Section 279.19, Code 1997, is amended by
17 adding the following new unnumbered paragraph:
18 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
19 provision to the contrary, the grievance procedures of
20 section 20.18 relating to job performance or job
21 retention shall not apply to a teacher during the
22 first two years of the teacher's probationary period.
23 However, this paragraph shall not apply to a teacher
24 who has successfully completed a probationary period
25 in a school district in Iowa."
26 17. Page 30, by inserting after line 14 the
27 following:
28 "Sec. ____ Section 279.60, subsection 5, if
29 enacted by 1998 Iowa Acts, Senate File 2366, section

30 29, is amended to read as follows:

31 5. The ranked list of nominees shall be submitted
32 to the board of directors of the school district for
33 review and approval. The board of directors shall be
34 responsible for determining the number of awards and
35 the amount of the awards based upon the moneys
36 received by the school district pursuant to section
37 279.61. The board of directors shall also consult
38 with practitioners to plan appropriate recognition
39 events within the school district for presentation of
40 the awards."

41 18. Page 31, by striking line 17 and inserting
42 the following: "1997, is amended by striking the
43 subsection and inserting in lieu thereof the
44 following:

45 9. For the fiscal year beginning July 1, 1998, and
46 for each succeeding fiscal year, the amount of fifty
47 thousand dollars to the department of education for
48 the Iowa mathematics and science coalition from phase
49 III moneys."

50 19. Page 32, by inserting after line 3 the

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1 following:

2 "NEW SUBSECTION. 6A. For each fiscal year of the
3 fiscal period beginning July 1, 1998, and ending June
4 30, 2000, the amount of seventy-five thousand dollars
5 from phase III moneys to the department of education
6 for distribution to the Iowa mathematics and science
7 coalition for purposes of mathematics pilot programs
8 in accordance with section 256.24."

9 20. Page 35, by inserting after line 1 the
10 following:

11 "Sec. 101. Section 256.17A, if enacted by 1998
12 Iowa Acts, Senate File 2366, section 3, is repealed."

13 21. Page 35, by inserting after line 2 the
14 following:

15 "Sec. ____ 1998 Iowa Acts, Senate File 2366,
16 section 40, if enacted, is amended to read as follows:

17 Sec. 40. EMERGENCY RULES. The department may
18 adopt emergency rules as necessary for the
19 administration of chapter 256E and sections ~~256.17A~~
20 ~~256.22, 257.13,~~ and 279.60, if enacted."

21 22. Page 36, by striking lines 33 and 34 and
22 inserting the following: "information services for
23 purposes of the open access program, being deemed of".

24 23. Page 37, by inserting after line 15 the
25 following:

26 "Section 101 of this Act, relating to the repeal of
27 section 256.17A, being deemed of immediate importance,
28 takes effect upon enactment."

29 24. By renumbering as necessary.

Richardson of Warren offered the following amendment H-9224, to the Senate amendment H-9210, filed by him from the floor and moved its adoption:

H-9224

- 1 Amend the Senate amendment, H-9210, to House File
- 2 2533, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, lines 32 and 33, by striking the words
- 5 and figures: "paragraphs 2 and 3, if enacted, are"
- 6 and inserting the following: "paragraph 3, if
- 7 enacted, is".
- 8 2. Page 1, line 34, by striking the word
- 9 "paragraphs" and inserting the following:
- 10 "paragraph".

Amendment H-9224 lost.

Mascher of Johnson offered the following amendment H-9229, to the Senate amendment H-9210, filed by her and Murphy of Dubuque from the floor and moved its adoption:

H-9229

- 1 Amend the Senate amendment, H-9210, to House File
- 2 2533, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 32 through 34 and
- 5 inserting the following: "section 1, subsection 1, if
- 6 enacted, is amended by striking the subsection.""
- 7 2. By striking page 1, line 40, through page 3,
- 8 line 21.
- 9 3. Page 8, by inserting after line 12 the
- 10 following:
- 11 "Sec. __. Section 256.22, if enacted by 1998 Iowa
- 12 Acts, Senate File 2366, section 4, is repealed.""
- 13 4. Page 8, line 20, by striking the figures
- 14 "256.22, 257.13," and inserting the following:
- 15 "257.13".
- 16 5. By renumbering as necessary.

Amendment H-9229 lost.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-9231, to the Senate amendment H-9210, filed by her from the floor.

Wise of Lee offered the following amendment H-9223, to the Senate amendment H-9210, filed by him from the floor and moved its adoption:

H-9223

- 1 Amend the Senate amendment, H-9210, to House File
- 2 2533, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 3, by striking lines 10 through 12 and
- 5 inserting the following: "conduct financial, program,
- 6 or compliance audits. The provisions of chapter 20
- 7 shall not apply to the board of directors of a
- 8 frontier school or its employees."

Roll call was requested by Wise of Lee and Grundberg of Polk.

On the question "Shall amendment H-9223, to the Senate amendment H-9210, be adopted?" (H.F. 2533)

The ayes were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Garman	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 52:

Arnold	Barry	Blodgett	Boddicker
Boguess	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dinkla
Dix	Dolecheck	Drake	Eddie
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

Absent or not voting, 2:

Chapman Sukup

Amendment H-9223 lost.

Mertz of Kossuth offered amendment H-9232, to the Senate amendment H-9210, filed by her from the floor as follows:

H-9232

- 1 Amend the Senate amendment, H-9210, to House File
- 2 2533, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 4, by inserting after line 38 the
- 5 following:
- 6 "Sec. ____ 1998 Iowa Acts, Senate File 2366,
- 7 section 21, amending section 257.20, subsection 2,
- 8 paragraph a, if enacted, is repealed.
- 9 Sec. ____ Section 257.20, subsection 2, paragraphs
- 10 a and b, Code 1997, are amended by striking the
- 11 paragraphs."
- 12 2. By renumbering as necessary.

Grundberg of Polk rose on a point of order that amendment H-9232 was not germane.

The Speaker ruled the point well taken and amendment H-9232 not germane.

Mertz of Kossuth offered amendment H-9237, to the Senate amendment H-9210, filed by her from the floor as follows:

H-9237

- 1 Amend the Senate amendment, H-9210, to House File
- 2 2533, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 4, by inserting after line 38 the
- 5 following:
- 6 "Sec. ____ 1998 Iowa Acts, Senate File 2366,
- 7 section 21, amending section 257.20, subsection 2,
- 8 paragraph a, if enacted, is repealed.
- 9 Sec. 201. Section 257.20, subsection 2, paragraphs
- 10 a and b, Code 1997, are amended by striking the
- 11 paragraphs."
- 12 2. Page 8, by inserting after line 28 the
- 13 following:
- 14 "____ Section 201 of this Act, relating to the
- 15 striking of section 257.20, subsection 2, paragraphs a
- 16 and b, takes effect July 1, 1999."
- 17 3. By renumbering as necessary.

Grundberg of Polk rose on a point of order that amendment H-9237 was not germane.

The Speaker ruled the point well taken and amendment H-9237 not germane.

Mascher of Johnson offered the following amendment H-9238, to the Senate amendment H-9210, filed by her from the floor and moved its adoption:

H-9238

- 1 Amend the Senate amendment, H-9210, to House File
- 2 2533, as amended, passed, and reprinted by the House,
- 3 as follows:
 - 4 1. Page 4, by striking lines 21 through 38.
 - 5 2. By renumbering as necessary.

Amendment H-9238 lost.

Wise of Lee offered the following amendment H-9222, to the Senate amendment H-9210, filed by him from the floor and moved its adoption:

H-9222

- 1 Amend the Senate amendment, H-9210, to House File
- 2 2533, as amended, passed, and reprinted by the House,
- 3 as follows:
 - 4 1. Page 7, by striking lines 26 through 40.
 - 5 2. By renumbering as necessary.

Roll call was requested by Wise of Lee and Foege of Linn.

On the question "Shall amendment H-9222, to the Senate amendment H-9210, be adopted?" (H.F. 2533)

The ayes were, 46:

Arnold	Bell	Bernau	Brand
Bukta	Burnett	Cataldo	Chiodo
Cohoon	Connors	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Garman	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Thomas	Warnstadt	Weigel	Whitead
Wise	Witt		

The nays were, 51:

Barry	Blodgett	Boddicker	Boggess
Bradley	Brauns	Brunkhorst	Carroll
Cormack	Dinkla	Dix	Doderer
Dolecheck	Drake	Eddie	Gipp

Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Houser	Huseman	Jacobs	Jenkins
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Metcalf	Meyer
Millage	Nelson	Rants	Rayhons
Siegrist	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, 3:

Chapman Churchill Sukup

Amendment H-9222 lost.

Grundberg of Polk moved that the House concur in the Senate amendment H-9210.

A non-record roll call was requested.

The ayes were 43, nays 27.

The motion prevailed and the House concurred in the Senate amendment H-9210.

Grundberg of Polk moved that the bill as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2533)

The ayes were, 78:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Burnett
Carroll	Churchill	Cormack	Dinkla
Dix	Doderer	Dolecheck	Drake
Drees	Eddie	Foege	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Mundie	Murphy
Myers	Nelson	Osterhaus	Rants
Rayhons	Reynolds-Knight	Scherrman	Siegrist
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra

Weidman
Witt

Weigel
Mr. Speaker
Corbett

Welter

Whitead

The nays were, 20:

Bukta
Connors
Ford
Moreland
Shoultz

Cataldo
Dotzler
Koenigs
O'Brien
Taylor

Chiodo
Falck
Kreiman
Richardson
Warnstadt

Cphoon
Fallon
Larkin
Schrader
Wise

Absent or not voting, 2:

Chapman

Sukup

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2533** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 16, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2348, a bill for an act relating to institutions and facilities administered by the department of human services and to similar and related services.

Also: That the Senate has on April 16, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2382, a bill for an act relating to the identification of animals and providing penalties.

Also: That the Senate has on April 16, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2550, a bill for an act exempting services provided by licensed massage therapists from the state services tax.

Also: That the Senate has on April 16, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2038, a bill for an act relating to disqualification from voting or registering to vote for reasons of mental incompetence.

MARY PAT GUNDERSON, Secretary

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 16, 1998, he approved and transmitted to the Secretary of State the following bills:

House File 681, an act creating an environmental audit privilege and immunity, and an environmental auditor training program, and providing penalties.

House File 2335, an act relating to persons holding interests in agricultural land and providing penalties and an effective date.

House File 2336, an act relating to the assumption of risk by and liability of forcible felons and persons aiding and abetting in the commission of forcible felonies for damages resulting from the offenders' criminal conduct.

House File 2528, an act establishing a graduated driver's license for young drivers, making penalties applicable, creating an interim study committee, and including an applicability provision and an effective date.

Senate File 530, an act relating to the establishment of an E911 surcharge, providing for the distribution of the surcharge, and providing a pooling mechanism for the purchase of equipment necessary for an E911 system and providing an effective date.

Senate File 2072, an act providing for the appointment of an additional member to the family development and self-sufficiency council.

Senate File 2218, an act relating to the issuance of highway travel permits to raw milk transporters whose motor trucks exceed gross weight and axle weight restrictions and establishing a fee.

Senate File 2261, an act relating to the criteria for the awarding of grandparent and great-grandparent visitation rights.

Senate File 2321, an act relating to the confidentiality of certain records and reports held by the labor commissioner.

Senate File 2325, an act amending the Uniform Securities Act, by regulating persons involved in managing investments, providing for the administration of the securities bureau, providing fees, and providing for penalties and effective dates.

Senate File 2400, an act relating to the powers and duties of county treasurers, removal or sale of a mobile home or manufactured home, and including a retroactive applicability date provision.

Senate File 2407, a bill for an act relating to the extension of the reduced excise tax imposed on motor fuel containing ethanol.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-eight grade school students from New Market, accompanied by Susan Brown and Lisa Kernan. By Boggess of Taylor.

Sixty 5th grade students from Mt. Ayr Elementary, Mt. Ayr, accompanied by Betsy Budach. By Dolecheck of Ringgold.

Fifth grade students from Arcadia, Westside and Vail, accompanied by Monica Dirkx and Chris Pighetti. By Drees of Carroll and Gries of Crawford.

Eleven Business Law students from Oskaloosa High School, Oskaloosa, accompanied by Duane Stowell and Kathy Cox. By Hansen of Pottawattamie and Van Maanen of Marion.

Fifty-two 6th grade students from Manson Northwest Webster Middle School, Barnum, accompanied by Diane Scheffler. By Mundie of Webster.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 2413, a bill for an act relating to exemptions from and reductions in solid waste tonnage fees for certain persons.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-9233** April 16, 1998.

AMENDMENTS FILED

H-9209	S.F.	2345	Boddicker of Cedar Fallon of Polk
H-9214	S.F.	2415	Vande Hoef of Osceola Welter of Jones Houser of Pottawattamie Mertz of Kossuth Greig of Emmet
H-9215	S.F.	2415	Koenigs of Mitchell Churchill of Polk
H-9221	S.F.	2415	Reynolds-Knight of Van Buren
H-9225	H.F.	2498	Murphy of Dubuque
H-9226	H.F.	2498	Murphy of Dubuque

H—9233	S.F.	2413	Committee on Ways and Means
H—9235	H.F.	2348	Senate Amendment
H—9236	S.F.	2281	Lamberti of Polk
H—9240	S.F.	2415	Holveck of Polk Koenigs of Mitchell Churchill of Polk
H—9241	S.F.	2415	Koenigs of Mitchell
H—9242	S.F.	2415	Weigel of Chickasaw
H—9243	S.F.	2415	Dotzler of Black Hawk
H—9244	S.F.	2415	Taylor of Linn
H—9245	S.F.	2415	Taylor of Linn
H—9249	S.F.	2415	Holveck of Polk
H—9250	S.F.	2415	Houser of Pottawattamie
H—9251	S.F.	2415	Osterhaus of Jackson
H—9252	S.F.	2418	Falck of Fayette
H—9253	S.F.	2415	Dix of Butler Churchill of Polk
			Garman of Story Nelson of Marshall
H—9254	S.F.	2415	Dix of Butler Kreiman of Davis Garman of Story Brunkhorst of Bremer
H—9255	S.F.	2415	Holveck of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 9:00 p.m., until 8:45 a.m., Friday, April 17, 1998.

JOURNAL OF THE HOUSE

Ninety-sixth Calendar Day - Sixty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 17, 1998

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by the Honorable Marcie Frevert, state representative from Palo Alto County.

The Journal of Thursday, April 16, 1998 was approved.

CONSIDERATION OF BILLS Unfinished Business Calendar

Senate File 2384, a bill for an act to provide for the assessment and payment of a thirty-five dollar installment payment fee for fines or court costs paid in installments under certain circumstances and providing for a contingent effective date, with report of committee recommending passage, was taken up for consideration.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-8619 filed by him on March 24, 1998.

Lamberti of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2384)

The ayes were, 95:

Arnold	Barry	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chiodo	Churchill
Cohoon	Connors	Comack	Dix
Doderer	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz

Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Bell	Chapman	Dinkla	Ford
Shoultz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2281, a bill for an act relating to compensation for the legal defense of indigent persons in criminal, appellate, and certain civil cases, with report of committee recommending passage, was taken up for consideration.

Lamberti of Polk offered the following amendment H-9236 filed by him and moved its adoption:

H-9236

- 1 Amend Senate File 2281, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 9, by inserting after the word
- 4 "cases," the following: "In establishing hourly rates
- 5 or setting per case fee limitations, the state public
- 6 defender shall consider evidence of ordinary,
- 7 reasonable and customary charges; rates previously
- 8 paid by the state; the nature and penal consequences
- 9 associated with the offense charged; value and costs
- 10 associated with in-court time, value and costs
- 11 associated with out-of-court time; and any other
- 12 relevant factors."
- 13 2. Page 2, by striking lines 20 through 32 and
- 14 inserting the following: "applicable law.
- 15 Notwithstanding chapter 17A, an appointed attorney
- 16 may seek expedited review of actions of the state
- 17 public defender with regard to a request for advance
- 18 approval for anticipated compensation in excess of any
- 19 fee limitation by filing a motion with the appointing
- 20 court."
- 21 3. Page 3, by striking lines 6 through 11 and

22 inserting the following:

23 "Notwithstanding chapter 17A, an appointed attorney
 24 may seek review of actions of the state public
 25 defender which approve in part, deny, or modify a
 26 claim for compensation by filing a motion with the
 27 appointing court."

Amendment H-9236 was adopted.

Lamberti of Polk offered amendment H-9132 filed by him and requested division as follows:

H-9132

- 1 Amend Senate File 2281, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H-9132A

- 3 1. Page 2, by striking lines 31 and 32 and
- 4 inserting the following: "be conducted on an
- 5 expedited basis."
- 6 2. Page 3, line 9, by striking the words "may
- 7 hear proceedings for judicial" and inserting the
- 8 following: "shall".
- 9 3. Page 3, line 10, by striking the words "review
- 10 of" and inserting the following: "review".

H-9132B

- 11 4. Page 10, line 26, by striking the words
- 12 "assets not" and inserting the following: "assets".
- 13 5. Page 11, line 13, by striking the words
- 14 "assets not" and inserting the following: "assets".
- 15 6. Page 11, line 30, by striking the words
- 16 "assets not" and inserting the following: "assets".

Lamberti of Polk asked and received unanimous consent to withdraw amendment H-9132A.

Lamberti of Polk moved the adoption of amendment H-9132B.

Amendment H-9132B was adopted.

Lamberti of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2281)

The ayes were, 96:

Arnold

Barry

Bell

Bernau

Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Foege	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, 1:

Fallon

Absent or not voting, 2:

Chapman

Ford

Under the provision of Rule 76, conflict of interest, Kreiman of Davis refrained from voting.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2384 and 2281.**

SENATE AMENDMENT CONSIDERED

Drake of Pottawattamie called up for consideration **House File 2374**, a bill for an act exempting sales made to and services performed for organ procurement organizations from the state sales, services, and use taxes, amended by the Senate, and moved that the House concur in the following Senate amendment H-9192:

H-9192

- 1 Amend House File 2374, as passed by the House, as
 2 follows:
 3 1. Page 1, line 5, by inserting after the word
 4 "statewide" the following: "nonprofit".

The motion prevailed and the House concurred in the Senate amendment H-9192.

Drake of Pottawattamie moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2374)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Chapman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Appropriations Calendar

Senate File 2415, a bill for an act relating to agricultural finance, providing an appropriation, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

The House stood at ease at 9:42 a.m., until the fall of the gavel.

The House resumed session at 11:20 a.m., Speaker Corbett in the chair.

Gipp of Winneshiek asked and received unanimous consent that Senate File 2415 be temporarily deferred.

MOTION TO RECONSIDER WITHDRAWN

(House File 2546)

Cormack of Webster asked and received unanimous consent to withdraw the motion to reconsider House File 2546, a bill for an act relating to waste tires and tire-derived fuels, filed by him on April 14, 1998.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2546** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 1998, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 121, a concurrent resolution recognizing and honoring members of the Save the Backbone Lake Committee who participated in the restoration of Backbone Lake in Backbone State Park.

Also: That the Senate has on April 16, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2163, a bill for an act relating to the reopening of an administrative hearing pertaining to a license revocation for an operating while intoxicated offense, prohibiting a demand for proof of financial responsibility following the rescission of an administrative revocation, and providing an effective date.

Also: That the Senate has on April 16, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2365, a bill for an act relating to the imposition of the sales and use tax on building materials, supplies, and equipment sold and used in the construction of facilities of rural water districts.

Also: That the Senate has on April 17, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2416, a bill for an act relating to the replacement of property tax on property associated with electricity and natural gas with excise taxes associated with electricity and natural gas, establishing a statewide property tax on property associated with electricity and natural gas, providing for a special utility property tax levy or tax credit, providing for the Act's retroactive applicability, providing an effective date, and providing penalties.

MARY PAT GUNDERSON, Secretary

The House resumed consideration of **Senate File 2415**, a bill for an act relating to agricultural finance, providing an appropriation, and providing an effective date, previously deferred.

Meyer of Sac offered amendment H-9196 filed by the committee on appropriations as follows:

H-9196

1 Amend Senate File 2415, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 20, the
4 following:

5 "_. A need exists to support the production of
6 agricultural commodities and the processing and
7 marketing of agricultural products which are produced
8 by using biological techniques for the development of
9 specialized plant or animal characteristics for
10 beneficial nutritional, commercial, or industrial
11 purposes."

12 2. Page 1, by inserting after line 34, the
13 following:

14 "_. A need exists for additional sources of
15 financing for ventures designed to support the
16 production, processing, and marketing of high value
17 agricultural products using biological techniques
18 which create increasingly high value agricultural
19 products for consumers around the world."

20 3. Page 2, line 2, by striking the words
21 "agricultural producer-led" and inserting the
22 following: "Iowa agricultural industry".

23 4. Page 3, by striking lines 24 through 35 and
24 inserting the following:

25 "(2) A family farm entity if any of the following
26 individuals is actively engaged in agricultural
27 production:

28 (a) A shareholder and an officer, director, or

- 29 employee of a family farm corporation.
 30 (b) A member or manager of a family farm limited
 31 liability company.
 32 (c) A general partner of a family farm limited
 33 partnership.
 34 (d) A beneficiary of a family trust.
 35 (3) A networking farmers entity.”
 36 5. Page 4, by inserting after line 2, the
 37 following:
 38 “___ “Biotechnology enterprise” means an
 39 enterprise organized under the laws of this state
 40 using biological techniques for the development of
 41 specialized plant or animal characteristics for
 42 beneficial nutritional, commercial, or industrial
 43 purposes.”
 44 6. Page 4, by inserting after line 9 the
 45 following:
 46 “___ “Family farm entity” means a family farm
 47 corporation, family farm limited liability company,
 48 family farm limited partnership, or family trust as
 49 defined in section 9H.1.”
 50 7. Page 4, by striking lines 15 and 16, and

Page 2

- 1 inserting the following:
 2 “___ “Iowa agricultural industry venture” means
 3 an enterprise involving any of the following:
 4 a. Agricultural producers investing in a new”.
 5 8. Page 4, line 21, by striking the word “a.” and
 6 inserting the following: “(1)”.
 7 9. Page 4, line 24, by striking the word “b.” and
 8 inserting the following: “(2)”.
 9 10. Page 4, line 26, by striking the word “c.”
 10 and inserting the following: “(3)”.
 11 11. Page 4, line 28, by striking the word “d.”
 12 and inserting the following: “(4)”.
 13 12. Page 4, by inserting after line 30 the
 14 following:
 15 “b. An agricultural biotechnology enterprise
 16 located in this state, if the purpose of research and
 17 application of biological techniques conducted by the
 18 enterprise is to accomplish all of the following:
 19 (1) The creation and retention of wealth in this
 20 state.
 21 (2) Increasing the value of agricultural
 22 commodities.”
 23 13. Page 4, by inserting after line 34 the
 24 following:
 25 “___ “Networking farmers entity” means the same
 26 as defined in section 10.1, as enacted by 1998 Iowa
 27 Acts, House File 2335.”
 28 14. Page 5, line 3, by striking the words “as

29 defined in section 10.1".

30 15. Page 6, by inserting after line 6 the
31 following:

32 "___ It is the intent of the general assembly and
33 the purpose of this division that the state encourage
34 Iowa agricultural industry ventures which promote the
35 research and application of biological techniques for
36 the development of specialized plant or animal
37 characteristics for beneficial nutritional,
38 commercial, or industrial purposes."

39 16. Page 8, line 7, by inserting after the figure
40 "3." the following: "a."

41 17. Page 8, by striking lines 10 through 27 and
42 inserting the following: "shall be elected by the
43 members of an appointment committee. The members of
44 the appointment committee shall be appointed by the
45 economic development board. The initial board of
46 directors shall consist of seven members. The members
47 of the appointment committee shall include persons who
48 have an expertise in areas of banking, agricultural
49 lending, business development, agricultural production
50 and processing, seed and venture capital investment,

Page 3

1 and other areas of expertise as deemed appropriate by
2 the interim board of directors.

3 b. The members of the appointment committee shall
4 exercise due care to assure that persons appointed to
5 the initial board of directors have the requisite
6 financial experience necessary in order to carry out
7 the duties of the corporation as established in this
8 division, including in areas related to agricultural
9 lending, commercial banking, and investment
10 management.

11 c. Upon the election of the initial board of
12 directors, the terms of the members of the appointment
13 committee shall expire.

14 d. The department shall assist the incorporators
15 and the appointment committee in".

16 18. Page 10, line 13, by striking the words "may
17 loan all or part" and inserting the following: "shall
18 loan all".

19 19. Page 10, line 19, by inserting after the word
20 "desirable" the following: ", including any
21 restrictions on the subordination of the moneys
22 loaned".

23 20. Page 10, by inserting after line 28 the
24 following:

25 "___ The corporation shall not expend moneys
26 originating from the state, including moneys loaned
27 under this section, on political activity or on any
28 attempt to influence legislation."

- 29 21. Page 12, line 32, by inserting after the word
30 "corporation." the following: "If the eligible
31 recipient is an agricultural producer as provided in
32 section 15E.210, the agreement shall not be executed
33 unless the agricultural producer holds voting common
34 stock in the corporation equal to at least five
35 percent of the financing provided to the agricultural
36 producer pursuant to the agreement."
37 22. Page 13, by striking lines 11 and 12 and
38 inserting the following:
39 "___ . To the extent feasible and fiscally prudent,
40 the corporation must maintain a portfolio which is
41 diversified among the various types of agricultural
42 commodities and agribusiness.
43 ___ . Not more than seventy-five percent of moneys
44 originating from the state, including moneys loaned to
45 the corporation pursuant to this section, may be used
46 to finance any one Iowa agricultural industry
47 venture."
48 23. Page 13, by striking lines 26 through 33.
49 24. Page 14, line 28, by striking the words
50 "general fund of the state" and inserting the

Page 4

- 1 following: "road use tax fund created pursuant to
2 section 312.1".
3 25. Page 15, line 1, by striking the words "must
4 participate" and inserting the following:
5 "participating".
6 26. Page 15, by striking lines 11 and 12 and
7 inserting the following:
8 "b. An agricultural products processor which
9 participates as part of an Iowa".
10 27. By striking page 15, line 30, through page
11 16, line 1, and inserting the following: "produced in
12 this state. However, the corporation may provide
13 financing, if its board of directors determines that
14 adequate supplies of the commodity are not available
15 for processing as otherwise required in this
16 subparagraph subdivision."
17 28. Page 16, by inserting before line 2 the
18 following:
19 "___ . An agricultural biotechnology enterprise
20 which qualifies as an Iowa agricultural industry
21 venture as provided according to the terms of an
22 agreement executed by the agricultural biotechnology
23 enterprise and the corporation, if the board of
24 directors for the corporation determines that the
25 enterprise would advance the intent and purposes set
26 out in section 15E.203."
27 29. Page 16, by inserting after line 21 the
28 following:

29 "Sec. ____ Section 423.24, Code Supplement 1997,
30 is amended by inserting the following new unnumbered
31 paragraph before subsection 1:
32 NEW UNNUMBERED PARAGRAPH. Except as otherwise
33 provided in section 312.2, subsection 15, all revenues
34 derived from the use tax on motor vehicles, trailers,
35 and motor vehicle accessories and equipment as
36 collected pursuant to sections 423.7 and 423.7A shall
37 be deposited and credited to the road use tax fund and
38 shall be used exclusively for the construction
39 maintenance, and supervision of public highways.
40 Sec. ____ Section 423.24, subsection 1, unnumbered
41 paragraph 1, Code Supplement 1997, is amended to read
42 as follows:
43 Eighty percent of Notwithstanding any provision of
44 this section which provides that all revenues derived
45 from the use tax on motor vehicles, trailers, and
46 motor vehicle accessories and equipment as collected
47 pursuant to section 423.7 and section 423.7A shall be
48 deposited and credited to the road use tax fund,
49 eighty percent of the revenues shall be deposited and
50 credited as follows:"

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1 30. Page 17, by inserting after line 4 the
2 following:
3 "Sec. ____ Section 423.24, subsection 1, paragraph
4 c, Code Supplement 1997, is amended by striking the
5 paragraph.
6 Sec. ____ Section 423.24, subsection 2, Code
7 Supplement 1997, is amended to read as follows:
8 2. Twenty percent of Notwithstanding any other
9 provision of this section that provides that all
10 revenue derived from the use tax on motor vehicles,
11 trailers, and motor vehicle accessories and equipment
12 as collected pursuant to section 423.7 shall be
13 deposited and credited to the road use tax fund,
14 twenty percent of the revenues shall be credited and
15 deposited as follows: one-half to the road use tax
16 fund and one-half to the primary road fund to be used
17 for the commercial and industrial highway network,
18 except to the extent that the department directs that
19 moneys are deposited in the highway safety patrol fund
20 created in section 80.41 to fund the appropriations
21 made from the highway safety patrol fund in accordance
22 with the provisions of section 80.41. The department
23 shall determine the amount of moneys to be credited
24 under this subsection to the highway safety patrol
25 fund and shall deposit that amount into the highway
26 safety patrol fund.
27 Sec. ____ NEW SECTION. 423.24A REIMBURSEMENT FOR
28 THE PRIMARY ROAD FUND.

29 The department may credit to the primary road fund
 30 any amount of revenues derived from the use tax on
 31 motor vehicles, trailers, and motor vehicles
 32 accessories and equipment as collected pursuant to
 33 sections 423.7 and 423.7A to the extent necessary to
 34 reimburse that fund for the expenditures not otherwise
 35 eligible to be made from the primary road fund, which
 36 are made for repairing, improving, and maintaining
 37 bridges over the rivers bordering the state.
 38 Expenditures for those portions of bridges within
 39 adjacent states may be included when they are made
 40 pursuant to an agreement entered into under section
 41 313.63, 313A.34, or 314.10."

42 31. Page 17, by striking lines 18 through 23.

43 32. Page 17, by inserting before line 24 the
 44 following:

45 "Sec. ____ SEVERABILITY. If any provision of this
 46 Act or the application of this Act to any person or
 47 circumstance is held invalid, the invalidity shall not
 48 affect other provisions or applications of this Act
 49 which shall be given effect without the invalid
 50 provision or application, and to this end the

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1 provisions of this Act are severable."

2 33. By renumbering, relettering, or redesignating
 3 and correcting internal references as necessary.

Osterhaus of Jackson offered amendment H-9251, to the committee amendment H-9196, filed by him and requested division as follows:

H-9251

1 Amend the amendment, H-9196, to Senate File 2415,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

H-9251A

4 1. Page 1, by inserting after line 11, the
 5 following:
 6 "____. A need exists to support forests and the
 7 growth and maintenance of forests in this state,
 8 including the production of agricultural commodities
 9 which are forest products as provided in section
 10 15E.202."

H-9251B

11 2. Page 1, by inserting after line 19 the
 12 following:
 13 "____. A need exists for additional sources of

14 financing for ventures designed to support Iowa
15 forests and the growth and maintenance of these
16 forests.””

17 3. Page 2, by inserting after line 38, the
18 following:

19 “___ . It is the intent of the general assembly and
20 the purpose of this division that the state encourage
21 ventures which support Iowa forests and the growth and
22 maintenance of these forests.””

23 4. Page 4, by inserting after line 26, the
24 following:

25 “___ . An Iowa agricultural industry finance
26 corporation may provide financing to resource
27 conservation and development areas, as authorized
28 under the federal Food and Agriculture Act of 1962, 16
29 U.S.C. § 3451 et seq., and reauthorized under the
30 federal Food, Agriculture, Conservation, and Trade Act
31 of 1990, 16 U.S.C. § 3459 et seq.

32 a. Each loan made shall be for a period not to
33 exceed ten years, shall not bear interest, and shall
34 be repayable to the corporation.

35 b. Each loan shall be made on a condition that the
36 moneys be provided to landowners on a cost-share
37 basis. The award of moneys shall not exceed fifty
38 percent of the estimated cost of completing a forestry
39 project or fifty percent of the actual cost, whichever
40 is less.”

H-9251A

41 5. By renumbering and relettering as necessary.

Osterhaus of Jackson moved the adoption of amendment H-9251A,
to the committee amendment H-9196.

Amendment H-9251A was adopted.

Osterhaus of Jackson asked and received unanimous consent to
withdraw amendment H-9251B, to the committee amendment H-9196.

Churchill of Polk asked and received unanimous consent that
amendment H-9261, to the committee amendment H-9196, be deferred.

Churchill of Polk offered the following amendment H-9260, to the
committee amendment H-9196, filed by him, Dix of Butler and Garman
of Story from the floor and moved its adoption:

H-9260

1 Amend the amendment, H-9196, to Senate File 2415,
2 as amended, passed, and reprinted, by the Senate, as
3 follows:

4 1. By striking page 2, line 42, through page 3.
5 line 15, and inserting the following: "inserting the
6 following: "shall be appointed by an appointment
7 committee which shall be composed of all of the
8 following:

9 (1) The following persons who shall serve as
10 voting members, appointed by the governor:

11 (a) One person representing financial institutions
12 who is actively engaged in financial agricultural
13 businesses.

14 (b) One person representing agribusiness who is
15 actively engaged in agribusiness.

16 (c) One person representing agricultural
17 cooperative organizations who is a member of an
18 agricultural cooperative association as defined in
19 section 502.102.

20 (d) One person representing processors of
21 agricultural products who is actively engaged in
22 processing such products.

23 (e) One person representing marketers of
24 agricultural commodities or products who is actively
25 engaged in marketing agricultural commodities or
26 products.

27 (f) One person representing an organization
28 promoting producers of agricultural commodities
29 generally rather than a specific commodity, who is an
30 active member of such organization.

31 (g) Two persons representing organizations
32 promoting producers of specific commodities who are
33 members of the organizations.

34 (2) The following nonvoting, ex officio members:

35 (a) One person appointed by the governor
36 representing the governor's office

37 (b) Four members of the general assembly. The
38 members shall be two senators, appointed by the
39 president of the senate after consultation with the
40 majority leader of the senate and the minority leader
41 of the senate from their respective parties, and two
42 representatives appointed by the speaker of the house
43 after consultation with the majority leader of the
44 house of representatives and the minority leader of
45 the house of representatives from their respective
46 parties.

47 b. The members of the appointment committee shall
48 exercise due care to assure that persons appointed to
49 the initial board of directors have the requisite
50 financial experience necessary in order to carry out

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1 the duties of the corporation as established in this
2 division, including in areas related to agricultural
3 lending, commercial banking, and investment

4 management.

5 c. The members appointed to the appointment
6 committee shall be entitled to receive a per diem as
7 specified in section 7E.6 for each day spent in
8 performance of duties as members, and shall be
9 reimbursed for actual and necessary expenses incurred
10 in performance of duties as members of the appointment
11 committee.

12 d. Upon the election of the board of directors,
13 the terms of the members of the appointment committee
14 of directors shall expire.

15 4. The department shall assist the incorporators
16 and the appointment committee in.”

17 2. Page 5, by inserting after line 44, the
18 following:

19 “Sec. __. APPOINTMENTS. The appointments made by
20 the governor to the appointment committee as provided
21 in section 15E.206 shall be made as soon as
22 practicable after July 1, 1998.”

Amendment H-9260 lost.

Koenigs of Mitchell offered the following amendment H-9215, to the committee amendment H-9196, filed by him and Churchill of Polk and moved its adoption:

H-9215

1 Amend the amendment, H-9196, to Senate File 2415,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, line 43, by striking the word
5 “seventy-five” and inserting the following: “twenty”.

Amendment H-9215 lost.

Houser of Pottawattamie offered the following amendment H-9250, to the committee amendment H-9196, filed by him and moved its adoption:

H-9250

1 Amend the amendment, H-9196, to Senate File 2415,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 4, line 38, by striking the word
5 “construction” and inserting the following:
6 “construction.”

7 2. Page 5, line 29, by striking the word “The”
8 and inserting the following: “From moneys deposited
9 into the road use tax fund, the”.

Amendment H-9250 was adopted.

Churchill of Polk asked and received unanimous consent to withdraw amendment H-9261, to the committee amendment H-9196, filed by him from the floor.

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 2415 be temporarily deferred.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:08 p.m., until 12:45 p.m.

AFTERNOON SESSION

The House reconvened at 12:47 p.m., Speaker Corbett in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-three members present, forty-seven absent.

The House resumed consideration of Senate File 2415, previously deferred.

Weigel of Chickasaw offered the following amendment H-9273, to the committee amendment H-9196, filed by him and Vande Hoef of Osceola from the floor and moved its adoption:

H-9273

- 1 Amend the amendment H-9196, to Senate File 2415, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 11, by inserting after the word
- 5 "purposes." the following: "A need also exists to
- 6 support biomass energy sources."

Amendment H-9273 was adopted.

Meyer of Sac moved the adoption of the committee amendment H-9196, as amended.

The committee amendment H-9196, as amended, was adopted.

Sukup of Franklin offered the following amendment H-9274 filed by him from the floor and moved its adoption:

H-9274

- 1 Amend Senate File 2415, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by inserting after line 14 the

4 following:

- 5 "___ A director of the corporation's board of
- 6 directors shall not serve for more than seven
- 7 consecutive years as a board director."
- 8 2. By renumbering as necessary.

Amendment H-9274 was adopted.

Falck of Fayette offered the following amendment H-9270 filed by him and Houser of Pottawattamie from the floor and moved its adoption:

H-9270

- 1 Amend Senate File 2415, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 9, by inserting after line 7 the
- 4 following:
- 5 "In selecting projects to receive financing, it is
- 6 the intent of the general assembly that the
- 7 corporation seek projects with wage, benefit, and work
- 8 safety plans which improve the quality of employment,
- 9 in the state and which would not displace employees of
- 10 existing Iowa agricultural industry ventures."

Amendment H-9270 was adopted.

Churchill of Polk offered the following amendment H-9262 filed by him, Koenigs of Mitchell, Dix of Butler, Garman of Story, Nelson of Marshall, Huser of Polk, Taylor of Linn, Holmes of Scott and Brunkhorst of Bremer, from the floor and moved its adoption:

H-9262

- 1 Amend Senate file 2415, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, line 25, by striking the words
- 4 "twenty-five" and inserting the following: "twenty".
- 5 2. Page 10, line 26, by striking the word "four"
- 6 and inserting the following: "five".

Roll call was requested by Koenigs of Mitchell and Holveck of Polk.

On the question "Shall amendment H-9262 be adopted?" (S.F. 2415)

The ayes were, 47:

Bernau	Boddicker	Brunkhorst	Bukta
Burnett	Chiodo	Churchill	Connors
Dix	Doderer	Dotzler	Drake
Drees	Fallon	Foege	Ford
Frevert	Garman	Holmes	Holveck

Huser	Jenkins	Jochum	Kinzer
Koenigs	Larkin	Lord	Martin
Mascher	May	Moreland	Murphy
Myers	Nelson	Osterhaus	Rayhons
Reynolds-Knight	Richardson	Scherriman	Schrader
Shoultz	Taylor	Thomas	Warnstadt
Weigel	Whitead	Witt	

The nays were, 52:

Arnold	Barry	Bell	Blodgett
Bogess	Bradley	Brand	Brauns
Carroll	Cataldo	Cphoon	Cormack
Dinkla	Dolecheck	Eddie	Falck
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Houser	Huseman	Jacobs	Klemme
Kreiman	Kremer	Lamberti	Larson
Mertz	Metcalf	Meyer	Millage
Mundie	O'Brien	Rants	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Wise	Mr. Speaker Corbett

Absent or not voting, 1:

Chapman

Amendment H-9262 lost.

SPECIAL PRESENTATION

Veenstra of Sioux introduced to the House, Shane Scholten who then proposed marriage to Joy Veenstra, legislative clerk for the House and daughter of Representative Ken and Jan Veenstra.

The House rose and expressed its congratulations.

Dix of Butler asked and received unanimous consent to withdraw amendment H-9263 filed by him, Garman of Story, Nelson of Marshall, Huser of Polk, Taylor of Linn, and Brunkhorst of Bremer from the floor.

Holyeck of Polk offered amendment H-9275 filed by him from the floor as follows:

H-9275

- 1 Amend Senate File 2415, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, line 30, by striking the word

- 4 "either" and inserting the following: "any".
 5 2. Page 11, by inserting after line 23 the
 6 following:
 7 "___ A member of the economic development board,
 8 an employee of the department of economic development,
 9 an elected state official, or any director or other
 10 officer or an employee of the corporation."
 11 3. By relettering as necessary.

Houser of Pottawattamie rose on a point of order that amendment H-9275 was not germane.

The Speaker ruled the point not well taken and amendment H-9275 germane.

The House stood at ease at 1:48 p.m., until the fall of the gavel.

The House resumed session at 2:02 p.m, Speaker Corbett in the chair.

Holveck of Polk moved the adoption of amendment H-9275.

Roll call was requested by Schrader of Marion and Siegrist of Pottawattamie.

On the question "Shall amendment H-9275 be adopted?" (S.F. 2415)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chiodo
Churchill	Cohoon	Connors	Cormack
Dinkla	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman

Weigel
Witt

Welter
Mr. Speaker
Corbett

Whitead

Wise

The nays were, none.

Absent or not voting, 2:

Chapman

Van Fossen

Amendment H-9275 was adopted.

Chiodo of Polk asked and received unanimous consent that amendment H-9280 be deferred.

Weigel of Chickasaw offered the following amendment H-9264 filed by him from the floor and moved its adoption:

H-9264

- 1 Amend Senate File 2415, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by inserting after line 23 the
- 4 following:
- 5 "___ A corporation shall not provide financing to
- 6 support an agricultural products processor which has
- 7 closed or substantially reduced the operations of an
- 8 agricultural products processing facility in one area
- 9 of the state and relocated substantially the same
- 10 facility elsewhere in the state. However, this
- 11 subsection does not prohibit an agricultural products
- 12 processor from expanding a facility, if existing
- 13 operations of a facility of a similar nature in the
- 14 state are not closed or substantially reduced."
- 15 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 29, nays 42.

Amendment H-9264 lost.

Kreiman of Davis offered the following amendment H-9268 filed by him from the floor and moved its adoption:

H-9268

- 1 Amend Senate File 2415, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by inserting after line 23 the
- 4 following:
- 5 "___ A corporation shall not provide financing to
- 6 an eligible recipient to support an Iowa agricultural

7 industry venture, unless the board of directors for
8 the corporation determines that the eligible recipient
9 has a substantial equity position in the Iowa
10 agricultural industry venture."

Amendment H-9268 lost.

Churchill of Polk offered the following amendment H-9265 filed by him from the floor and moved its adoption:

H-9265

1 Amend Senate File 2415, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 12, by striking lines 25 through 28 and
4 inserting the following: "articles shall provide that
5 an audit of the corporation must be conducted each
6 year for the preceding year by a certified public
7 accountant licensed pursuant to chapter 542C. The
8 auditor of state may audit the books and accounts of
9 the corporation at any time. The results of the
10 annual audit and any audit for the current year
11 conducted by the auditor of state shall be included as
12 part of the report."

Amendment H-9265 was adopted.

Reynolds-Knight of Van Buren asked and received unanimous consent to withdraw amendment H-9221 filed by her on April 16, 1998.

Weigel of Chickasaw asked and received unanimous consent that amendment H-9242 be deferred.

Dotzler of Black Hawk asked and received unanimous consent to withdraw amendment H-9243 filed by him on April 16, 1998.

Taylor of Linn asked and received unanimous consent to withdraw amendments H-9244 and H-9245, filed by him on April 16, 1998.

Holveck of Polk offered the following amendment H-9249 filed by him and moved its adoption:

H-9249

1 Amend Senate File 2415, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 15, by inserting after line 20 the
4 following:
5 "() The agricultural products processor must
6 make a capital investment in the certified facility of
7 at least twice the amount of financing invested in the
8 certified facility by the corporation."

Amendment H-9249 lost.

Shoultz of Black Hawk offered the following amendment H-9272 filed by him from the floor and moved its adoption:

H-9272

- 1 Amend Senate File 2415, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 15, by inserting after line 20, the
- 4 following:
- 5 "() The agricultural products processor must
- 6 consult with the Iowa waste reduction center at the
- 7 university of northern Iowa to minimize the volume of
- 8 waste products produced by a certified facility."

Amendment H-9272 lost.

Koenigs of Mitchell offered the following amendment H-9241 filed by him and moved its adoption:

H-9241

- 1 Amend Senate File 2415, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 16, by inserting before line 2, the
- 4 following:
- 5 "() The corporation has evaluated the impact of
- 6 the construction, expansion, or acquisition of the
- 7 certified facility on other businesses in competition
- 8 with the facility. The corporation shall make a good
- 9 faith effort to identify those businesses within the
- 10 area in competition with the certified facility, and
- 11 the probability that the construction, expansion, or
- 12 acquisition of the certified facility will displace
- 13 employees of existing businesses."
- 14 2. By renumbering as necessary.

Amendment H-9241 lost.

Dix of Butler asked and received unanimous consent to withdraw amendment H-9253 filed by Dix, et al., on April 16, 1998.

Dix of Butler offered the following amendment H-9254 filed by Dix, et al., and moved its adoption:

H-9254

- 1 Amend Senate File 2415, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 16, by inserting after line 6, the
- 4 following:

5 "_. A corporation shall not provide financing to
6 an eligible person to support an Iowa agricultural
7 industry venture, unless the eligible person
8 demonstrates that the person cannot obtain a loan from
9 conventional sources of financing, after considering
10 the person's net worth, debt-to-asset ratio, debt
11 service coverage ratio, projected income, and
12 projected cash flow."

Amendment H-9254 lost.

Holveck of Polk offered the following amendment H-9240 filed by
Holveck, et al., and moved its adoption:

H-9240

1 Amend Senate File 2415, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 16, by inserting after line 9, the
4 following:
5 "_. A corporation shall take all reasonable steps
6 to ensure the safety and soundness of all financial
7 assistance provided to an eligible person under this
8 section, which shall include any necessary conditions
9 incorporated in the agreement executed by the eligible
10 person and the corporation. The conditions shall at
11 least include all of the following:
12 a. The eligible person must periodically deliver
13 to the corporation information updating the financial
14 status of the corporation, including an accounting of
15 financing provided to the eligible person by the
16 corporation.
17 b. The corporation reserves the right to change or
18 adjust the terms of financing, including a right to
19 demand immediate repayment of a loan, if the
20 corporation determines that the financial condition of
21 the eligible person has changed or deteriorated to the
22 point that a security interest held by the corporation
23 is jeopardized or that the repayment of a loan in
24 accordance with the terms of the agreement is in
25 jeopardy.
26 c. The corporation must demand the immediate
27 repayment of financing provided to the eligible person
28 by the corporation, if the eligible person is in
29 violation of any substantive provision of this
30 division or the agreement."

Amendment H-9240 lost.

Mascher of Johnson offered the following amendment H-9267 filed
by her from the floor and moved its adoption:

H-9267

- 1 Amend Senate File 2415, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 16, by inserting after line 9, the
- 4 following:
- 5 "_. A corporation shall not provide financing to
- 6 an agricultural products processor until all known
- 7 required environmental regulations, permits, and
- 8 audits are met."

Amendment H-9267 lost.

Holveck of Polk offered the following amendment H-9266 filed by him from the floor and moved its adoption:

H-9266

- 1 Amend Senate File 2415, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 16, line 20, by striking the word "may"
- 4 and inserting the word "shall".
- 5 2. Page 16, line 21, by inserting after the word
- 6 "division." the following: "The rules shall include a
- 7 provision prohibiting any person who receives
- 8 financial assistance from a corporation under this
- 9 division from receiving assistance from the community
- 10 economic betterment program account established under
- 11 section 15.320."

Amendment H-9266 lost.

Vande Hoef of Osceola asked and received unanimous consent to withdraw amendment H-9214 filed by Vande Hoef, et al., on April 16, 1998.

Kreiman of Davis asked and received unanimous consent that amendment H-9269 be deferred.

Holveck of Polk offered the following amendment H-9255 filed by him and moved its adoption:

H-9255

- 1 Amend Senate File 2415, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 17, by inserting before line 18, the
- 4 following:
- 5 "Sec. __. EFFECTIVENESS. The general assembly
- 6 recognizes that this Act places public moneys at risk,
- 7 by authorizing a private corporation to engage in
- 8 speculative ventures by using public funds, without

9 oversight customarily required for the appropriation
10 of state moneys to entities carrying out public
11 purposes. Therefore, this Act shall only become
12 effective if approved by a vote of at least three-
13 fifths of the members of both chambers of the general
14 assembly and signed by the governor.”
15 2. By renumbering as necessary.

Amendment H-9255 lost.

Huser of Polk offered amendment H-9281 filed by her, Chiodo of Polk and Fallon of Polk from the floor as follows:

H-9281

1 Amend Senate File 2415, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 10, line 30, by striking the word
4 “either” and inserting the following: “any”.
5 2. Page 11, by inserting after line 23 the
6 following:
7 “___ An agricultural products processor, if all
8 of the following apply:
9 (1) The financing supports the construction,
10 expansion, or acquisition of an agricultural products
11 processing facility for slaughtering live animals or
12 receiving, buying, or soliciting live animals for
13 slaughter, the meat products of which are directly or
14 indirectly to be offered for resale or for public
15 consumption.
16 (2) The agricultural products processing facility
17 is located within a city having a population of one
18 hundred seventy-five thousand or more.”
19 3. By relettering as necessary.

Veenstra of Sioux in the chair at 3:30 p.m.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 46, nays 49.

Amendment H-9281 lost.

Chiodo of Polk asked and received unanimous consent to withdraw amendment H-9280 filed by him and Huser of Polk from the floor.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-9242 filed by him on April 16, 1998.

Kreiman of Davis offered the following amendment H-9269 filed by him from the floor and moved its adoption:

H-9269

1 Amend Senate File 2415, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 16, by inserting after line 21 the
 4 following:
 5 "Sec. ____ NEW SECTION. 15E.213 REAUTHORIZATION.
 6 Any Iowa agricultural industry finance corporation
 7 formed under this division shall be dissolved as
 8 provided in chapter 490, division XIV, unless the
 9 general assembly reauthorizes the corporation during a
 10 session of a general assembly which convenes every
 11 five years beginning when the 2003 Session of the
 12 Eightieth General Assembly. If the general assembly
 13 fails to reauthorize a corporation, the corporation
 14 shall wind up the affairs of the corporation within
 15 six months of the adjournment of that session of the
 16 general assembly, as provided by rules adopted by the
 17 department. The corporation shall provide for the
 18 orderly liquidation of all assets, settle existing
 19 liabilities, and transfer unobligated moneys to the
 20 department for deposit into the road use tax fund.
 21 This section shall not interfere with existing
 22 contractual relationships executed by the corporation
 23 and other parties, including eligible persons under
 24 section 15E.210."

Amendment H-9269 lost.

Speaker pro tempore Van Maanen of Marion in the chair at 4:10 p.m.

Speaker Corbett in the chair at 4:40 p.m.

Houser of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2415)

The ayes were, 72:

Arnold	Barry	Bell	Blodgett
Bogess	Bradley	Brand	Brauns
Brunkhorst	Bukta	Carroll	Cataldo
Cohoon	Cormack	Dinkla	Dolecheck
Dotzler	Drake	Eddie	Falck
Frevert	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Huser	Jacobs	Jenkins	Kinzer
Klemme	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin

May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Nelson	O'Brien	Rants	Rayhons
Reynolds-Knight	Siegrist	Sukup	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Welter	Wise	Mr. Speaker Corbett

The nays were, 27:

Bernau	Boddicker	Burnett	Chiodo
Churchill	Connors	Dix	Doderer
Drees	Fallon	Foege	Ford
Garman	Holveck	Jochum	Koenigs
Mascher	Myers	Osterhaus	Richardson
Scherrman	Schrader	Shoultz	Taylor
Weigel	Whitead	Witt	

Absent or not voting, 1:

Chapman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2415** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 1998, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 110, a concurrent resolution affirming the efforts of the child welfare services work group established by the Legislative Council, requesting approval for continuance of the work group, and requesting that leadership of the General Assembly work with the Governor and Iowa's congressional delegation in developing a memorandum of understanding with the federal government.

Also: That the Senate has on April 17, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2530, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, franchise, sales, services, and use, motor fuel, cigarette and tobacco, local option, inheritance and estate, and property taxes and the livestock production credit; providing penalties; and including effective and retroactive applicability date provisions.

Also: That the Senate has on April 17, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2558, a bill for an act relating to mental health, developmental disability, and substance abuse service, commitment, and payment provisions, and including an applicability provision and an effective date.

Also: That the Senate has on April 17, 1998, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 118, a concurrent resolution requesting the Legislative Council to establish an interim study committee to review the issue of the deregulation and restructuring of the electric utility industry.

Also: That the Senate has on April 17, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2366, a bill for an act relating to the licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions.

MARY PAT GUNDERSON, Secretary

Unfinished Business Calendar

Senate File 2345, a bill for an act relating to juvenile justice system provisions involving foster care, termination of parental rights, and adoption preplacement investigations, with report of committee recommending passage, was taken up for consideration.

Boddicker of Cedar offered the following amendment H-9173 filed by him and moved its adoption:

H-9173

- 1 Amend Senate File 2345, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 9.
- 4 2. Page 2, line 12, by inserting after the word
- 5 "application." the following: "If the court does not
- 6 designate an appropriate person who performs the
- 7 required duties, notwithstanding section 234.39 or any
- 8 other provision of law, the child's parent shall not
- 9 be responsible for paying the cost of care and
- 10 services for the duration of the removal order."
- 11 3. Page 2, line 28, by striking the word
- 12 "therein" and inserting the following: "therein in
- 13 the home".
- 14 4. Page 4, by striking lines 23 and 24 and
- 15 inserting the following: "circumstances is indicated
- 16 by any of the following:"
- 17 5. By striking page 4, line 26, through page 5,

18 line 19, and inserting the following:

19 “_. The court finds the circumstances described
20 in section 232.116, subsection 1, paragraph “h”, are
21 applicable to the child.”

22 6. Page 5, line 22, by striking the words “a
23 preponderance of” and inserting the following: “clear
24 and convincing”.

25 7. Page 5, by striking lines 30 and 31 and
26 inserting the following:

27 “_. The parent has been convicted of aiding or
28 abetting, attempting, conspiring in, or soliciting the
29 commission of the murder or voluntary”.

30 8. Page 7, by striking lines 30 and 31 and
31 inserting the following:

32 “(2) A court has determined aggravated
33 circumstances exist and has waived the requirement for
34 making reasonable efforts under section 232.102
35 because the court has found the circumstances
36 described in section 232.116, subsection 1, paragraph
37 “h”, are applicable to the child.

38 (3) The child is less than twelve months of age
39 and has been judicially determined to meet the
40 definition of abandonment of a child.”

41 9. Page 7, by striking line 32 and inserting the
42 following:

43 “(4) The parent has been convicted of the murder”.

44 10. Page 7, by striking lines 34 and 35 and
45 inserting the following:

46 “(5) The parent has been convicted of aiding or
47 abetting, attempting, conspiring in, or soliciting the
48 commission”.

49 11. Page 8, by inserting after line 2 the
50 following:

Page 2

1 “(6) The parent has been convicted of a felony
2 assault which resulted in serious bodily injury of the
3 child or of another child of the parent.”

4 12. Page 8, by inserting after line 17 the
5 following:

6 “Sec. ____ Section 232.112, subsection 1, Code
7 1997, is amended to read as follows:

8 1. Persons listed in section 232.111, subsection
9 3, shall be necessary parties to a termination of
10 parent-child relationship proceeding and are entitled
11 to receive notice and an opportunity to be heard,
12 except that notice may be dispensed with in the case
13 of any such person whose name or whereabouts the court
14 determines is unknown and cannot be ascertained by
15 reasonably diligent search. In addition to the
16 persons who are necessary parties who may be parties
17 under section 232.111, notice for any hearing under

18 this division shall be provided to the child's foster
 19 parent, an individual providing preadoptive care for
 20 the child, or a relative providing care for the
 21 child."

22 13. Page 8, by striking lines 22 through 24 and
 23 inserting the following: "to the child's safety, to
 24 the best placement for furthering the long-term
 25 nurturing and growth of the child, and to the
 26 physical, mental, and emotional condition and needs of
 27 the child. Such This consideration may include any of
 28 the following:"

29 14. Page 10, by striking line 12 and inserting
 30 the following:

31 "(b) Child endangerment or neglect or abandonment
 32 of a dependent person."

33 15. Page 10, by striking line 35 and inserting
 34 the following:

35 "(b) Child endangerment or neglect or abandonment
 36 of a dependent person."

37 16. Page 11, by inserting after line 14 the
 38 following:

39 "Sec. ____ PRESERVATION OF REASONABLE PARENTING.

40 Nothing in this Act is intended to disrupt the family
 41 unnecessarily or to intrude inappropriately into
 42 family life, to prohibit the use of reasonable methods
 43 of parental discipline, or to prescribe a particular
 44 method of parenting."

45 17. By renumbering as necessary.

Amendment H-9173 was adopted.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-9209 filed by him on April 16, 1998.

Boddicker of Cedar offered amendment H-9259 filed by him and Fallon of Polk from the floor as follows:

H-9259

1 Amend Senate File 2345, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 1 the
 4 following:

5 "Sec. ____ Section 232.78, subsection 1, Code
 6 1997, is amended by adding the following new
 7 paragraph:

8 NEW PARAGRAPH. d. The application for the order
 9 includes a statement of the facts to support the
 10 findings specified in paragraphs "a", "b", and "c"."

11 2. Page 2, by inserting before line 2 the
 12 following:

13 "Sec. ____ Section 232.78, Code 1997, is amended
 14 by adding the following new subsection:

15 NEW SUBSECTION. 1A. The person making the
16 application for an order shall assert facts showing
17 there is reasonable cause to believe that the child
18 cannot either be returned to the place where the child
19 was residing or placed with the parent who does not
20 have physical care of the child."

21 3. Page 2, line 12, by inserting after the word
22 "application." the following: "The person designated
23 by the court shall file with the court a complete
24 written report providing all details of the designee's
25 conference with the person seeking the removal order,
26 the designee's efforts to inform the parents or other
27 person legally responsible for the child's care of the
28 application, and any inquiries made by the designee to
29 aid the court in disposing of the application."

30 4. Page 3, by inserting after line 10 the
31 following:

32 "Sec. ____ Section 232.99, Code 1997, is amended
33 by adding the following new subsection:

34 NEW SUBSECTION. 2A. In the initial dispositional
35 hearing, any hearing held under section 232.103, and
36 any dispositional review or permanency hearing, the
37 court shall inquire of the parties as to the
38 sufficiency of the services being provided and whether
39 additional services are needed to facilitate the safe
40 return of the child to the child's home. If the court
41 determines such services are needed, the court shall
42 order the services to be provided. The court shall
43 advise the parties that failure to identify a
44 deficiency in services or to request additional
45 services may preclude the party from challenging the
46 sufficiency of the services in a termination of
47 parent-child relationship proceeding.

48 Sec. ____ Section 232.102, subsection 1, paragraph
49 a, Code Supplement 1997, is amended to read as
50 follows:

Page 2

1 a. A parent who does not have physical care of the
2 child, other relative, or other suitable person."

3 5. Page 3, by striking line 17 and inserting the
4 following: "welfare of the child, and that shall
5 identify the reasonable efforts that have been".

6 6. Page 3, by inserting after line 19 the
7 following:

8 "Sec. ____ Section 232.102, subsection 7, Code
9 Supplement 1997, is amended to read as follows:

10 7. In any order transferring custody to the
11 department or an agency, or in orders pursuant to a
12 custody order, the court shall specify the nature and
13 category of disposition which will serve the best
14 interests of the child, and shall prescribe the means

15 by which the placement shall be monitored by the
16 court. If the court orders the transfer of the
17 custody of the child to the department of human
18 services or other agency for placement, the department
19 or agency shall submit a case permanency plan to the
20 court and shall make every reasonable effort to return
21 the child to the child's home as quickly as possible
22 consistent with the best interest of the child. When
23 the child is not returned to the child's home and if
24 the child has been previously placed in a licensed
25 foster care facility, the department or agency shall
26 consider placing the child in the same licensed foster
27 care facility. If the court orders the transfer of
28 custody to a parent who does not have physical care of
29 the child, other relative, or other suitable person,
30 the court may direct the department or other agency to
31 provide services to the child's parent, guardian, or
32 custodian in order to enable them to resume custody of
33 the child. If the court orders the transfer of
34 custody to the department of human services or to
35 another agency for placement in foster group care, the
36 department or agency shall make every reasonable
37 effort to place the child within Iowa, in the least
38 restrictive, most family-like, and most appropriate
39 setting available, and in close proximity to the
40 parents' home, consistent with the child's best
41 interests and special needs, and shall consider the
42 placement's proximity to the school in which the child
43 is enrolled at the time of placement."
44 7. Page 8, line 11, by inserting after the word
45 "child." the following: "A compelling reason shall
46 include but is not limited to documentation in the
47 child's case permanency plan indicating it is
48 reasonably likely the completion of the services being
49 received in accordance with the permanency plan will
50 eliminate the need for removal of the child or make it

Page 3

1 possible for the child to safely return to the
2 family's home within six months."
3 8. Page 8, by inserting before line 18 the
4 following:
5 "Sec. ____ Section 232.111, subsection 3, Code
6 1997, is amended by adding the following new paragraph
7 after paragraph d and renumbering the subsequent
8 paragraph:
9 NEW PARAGRAPH. e. A complete list of the services
10 which have been offered to preserve the family and a
11 statement specifying the services provided to address
12 the reasons stated in any order for removal or in any
13 dispositional or permanency order which did not return
14 the child to the child's home."

15 9. Page 8, by inserting before line 25 the
 16 following:
 17 "Sec. ____ Section 232.117, subsection 3,
 18 paragraph c, Code 1997, is amended to read as follows:
 19 c. A parent who does not have physical care of the
 20 child, other relative, or other suitable person."
 21 10. By renumbering, relettering, or redesignating
 22 and correcting internal references as necessary.

Kreiman of Davis offered the following amendment H-9283, to amendment H-9259, filed by him, Boddicker of Cedar, Brand of Tama and Murphy of Dubuque from the floor and moved its adoption:

H-9283

1 Amend the amendment, H-9259, to Senate File 2345,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 29, by inserting after the word
 5 "application," the following: "The report shall be
 6 filed within five days of the date of the removal
 7 order."

Amendment H-9283 was adopted.

Veenstra of Sioux in the chair at 6:01 p.m.

Boddicker of Cedar moved the adoption of amendment H-9259, as amended.

Amendment H-9259, as amended, was adopted.

Boddicker of Cedar offered amendment H-9204 filed by him and Fallon of Polk as follows:

H-9204

1 Amend Senate File 2345, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 9, by inserting after line 8 the
 4 following:
 5 "Sec. ____ Section 232.147, subsection 3, Code
 6 Supplement 1997, is amended by adding the following
 7 new paragraph:
 8 NEW PARAGRAPH. h. If authorized by a subject of a
 9 child abuse report as identified in section 235A.15,
 10 subsection 2, paragraph "a", or by the parent,
 11 guardian, or custodian of a child receiving services
 12 or involved in a proceeding under this chapter, to a
 13 statewide elected official, as defined in section
 14 68B.2, a member of the general assembly, or a designee
 15 of the statewide elected official or member of the

16 general assembly. The purpose of the disclosure shall
17 be for the elected official, member of the general
18 assembly, or designee to monitor compliance of state
19 agencies, officials, and employees with requirements
20 under law and the adequacy of the requirements. The
21 authorization under this paragraph shall encompass
22 information in the record which is subject to section
23 217.30 or 228.3 and relates to the person providing
24 the authorization or to a child of the person. The
25 penalties applicable to violations of section 217.30
26 or 228.3 are applicable to unauthorized disclosures of
27 information which are subject to section 217.30 or
28 228.3.

29 Sec. ____ Section 232.147, subsection 5, Code
30 Supplement 1997, is amended by adding the following
31 new unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. An individual authorized
33 under subsection 3, paragraph "h", to inspect official
34 juvenile court records, may inspect social records and
35 the contents of the records and the official juvenile
36 court records of cases alleging delinquency shall be
37 disclosed to such individual for the purposes
38 described in subsection 3, paragraph "h". The
39 authorization under this paragraph shall encompass
40 information in the record which is subject to section
41 217.30 or 228.3 and relates to the person providing
42 the authorization or to a child of the person. The
43 penalties applicable to violations of section 217.30
44 or 228.3 are applicable to unauthorized disclosures of
45 information which are subject to section 217.30 or
46 228.3."

47 2. Page 9, by inserting after line 23 the
48 following:

49 "Sec. ____ Section 235A.15, subsection 2,
50 paragraph d, Code Supplement 1997, is amended by

Page 2

1 adding the following new subparagraph:

2 NEW SUBPARAGRAPH. (6) If authorized by a subject
3 of a child abuse report as identified in paragraph
4 "a", to a statewide elected official as defined in
5 section 68B.2, a member of the general assembly, or a
6 designee of a statewide elected official or member of
7 the general assembly, to the maximum extent access to
8 the information is available to any other person
9 authorized under this lettered paragraph. The purpose
10 of the access shall be to monitor compliance of state
11 agencies, officials, and employees with requirements
12 under the law and the adequacy of the requirements.
13 The authorization under this subparagraph shall
14 encompass child abuse information which is subject to
15 section 217.30 or 228.3 and relates to the person

16 providing the authorization or to a child of the
 17 person. The penalties applicable to violations of
 18 section 217.30 or 228.3 are applicable to unauthorized
 19 disclosures of information which are subject to
 20 section 217.30 or 228.3.

21 Sec. ____ Section 235A.19, subsection 2, paragraph
 22 b, Code Supplement 1997, is amended by adding the
 23 following new subparagraph:

24 NEW SUBPARAGRAPH. (8) To a statewide elected
 25 official, a member of the general assembly, or a
 26 designee of a statewide elected official or member of
 27 the general assembly authorized under section 235A.15,
 28 subsection 2, paragraph "d". The authorization under
 29 this subparagraph shall encompass child abuse
 30 information which is subject to section 217.30 or
 31 228.3 and relates to the person providing the
 32 authorization or to a child of the person. The
 33 penalties applicable to violations of section 217.30
 34 or 228.3 are applicable to unauthorized disclosures of
 35 information which are subject to section 217.30 or
 36 228.3."

37 3. By renumbering as necessary.

Murphy of Dubuque rose on a point of order that amendment H-9204 was not germane.

The Speaker ruled the point well taken and amendment H-9204 not germane.

Boddicker of Cedar moved to suspend the rules to consider amendment H-9204.

A non-record roll call was requested.

The ayes were 30, nays 42.

The motion to suspend the rules lost.

Boddicker of Cedar offered the following amendment H-8867 filed by him and Moreland of Wapello and moved its adoption:

H-8867

1 Amend Senate File 2345, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 10, line 11, by striking the words

4 "physical assault, battery, or".

5 2. Page 10, line 15, by striking the words "child
 6 pornography" and inserting the following: "sexual
 7 exploitation of a minor".

8 3. Page 10, by striking lines 16 and 17 and
 9 inserting the following:

10 "(e) A forcible felony."

- 11 4. Page 10, line 34, by striking the words
 12 "physical assault, battery, or".
 13 5. Page 11, line 3, by striking the words "child
 14 pornography" and inserting the following: "sexual
 15 exploitation of a minor".
 16 6. Page 11, by striking lines 4 and 5 and
 17 inserting the following:
 18 "(e) A forcible felony."

Amendment H-8867 was adopted.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2345)

The ayes were, 88:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bradley	Brand
Brauns	Brunkhorst .	Bukta	Burnett
Carroll	Cataldo	Chiодо	Cohoon
Connors	Corbett, Spkr.	Cormack	Dinkla
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Thomas	Tyrrell	Van Fossen
Van Maanen	Weidman	Weigel	Welter
Whitead	Wise	Witt	Veenstra, Presiding

The nays were, none.

Absent or not voting, 12:

Bogges	Chapman	Churchill	Greig
Koenigs	Meyer	Millage	Rants
Teig	Thomson	Vande Hoef	Warnstadt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2345** be immediately messaged to the Senate.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on April 15, 1998, and is on file in the office of the Chief Clerk:

April 15, 1998

Chief Clerk
House of Representatives
Statehouse
LOCAL

Dear Chief Clerk:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House of Representatives.

These include 20 claims of general nature that were denied by the State Appeal Board during April 1998. This supplements our filing of March 31, 1998.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

Sincerely,

Michael Fitzgerald
Chairperson
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

ELIZABETH A. ISAACSON
Chief Clerk of the House

DENIED GENERAL CLAIMS BY THE STATE APPEAL BOARD
SUBMITTED TO THE 77TH GENERAL ASSEMBLY
April 1998

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G970035	Department of Human Services	LOCAL	IPERS-State Share	\$565.78
G931239	Barb K. Parcher	Carroll, IA	Court Reporter	\$79.00
G952389	Charles Sykes	Fort Smith, AR	Unused Sick Leave	\$2,000.00

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G971208	Toni Salazar Tassone	Des Moines, IA	IPERS	\$364.07
G971333	James C. & Ardith Harris	Sioux City, IA	Federal Pension Refund	Unknown
G971334	James C. & Ardith Harris	Sioux City, IA	Federal Pension Refund	Unknown
G971335	James C. & Ardith Harris	Sioux City, IA	Federal Pension Refund	Unknown
G971336	James C. & Ardith Harris	Sioux City, IA	Federal Pension Refund	Unknown
G980249	Wheels, Inc.	Des Plaines, IL	License Refund	\$183.00
G980256	Land O'Lakes, Inc.	Arden Hills, MN	License Refund	\$65.00
G980472	Larry Blaydes	Fort Calhoun, NE	License Refund	\$84.00
G980481	Mark Albert Erickson	Milbank, SD	License Refund	\$32.00
G980482	Mark Albert Erickson	Milbank, SD	License Refund	\$44.00
G980484	Robert Liverca	St. Cloud, MN	License Refund	\$158.00
G980487	Richard Eickholt	Columbus, NE	License Refund	\$195.00
G980494	Virginia W. Kennedy	Carlock, IL	License Refund	\$56.00
G980495	HMI	Chicago, IL	Chronic Renal Disease Program	\$23.84
G980507	Francis Vincent Guinan	Pharr, TX	License Refund	\$60.00
G980517	Stadtlander Pharmacy	Pittsburg, PA	Chronic Renal Disease Program	\$17.87
G980591	GTE Midwest Incorporated	Dallas, TX	Phone Costs	\$65.13

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday afternoon, April 16, 1998. Had I been present, I would have voted "aye" on House File 2545.

MUNDIE of Webster

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 17th day of April, 1998: House Files 2120 and 2282.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 17, 1998, he approved and transmitted to the Secretary of State the following bills:

House File 2169, an act raising the limit on the amount of assets subject to a conservatorship in cases where a private nonprofit corporation serves as conservator and providing for an increase in the amount of assets in a minor ward's conservatorship eligible for an order for termination of the conservatorship and for delivery of the conservatorship assets to certain custodians.

House File 2271, an act relating to obsolete and unnecessary provisions of the Code.

House File 2281, an act providing for the mandatory recording of certain residential real estate installment sales contracts, providing a penalty, and providing for the Act's applicability.

House File 2454, an act relating to motor vehicle operator proof of financial responsibility and providing an effective date and for retroactive applicability.

House File 2473, an act providing for mediation in disputes involving agricultural producers.

House File 2495, an act relating to the conduct of elections in the state.

Senate File 540, an act relating to the second injury compensation Act, by providing for payments to the second injury fund including the imposition of an employer surcharge and a sunset of the ability to impose an employer surcharge,

providing for the collection of payments to the second injury fund, and providing an effective date and applicability provision.

Senate File 2037, an act relating to the Iowa state fair convention by providing for its membership and the election of members to the Iowa state fair board.

Senate File 2235, an act concerning judicial administration and providing an effective date.

Senate File 2254, an act relating to charges for room and board by certain prisoners.

Senate File 2259, an act relating to search warrant applications.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty-five 5th grade students from North Cedar Elementary School, Mechanicsville, accompanied by Ruth Miller and Ann Pruess. By Boddicker of Cedar.

FFA students from Waverly Shell Rock High School, Shell Rock. By Brunkhorst of Bremer.

FFA students from Denver and Wapsie Valley Schools. By Brunkhorst of Bremer.

Twelve FFA students from Harlan Community School, Harlan, accompanied by Don Leinen. By Drake of Pottawattamie.

The confirmation class from First Methodist Church, Cedar Falls, accompanied by Reverend Keith Scott. By Jenkins of Black Hawk and Witt of Black Hawk.

Six FFA members from Riceville High School, Riceville, accompanied by Jim Green. By Koenigs of Mitchell and Weigel of Chickasaw.

Thirty-six 8th grade students from Alden Community Schools, Alden, accompanied by Ms. Christy Harris. By Sukup of Franklin.

Six visitors from various cities, part of the Commission of Iowa Deaf Services Program, accompanied by Joan Webster-Vore. By Witt of Black Hawk.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1998\484 Clyde and Irvel Oshel, Murray – For celebrating their 50th wedding anniversary.
- 1998\485 Marjorie and Richard Carson, Woodburn – For celebrating their 50th wedding anniversary.
- 1998\486 Eston and Ethel Curtis, Promise City – For celebrating their 60th wedding anniversary.
- 1998\487 Thomas and Lena Gatrel, Numa – For celebrating their 65th wedding anniversary.
- 1998\488 Jennifer Gries, Elk Horn – For being named to the Girls' Basketball Second Team All-State.
- 1998\489 Emily Kinser, Walnut – For being elected vice-president of the state FHA organization.
- 1998\490 Keith and Evelyn VanSickle, Newton – For celebrating their 50th wedding anniversary.
- 1998\491 Brianne Schoonover, Fredericksburg – For being named Class 1-A First Team All-State Basketball Team by the Iowa Newspaper Association and Des Moines Register.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2418, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, providing for the transfer of the information technology division, providing for the use of the network, establishing an information technology bureau, making miscellaneous related changes, and providing effective dates.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-9285 April 17, 1998.

RESOLUTION FILED

SCR 118, by Jensen, a concurrent resolution requesting the Legislative

Council to establish an interim study committee to review the issue of the deregulation and restructuring of the electric utility industry.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-9256	H.F.	2498	Brunkhorst of Bremer
H-9257	H.F.	2498	Van Maanen of Marion
H-9258	H.F.	2498	Martin of Scott Cataldo of Polk
H-9271	H.F.	2163	Senate Amendment
H-9276	H.F.	2498	Taylor of Linn
H-9277	H.F.	2498	Vande Hoef of Osceola
H-9278	H.F.	2498	Murphy of Dubuque
H-9279	H.F.	2498	Murphy of Dubuque
H-9282	H.F.	2530	Senate Amendment
H-9284	H.F.	2558	Senate Amendment
H-9285	S.F.	2418	Committee on Appropriations
H-9286	H.F.	2498	Kreiman of Davis
H-9287	H.F.	2560	Van Fossen of Scott Bell of Jasper
H-9288	H.F.	2498	Huser of Polk
H-9289	H.F.	2549	Jenkins of Black Hawk
H-9290	S.F.	2418	Jenkins of Black Hawk

On motion by Siegrist of Pottawattamie, the House adjourned at 6:45 p.m., until 9:00 a.m., Monday, April 20, 1998.

JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day - Sixty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 20, 1998

The House met pursuant to adjournment at 9:00 a.m., Speaker Corbett in the chair.

Prayer was offered by Father Mark Osterhaus, St Paul's Catholic Church, Worthington. He is the son of Representative Robert Osterhaus.

The Journal of Friday, April 17, 1998 was approved.

THE PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Corbett.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his arrival, by Shultz of Black Hawk; Dinkla of Guthrie, for the remainder of the week, by Siegrist of Pottawattamie.

CONSIDERATION OF BILLS

Unfinished Business Calendar

House File 2232, a bill for an act relating to rural improvement zones, with report of committee recommending amendment and passage, was taken up for consideration.

Huseman of Cherokee asked and received unanimous consent to withdraw the committee amendment H-8140 filed by the committee on local government on February 27, 1998.

Huseman of Cherokee offered the following amendment H-9183 filed by him and moved its adoption:

H-9183

- 1 Amend House File 2232 as follows:
- 2 1. Page 1, by striking lines 4 through 7 and
- 3 inserting the following:
- 4 "The board of supervisors of a county with less
- 5 than eleven thousand five hundred residents but more
- 6 than ten thousand five hundred residents, based upon
- 7 the 1990 certified federal census, and with a private
- 8 lake development, shall designate".
- 9 2. Page 1, line 14, by inserting after the word
- 10 "improvements" the following: "including soil
- 11 conservation practices."

Amendment H-9183 was adopted.

SENATE FILE 2284 SUBSTITUTED FOR HOUSE FILE 2232

Huseman of Cherokee asked and received unanimous consent to substitute Senate File 2284 for House File 2232.

Senate File 2284, a bill for an act relating to rural improvement zones, was taken up for consideration.

Huseman of Cherokee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2284)

The ayes were, 92:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Cohon	Connors	Cornack
Dix	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg .	Hahn	Hansen	Heaton
Holmes	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Teig	Thomas	Thomson
Tyrrell	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 8:

Churchill	Dinkla	Doderer	Holveck
Houser	Moreland	Taylor	Van Fossen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2284** be immediately messaged to the Senate.

Ways and Means Calendar

Senate File 2061, a bill for an act relating to a delay in implementing the inclusion of certain information on property tax statements by providing a deferral application process and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Dix of Butler offered amendment H-8801 filed by the committee on ways and means as follows:

H-8801

1 Amend Senate File 2061 as follows:

2 1. Page 1, by inserting before line 24, the
3 following:

4 "Sec. ____ Section 445.5, subsection 1, unnumbered
5 paragraph 1, Code Supplement 1997, is amended to read
6 as follows:

7 As soon as practicable after receiving the tax list
8 prescribed in chapter 443, the treasurer shall deliver
9 to the ~~taxpayer~~ titleholder a statement of taxes due
10 and payable which shall include the following
11 information:

12 Sec. ____ Section 445.5, subsection 1, unnumbered
13 paragraph 2, Code Supplement 1997, is amended by
14 striking the paragraph and inserting in lieu thereof
15 the following:

16 2. The county treasurer shall each year, upon
17 request and without charge, deliver to the following
18 persons or entities, or their duly authorized agents,
19 a copy of the tax statement or a list of statements by
20 parcel:

21 a. Contract purchaser.

22 b. Lessee.

23 c. Mortgagee.

24 d. Financial institution organized or chartered or
25 holding an authorization certificate pursuant to
26 chapter 524, 533, or 534.

27 e. Federally chartered financial institution.

28 3. A person other than those listed in subsection
29 2, who requests a tax statement or list of tax
30 statements by parcel, shall pay a fee to the treasurer
31 at a rate not to exceed two dollars per parcel."

32 2. Title page, line 1, by inserting after the
33 word "to" the following: "property tax statements and

34 to"

35 3. By renumbering as necessary.

Dix of Butler offered the following amendment H-9033, to the committee amendment H-8801, filed by him and moved its adoption:

H-9033

1 Amend the amendment, H-8801, to Senate File 2061,
2 as passed by the Senate, as follows:

3 1. Page 1, line 2, by striking the words
4 "inserting before line 24," and inserting the
5 following: "striking lines 10 through 23 and
6 inserting".

7 2. Page 1, line 17, by striking the words "and
8 without charge".

9 3. Page 1, by striking lines 19 and 20 and
10 inserting the following: "a copy of the tax statement
11 or tax statement information."

12 4. Page 1, by inserting after line 27 the
13 following:

14 "The treasurer may negotiate and charge a
15 reasonable fee not to exceed the cost of producing the
16 information for the requestor for a tax statement or
17 tax statement information provided by the treasurer."

18 5. Page 1, by striking lines 29 and 30 and
19 inserting the following: "2, who requests a tax
20 statement or tax statement information, shall pay a
21 fee to the treasurer".

Amendment H-9033 was adopted placing amendment H-9002 filed by Huser of Polk on April 8, 1998, and amendment H-9121 filed by Huser of Polk on April 13, 1998, out of order.

Dix of Butler moved the adoption of the committee amendment H-8801, as amended.

The committee amendment H-8801, as amended, was adopted.

Vande Hoef of Osceola offered the following amendment H-8165 filed by the committee on local government and moved its adoption:

H-8165

1 Amend Senate File 2061, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 26 and 27 and
4 inserting the following:

5 "For the fiscal years beginning July 1, 1998, and
6 July 1, 1999, a county may apply to the director of
7 the".

8 2. By striking page 1, line 35, through page 2.

9 line 2, and inserting the following: "or before
 10 January 1, 1999."
 11 3. Page 3, by striking lines 3 and 4 and
 12 inserting the following: "certify a tax to be
 13 levied."

The committee amendment H-8165 was adopted.

Huser of Polk offered the following amendment H-8348 filed by her and moved its adoption:

H-8348

1 Amend Senate File 2061, as passed by the Senate, as
 2 follows:
 3 1. Page 2, by striking lines 29 through 35 and
 4 inserting the following: "a percentage increase or
 5 decrease."

A non-record roll call was requested.

The ayes were 48, nays 34.

Amendment H-8348 was adopted.

Dix of Butler moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2061)

The ayes were, 85:

- | | | | |
|-----------------|------------|------------|------------|
| Barry | Bell | Bernau | Blodgett |
| Boddicker | Boggess | Bradley | Brand |
| Brauns | Brunkhorst | Bukta | Burnett |
| Carroll | Cataldo | Chapman | Chiodo |
| Cohoon | Connors | Cormack | Dix |
| Doderer | Dotzler | Drake | Eddie |
| Falck | Fallon | Foege | Ford |
| Frevert | Garman | Gipp | Greig |
| Greiner | Gries | Hahn | Hansen |
| Heaton | Holmes | Houser | Huseman |
| Huser | Jacobs | Jenkins | Jochum |
| Kinzer | Klemme | Koenigs | Kremer |
| Lamberti | Larkin | Larson | Lord |
| Martin | Mascher | May | Metcalf |
| Meyer | Millage | Mundie | Murphy |
| Myers | Nelson | Osterhaus | Rants |
| Reynolds-Knight | Richardson | Scherrman | Schrader |
| Shoultz | Sukup | Teig | Thomas |
| Thomson | Tyrrell | Van Maanen | Vande Hoef |
| Veenstra | Warnstadt | Weidman | Weigel |

Welter
Mr. Speaker
Corbett

Whitead

Wise

Witt

The nays were, 8:

Arnold
Mertz

Dolecheck
O'Brien

Drees
Rayhons

Kreiman
Siegrist

Absent or not voting, 7:

Churchill
Moreland

Dinkla
Taylor

Grundberg
Van Fossen

Holveck

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2532, a bill for an act relating to the maximum value of prizes awarded in raffles and certain games of skill and chance.

MARY PAT GUNDERSON, Secretary

HOUSE FILE 2232 WITHDRAWN

Huseman of Cherokee asked and received unanimous consent to withdraw House File 2232 from further consideration by the House.

SPECIAL PRESENTATION

Brauns of Muscatine presented to the House the former State Representative Leroy Corey from Muscatine County.

Ways and Means Calendar

Senate File 2413, a bill for an act relating to exemptions from and reductions in solid waste tonnage fees for certain persons, with report of committee recommending amendment and passage, was taken up for consideration.

Jenkins of Black Hawk offered the following amendment H-9233 filed by the committee on ways and means and moved its adoption:

H-9233

1 Amend Senate File 2413, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the

4 following:

5 "Section 1. Section 455B.304, subsection 15, Code
6 Supplement 1997, is amended to read as follows:

7 15. The commission shall adopt rules which require
8 all sanitary ~~landfills disposal projects~~ in which the
9 tonnage fee pursuant to section 455B.310 is imposed,
10 to install scales by ~~January 1, 1994~~ and utilize ~~these~~
11 scales to calculate payment of the tonnage fee."

12 2. Page 1, line 1, by striking the word and
13 figure "and 3" and inserting the following: "3, and
14 6".

15 3. Page 1, by striking lines 17 and 18 and
16 inserting the following: "and every year thereafter.
17 In the fiscal year beginning July 1, 1999, and every
18 year thereafter, any planning area which meets the
19 statewide average, as determined by the department on
20 July 1, 1999, shall retain, in addition to the twenty-
21 five cents retained pursuant to this subsection, ten
22 cents of the tonnage fee per ton of solid waste
23 regardless of whether the planning area subsequently
24 fails to meet the statewide average."

25 4. Page 2, line 12, by striking the words "and
26 compliance" and inserting the following: "and
27 ~~compliance~~".

28 5. Page 2, line 31, by inserting after the word
29 "be" the following: "deposited in the solid waste
30 account as established in section 455E.11, subsection
31 2, paragraph "a", to be".

32 6. Page 2, by inserting after line 33 the
33 following:

34 "6. A person required to pay fees by this section
35 who fails or refuses to pay the fees imposed by this
36 section or who fails or refuses to provide the return
37 required by this section shall be assessed a penalty
38 of two percent of the fee due for each month the fee
39 or return is overdue. The penalty shall be paid in
40 addition to the fee due."

41 7. Page 4, line 5, by inserting after the figure
42 "(1)." the following: "Except for fees required under
43 subsection 4, paragraph "a", a planning area failing
44 to meet the fifty percent goal is not required to
45 remit any additional tonnage fees to the department."

46 8. Title page, line 2, by inserting after the
47 word "persons" the following: "and the installation
48 and use of scales by sanitary disposal projects".

The committee amendment H-9233 was adopted.

Rants of Woodbury asked and received unanimous consent that
Senate File 2413 be temporarily deferred.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of House Resolution 107.

ADOPTION OF HOUSE RESOLUTION 107

Rants of Woodbury asked and received unanimous consent for the immediate consideration of House Resolution 107, a resolution honoring Representatives Charles Poncy, Delwyn Stromer, and Harold Van Maanen for their years of legislative service, and moved its adoption.

The motion prevailed and the resolution was adopted.

Ways and Means Calendar

House File 2560, a bill for an act relating to aircraft registration fees, was taken up for consideration.

The House stood at ease at 10:42 a.m., until the fall of the gavel.

The House resumed session at 12:05 p.m., Speaker Corbett in the chair.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:06 p.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:05 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-five members present, forty-five absent.

The House resumed consideration of **House File 2560**, a bill for an act relating to aircraft registration fees, previously deferred.

Van Fossen of Scott offered the following amendment H-9287 filed by him and Bell of Jasper and moved its adoption:

H-9287

- 1 Amend House File 2560 as follows:
- 2 1. Page 2, by inserting after line 3 the
- 3 following:
- 4 "Sec. ____ Section 422.45, Code Supplement 1997,

5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 38B. The gross receipts from the
7 sale or rental of tangible personal property
8 permanently affixed or attached as a component part of
9 the aircraft, including but not limited to repair or
10 replacement materials or parts; and the gross receipts
11 of all services used for aircraft repair, remodeling,
12 and maintenance services when such services are
13 performed on aircraft, aircraft engines, or aircraft
14 component materials or parts. For the purposes of
15 this exemption, "aircraft" means aircraft used in
16 nonscheduled interstate federal aviation
17 administration-certified air carrier operation
18 operating under 14 C.F.R. ch. 1, pt. 135.

19 Sec. ____ Section 422.45, Code Supplement 1997, is
20 amended by adding the following new subsection:

21 NEW SUBSECTION. 38C. The gross receipts from the
22 sale of aircraft to an aircraft dealer who in turn
23 rents or leases the aircraft if all of the following
24 apply:

25 a. The aircraft is kept in the inventory of the
26 dealer for sale at all times.

27 b. The dealer reserves the right to immediately
28 take the aircraft from the renter or lessee when a
29 buyer is found.

30 c. The renter or lessee is aware that the dealer
31 will immediately take the aircraft when a buyer is
32 found.

33 If an aircraft exempt under this subsection is used
34 for any purpose other than leasing or renting, or the
35 conditions in paragraphs "a", "b", and "c" are not
36 continuously met, the dealer claiming the exemption
37 under this subsection is liable for the tax that would
38 have been due except for this subsection. The tax
39 shall be computed upon the original purchase price."

40 2. Title page, line 1, by inserting after the
41 word "fees" the following: "and sales tax
42 exemptions".

Amendment H-9287 was adopted.

RULE 32 SUSPENDED

Doderer of Johnson rose on a point of order and invoked Rule 32 to refer House File 2560 to the committee on appropriations.

The Speaker ruled the point well taken.

Siegrist of Pottawattamie moved to suspend Rule 32 to consider House File 2560.

A non-record roll call was requested.

The ayes were 51, nays 36.

The motion to suspend the rules prevailed.

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 2560 be temporarily deferred.

Appropriations Calendar

Senate File 2418, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, providing for the transfer of the information technology division, providing for the use of the network, establishing an information technology bureau, making miscellaneous related changes, and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

Jacobs of Polk offered amendment H-9285 filed by the committee on appropriations as follows:

H-9285

1 Amend Senate File 2418, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 26 the
4 following:

5 "Sec. ____ LEGISLATIVE COUNCIL. There is
6 appropriated from the general fund of the state to the
7 legislative council for use by the legislative
8 oversight committee for the fiscal year beginning July
9 1, 1998, and ending June 30, 1999, the following
10 amount, or so much thereof as is necessary, to be used
11 for the purpose designated:

12 \$ 75,000

13 The legislative oversight committee shall use funds
14 appropriated in this section to retain a consultant to
15 study and review potential options related to the
16 disposition of the Iowa communications network, and
17 potential options related to a change in the
18 management structure of the network, including but not
19 limited to, the privatization of all or a portion of
20 the management functions of the network. For purposes
21 of this study, the consultant shall assume that such
22 disposition or change in management structure shall
23 not occur until such time as the build-out of Part III
24 is complete. The consultant shall provide a written
25 final report to the general assembly no later than
26 January 11, 1999. The co-chairpersons of the
27 committee are authorized to appoint an advisory

28 committee composed of members as deemed appropriate by
29 the co-chairpersons to assist the consultant as
30 appropriate.”

31 2. Page 5, by striking lines 5 through 24.

32 3. Page 6, by striking lines 10 through 17.

33 4. Page 7, by inserting after line 26 the
34 following:

35 “___ To the department of revenue and finance for
36 telefiling of tax returns:

37 \$ 150,000”

38 5. Page 7, by inserting after line 32 the
39 following:

40 “The commission, prior to obligating any funds
41 under this paragraph, shall submit the proposed
42 expenditure to the legislative oversight committee of
43 the legislative council for review and approval. The
44 commission, in submitting such proposal, shall also
45 make a recommendation as to whether such replacement
46 optical components should be purchased, leased, or
47 procured in some other manner, in an effort to
48 minimize the cost to the state.”

49 6. By striking page 7, line 33, through page 8,
50 line 3.

Page 2

1 7. Page 8, by striking lines 18 through 20.

2 8. Page 8, by striking lines 30 through 32.

3 9. Page 9, by striking lines 22 through 31.

4 10. By striking page 10, line 16, through page 12,
5 line 32 and inserting the following:

6 “Sec. ___ NEW SECTION. 18.181 IOWACCESS
7 ADVISORY COUNCIL.

8 1. An IowAccess advisory council is created within
9 the division of information technology services of the
10 department. At a minimum, the advisory council shall
11 be composed of all of the following:

12 a. A person appointed by the legislative council,
13 who may be a member or a staff member of the general
14 assembly, designated to represent the general
15 assembly.

16 b. The chief justice of the supreme court or the
17 chief justice’s designee to represent the judicial
18 branch.

19 c. The director of the department of management or
20 the director’s designee.

21 d. The auditor of state or the auditor’s designee.

22 e. Six individuals appointed by the director of
23 the division of information technology services who
24 shall include all of the following:

25 (1) One person representing financial institutions
26 who shall be actively engaged in finance and banking.

27 (2) One person representing insurers who shall be

28 actively engaged in the insurance industry.
29 (3) One person representing attorneys who shall be
30 actively engaged in the profession of law.
31 (4) One person representing media interests.
32 (5) One person representing cities who shall be
33 actively engaged in the administration of a city.
34 (6) One person representing counties who shall be
35 actively engaged in the administration of a county.
36 f. Other heads of agencies or elected officials or
37 their designees as well as other representatives of
38 the public, business, and industry as determined by
39 the director of the division of information technology
40 services.
41 2. Persons appointed by the director of the
42 division of information technology services shall be
43 selected from a list of candidates nominated by
44 interested organizations consulted by the director.
45 3. Appointed members shall serve three-year terms
46 beginning and ending as provided in section 69.19. An
47 appointed member is eligible for reappointment to one
48 additional three-year term. A vacancy on the board
49 shall be filled for the unexpired portion of the
50 regular term in the same manner as regular

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1 appointments are made.
2 4. The advisory council shall meet not less than
3 four times annually, and may meet more frequently at
4 the call of the chairperson or upon written request of
5 six or more members to the chairperson. The
6 chairperson shall call a meeting of the council at
7 least once every three months. The advisory council
8 shall annually select a chairperson from among its
9 members.
10 Sec. ____ NEW SECTION. 18.182 POWERS AND DUTIES
11 OF THE IOWACCESS ADVISORY COUNCIL.
12 The director of the division of information
13 technology services shall seek the advice of the
14 advisory council regarding all of the following:
15 1. Developing a process for reviewing and
16 establishing priorities for implementation of
17 electronic access to government records.
18 2. Establishing priorities for implementing
19 electronic access to government records.
20 3. Establishing priorities for implementing
21 electronic transactions involving government agencies
22 and members of the public.
23 4. Budgeting, funding, and operating expenses
24 related to developing, implementing, and maintaining
25 electronic access to government records.
26 5. Reviewing, inspecting, and evaluating the
27 technology and financial audits as required in section

28 18.185, for the purpose of recommending program
29 improvements, efficiencies, and priorities to the
30 division of information technology services.

31 6. Reviewing the basis of all charges and fees to
32 the public for accessing government records
33 electronically to ensure that the charges do not
34 exceed the reasonable cost of providing a public
35 record as provided in section 22.3A.

36 7. Reviewing requests for proposals, proposals,
37 and contracts which involve the management and
38 operation of the IowAccess network by a private
39 entity.

40 8. Monitoring privacy and confidentiality of
41 public records which are accessed electronically.

42 Sec. ____ NEW SECTION. 18.183 POWERS AND
43 RESPONSIBILITIES VESTED IN INDIVIDUAL GOVERNMENT
44 AGENCIES.

45 1. The government agency that is the lawful
46 custodian of a public record shall be responsible for
47 determining whether a record is required by state
48 statute to be confidential. The transmission of a
49 record by a government agency by use of electronic
50 means established, maintained, or managed by the

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1 division of information technology services shall not
2 constitute a transfer of the legal custody of the
3 record from the individual government agency to the
4 division of information technology services or to any
5 other person or entity.

6 2. The division of information technology services
7 shall not have authority to determine whether an
8 individual government agency should automate records
9 of which the individual government agency is the
10 lawful custodian. However, the division may encourage
11 governmental agencies to implement electronic access
12 to government records as provided in section 18.182.

13 3. A government agency shall not limit access to a
14 record by requiring a citizen to receive the record
15 electronically as the only means of providing the
16 record. A person shall have the right to examine and
17 copy a printed form of a public record as provided in
18 section 22.2, unless the public record is
19 confidential.

20 4. A person who contracts with a government agency
21 to provide access or disseminate public records by
22 electronic or other means shall pay the same fee which
23 would be charged to the public under chapter 22 for
24 any public record that is in any manner utilized by
25 the person in a venture that is not part of the
26 contract with the government agency.

27 Sec. ____ NEW SECTION. 18.184 FINANCIAL

28 TRANSACTIONS.

- 29 1. The division of information technology services
30 shall collect moneys paid to participating
31 governmental entities from persons who complete an
32 electronic financial transaction with the governmental
33 entity by accessing the lowAccess network. The moneys
34 may include all of the following:
- 35 a. Fees required to obtain an electronic public
36 record as provided in section 22.3A.
- 37 b. Fees required to process an application or file
38 a document, including but not limited to fees required
39 to obtain a license issued by a licensing authority.
- 40 c. Moneys owed to a governmental entity by a
41 person accessing the lowAccess network in order to
42 satisfy a liability arising from the operation of law,
43 including the payment of assessments, taxes, fines,
44 and civil penalties.
- 45 2. Moneys transferred using the lowAccess network
46 may include amounts owed by a governmental entity to a
47 person accessing the lowAccess network in order to
48 satisfy a liability of the governmental entity. The
49 moneys may include the payment of tax refunds, and the
50 disbursement of support payments as defined in section

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- 1 252D.16 or 598.1 as required for orders issued
2 pursuant to section 252B.14.
- 3 3. The division of information technology services
4 shall serve as the agent of the governmental entity in
5 collecting moneys for receipt by governmental
6 entities. The moneys shall be transferred to
7 governmental entities directly or to the treasurer of
8 state for disbursement to governmental entities as
9 required by the treasurer of state in cooperation with
10 the auditor of state.
- 11 4. In addition to other forms of payment, credit
12 cards shall be accepted in payment for moneys owed to
13 a governmental entity as provided in this section,
14 according to rules which shall be adopted by the
15 treasurer of state. The fees to be charged shall not
16 exceed those permitted by statute. A governmental
17 entity may adjust its fees to reflect the cost of
18 processing as determined by the treasurer of state.
19 The discount charged by the credit card issuer may be
20 included in determining the fees to be paid for
21 completing a financial transaction under this section
22 by using a credit card.
- 23 Sec. **NEW SECTION.** 18.185 AUDITS REQUIRED.
24 A technology audit of the electronic transmission
25 system by which government records are transmitted
26 electronically to the public shall be conducted not
27 less than once annually for the purpose of determining

28 that government records and other electronic data are
29 not misappropriated or misused by the division of
30 information technology services or a contractor of the
31 division. A financial audit shall be conducted not
32 less than once annually to determine the financial
33 condition of the division of information technology
34 services and to make other relevant inquiries.

35 Sec. ____ NEW SECTION. 18.186 CREDIT CARDS
36 ACCEPTED.

37 In addition to other forms of payment, credit cards
38 may be accepted in payment for any fees, including but
39 not limited to interest, penalties, subscriptions,
40 registrations, purchases, applications, licenses,
41 permits, or other filings transmitted or transactions
42 conducted electronically. The fees to be charged
43 shall not exceed those permitted by statute, except
44 that the discount charged by the credit card issuer
45 may be included in determining the fee to be charged
46 for records transmitted or transactions conducted
47 electronically.

48 Sec. ____ Section 22.2, subsection 1, Code 1997,
49 is amended to read as follows:

50 1. Every person shall have the right to examine

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1 and copy a public records record and to publish or
2 otherwise disseminate a public records record or the
3 information contained therein in a public record.
4 Unless otherwise provided for by law, the right to
5 examine a public record shall include the right to
6 examine a public record without charge while the
7 public record is in the physical possession of the
8 custodian of the public record. The right to copy a
9 public records record shall include the right to make
10 photographs or photographic copies while the records
11 are public record is in the possession of the
12 custodian of the records public record. All rights
13 under this section are in addition to the right to
14 obtain a certified copies copy of records a public
15 record under section 622.46.

16 Sec. ____ Section 22.3A, subsection 2, paragraph
17 a, Code 1997, is amended to read as follows:

18 a. If access to the data processing software is
19 provided to a person solely for the purpose of
20 accessing a public record, the amount shall be not
21 more than that required to recover direct publication
22 costs, including but not limited to editing,
23 compilation, and media production costs, incurred by
24 the government body in developing the data processing
25 software, and preparing the data processing software
26 for transfer to the person. The amount shall be in
27 addition to any other fee required to be paid under

28 this chapter for the examination and copying of a
29 public record. If a person requests the reproduction
30 of a public record stored in an electronic format that
31 does not require formatting, editing, or compiling to
32 reproduce the public record, the charge for providing
33 the reproduced public record shall not exceed the
34 reasonable cost of reproducing and transmitting that
35 public record. The government body shall, if
36 requested, provide documentation which explains and
37 justifies the amount charged. This paragraph shall
38 not apply to any publication for which a price has
39 been established pursuant to another section,
40 including section 7A.22.

41 Sec. ____ NEW SECTION. 321A.3A FUNDING.
42 Notwithstanding section 321A.3 subsection 1, for
43 the fiscal year beginning July 1, 1998, in an amount
44 not to exceed four hundred thousand dollars, and for
45 each subsequent fiscal year, up to one dollar of each
46 five dollar transaction shall be transferred to the
47 division of information technology services of the
48 department of general services for the purposes of
49 developing, implementing, maintaining, and expanding
50 electronic access to government records in accordance

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1 with the requirements as set forth in chapter 18,
2 division VII.
3 Notwithstanding section 8.33, unobligated and
4 unencumbered funds remaining at the end of a fiscal
5 year shall not revert to the general fund of the
6 state, but rather shall remain to be used in
7 subsequent fiscal years for the purposes authorized in
8 chapter 18, division VII.

9 Sec. ____ IOWACCESS INTENT. It is the intent of
10 the general assembly that the lowAccess advisory
11 council, established in this Act, review the
12 performance of a vendor acting as a network manager at
13 intervals not to exceed five years.

14 Sec. ____ IOWACCESS CODIFICATION. The Code editor
15 shall codify the amendments to chapter 18 in this Act
16 as division VII of chapter 18."

17 11. Page 15, by striking lines 15 through 25.

18 12. Title page, line 6, by inserting after the
19 word "technology," the following:
20 "establishing the lowAccess system,".

21 13. Title page, lines 6 and 7, by striking the
22 words "providing for the transfer of the information
23 technology division,".

24 14. Title page, lines 8 and 9, by striking the
25 words "establishing an information technology
26 bureau,".

- 27 15. By renumbering, relettering, or redesignating
28 and correcting internal references as necessary.

Falck of Fayette offered the following amendment H-9302, to the committee amendment H-9285, filed by him from the floor and moved its adoption:

H-9302

- 1 Amend the Committee amendment, H-9285, to Senate
- 2 File 2418, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 1, by striking lines 38 through 48.

Amendment H-9302 lost.

Jenkins of Black Hawk offered the following amendment H-9290, to the committee amendment H-9285, filed by him and moved its adoption:

H-9290

- 1 Amend the Committee amendment, H-9285, to Senate
- 2 File 2418, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 2, line 22, by striking the word "Six"
- 5 and inserting the following: "Seven".
- 6 2. Page 2, by inserting after line 35 the
- 7 following:
- 8 "(7) One person with technical expertise who shall
- 9 provide guidance and advice on the status of
- 10 technology and anticipated technological
- 11 developments."

Amendment H-9290 was adopted.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-9312, to the committee amendment H-9285, filed by him from the floor.

Taylor of Linn offered the following amendment H-9306, to the committee amendment H-9285, filed by him and Shoultz of Black Hawk from the floor and moved its adoption:

H-9306

- 1 Amend the Committee amendment, H-9285, to Senate
- 2 File 2418, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 2, by inserting after line 3 the
- 5 following:
- 6 " Page 10, by striking lines 16 through 28."

- 7 2. Page 2, by striking line 4 and inserting the
8 following:
9 “_” by striking page 11, line 1, through page
10 12,”.
11 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 41, nays 48.

Amendment H-9306 lost.

Shoultz of Black Hawk offered the following amendment H-9310, to the committee amendment H-9285, filed by him from the floor and moved its adoption:

H-9310

- 1 Amend the Committee amendment, H-9285, to Senate
2 File 2418, as amended, passed, and reprinted by the
3 Senate, as follows:
4 1. Page 1, line 13, by striking the word “shall”
5 and inserting the following: “may”.

Amendment H-9310 lost.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-9313, to the committee amendment H-9285, filed by him from the floor.

Shoultz of Black Hawk offered the following amendment H-9315, to the committee amendment H-9285, filed by him from the floor and moved its adoption:

H-9315

- 1 Amend the Committee amendment, H-9285, to Senate
2 File 2418, as amended, passed, and reprinted by the
3 Senate, as follows:
4 1. Page 2, by striking line 4 and inserting the
5 following:
6 “_” By striking page 10, line 29, through page
7 12,”.
8 2. By renumbering as necessary.

Amendment H-9315 lost.

Shoultz of Black Hawk offered the following amendment H-9314, to the committee amendment H-9285, filed by him from the floor and moved its adoption:

H-9314

- 1 Amend the Committee amendment, H-9285, to Senate
- 2 File 2418, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 7, by striking line 17.

Amendment H-9314 was adopted.

Division of the committee amendment H-9285, as amended, was requested as follows:

Division A – Page 1, lines 3-50; Page 2, lines 1-3; Page 7, line 17; Page 7, lines 20-28.

Division B – Page 2, lines 4-50; Page 3, 4, 5 and 6; Page 7, lines 1-16; Page 7, lines 18-19.

Jacobs of Polk moved the adoption of the committee amendment H-9285A, as amended.

The committee amendment H-9285A, as amended, was adopted.

Taylor of Linn rose on a point of order that the committee amendment H-9285B was not germane.

The Speaker ruled the point well taken and the committee amendment H-9285B not germane.

Jacobs of Polk moved to suspend the rules to consider the committee amendment H-9285B, as amended.

A non-record roll call was requested.

The ayes were 52, nays 44.

The motion to suspend the rules prevailed.

Jacobs of Polk moved the adoption of the committee amendment H-9285B, as amended.

The committee amendment H-9285B, as amended, was adopted.

Shultz of Black Hawk offered the following amendment H-9316 filed by him from the floor and moved its adoption:

H-9316

- 1 Amend Senate File 2418, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 17 the
- 4 following:
- 5 "The department of management, in consultation with

6 the commission and other appropriate and necessary
 7 state agencies and departments, shall initiate a study
 8 of the bonded indebtedness associated with the Iowa
 9 communications network, and the bonded indebtedness
 10 associated with other state agencies and departments.
 11 The study shall include an analysis of the total
 12 amount of bonded indebtedness, the structure of such
 13 bonded indebtedness, and recommendations on whether
 14 such bonded indebtedness can be restructured in a
 15 manner which will reduce the costs associated with
 16 such indebtedness to the state and the taxpayers of
 17 this state. The department of management shall
 18 provide a written report to the commission or other
 19 appropriate state agency or department concerning the
 20 findings of the department with respect to the bonded
 21 indebtedness associated with the commission or other
 22 state agency or department."

Amendment H-9316 lost.

Shultz of Black Hawk offered the following amendment H-9308
 filed by him from the floor and moved its adoption:

H-9308

- 1 Amend Senate File 2418, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 29, by striking the figure
- 4 "3,735,000" and inserting the following: "8,419,728".

Amendment H-9308 lost.

Shultz of Black Hawk offered the following amendment H-9309
 filed by him from the floor and moved its adoption:

H-9309

- 1 Amend Senate File 2418, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 34, by striking the figure
- 4 "2,312,853" and inserting the following: "3,227,094".

Amendment H-9309 lost.

Shultz of Black Hawk asked and received unanimous consent to
 withdraw amendment H-9311 filed by him from the floor.

Falck of Fayette asked and received unanimous consent that amend-
 ment H-9303 be deferred.

Jacobs of Polk offered the following amendment H-9307 filed by
 her from the floor and moved its adoption:

H-9307

- 1 Amend Senate File 2418, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by inserting after line 26 the
- 4 following:
- 5 " ____ To the department of human rights for the
- 6 division of criminal and juvenile justice for a
- 7 justice data analysis/warehouse project:
- 8 \$ 175,000"
- 9 2. Page 8, by striking lines 7 through 10.
- 10 3. By renumbering as necessary.

Amendment H-9307 lost.

Falck of Fayette offered the following amendment H-9252 filed by him and moved its adoption:

H-9252

- 1 Amend Senate File 2418, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, line 29, by inserting after the word
- 4 "for" the following: "asynchronous transfer mode
- 5 (ATM) upgrade and".

A non-record roll call was requested.

The ayes were 35, nays 49.

Amendment H-9252 lost.

Jacobs of Polk offered amendment H-9317 filed by her from the floor as follows:

H-9317

- 1 Amend Senate File 2418, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 12, by inserting after line 32 the
- 4 following:
- 5 "Sec. ____ Section 321.491, unnumbered paragraph
- 6 2, as amended by 1998 Iowa Acts, House File 2514,
- 7 section 9, if enacted, is amended to read as follows:
- 8 Within ten days after the conviction or forfeiture
- 9 of bail of a person upon a charge of violating any
- 10 provision of this chapter or other law regulating the
- 11 operation of vehicles on highways every magistrate of
- 12 the court or clerk of the district court of record in
- 13 which the conviction occurred or bail was forfeited
- 14 shall prepare and immediately forward to the
- 15 department an abstract of the record of the case. The
- 16 abstract must be certified by the person preparing it

17 to be true and correct. The clerk of the district
 18 court shall collect a fee of fifty cents for each
 19 individual copy of any record of conviction or
 20 forfeiture of bail furnished to any requestor at the
 21 clerk's office except for the department or other
 22 local, state, or federal government entity. Moneys
 23 collected under this section shall be transferred to
 24 the department as a repayment receipt, as defined in
 25 section 8.2, to enhance the efficiency of the
 26 department to process records and information between
 27 the department and the Iowa court information system.
 28 ~~Notwithstanding any other provision in this section or~~
 29 ~~chapter 22, the judicial department shall be the~~
 30 ~~provider of public electronic access to the clerk's~~
 31 ~~records of convictions and forfeitures of bail through~~
 32 ~~the Iowa court information system and shall, if all~~
 33 ~~such records are provided monthly to a vendor, the~~
 34 ~~judicial department shall collect a fee from such~~
 35 ~~vendor which is the greater of three thousand dollars~~
 36 ~~per month or the actual direct cost of providing the~~
 37 ~~records."~~
 38 2. By renumbering as necessary.

Taylor of Linn rose on a point of order that amendment H-9317 was not germane.

The Speaker ruled the point well taken and amendment H-9317 not germane.

Brunkhorst of Bremer asked and received unanimous consent to withdraw amendment H-9295 filed by him and Drees of Carroll from the floor.

Brunkhorst of Bremer offered the following amendment H-9318 filed by him, Jacobs of Polk, Grundberg of Polk and Dix of Butler from the floor and moved its adoption:

H-9318

1 Amend Senate File 2418, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 15, line 14, by striking the figure
 4 "18,904,000" and inserting the following:
 5 "14,904,000".
 6 2. Page 15, by inserting after line 35 the
 7 following:
 8 "Sec. ____ 1997 Iowa Acts, chapter 210, section 2,
 9 subsection 1, is amended by adding the following new
 10 paragraph "c" and relettering existing paragraphs:
 11 NEW LETTERED PARAGRAPH. c. There is appropriated
 12 from the rebuild Iowa infrastructure fund created in
 13 section 8.57, subsection 5, to the Iowa communications

14 network fund under the control of the Iowa
 15 telecommunications and technology commission for the
 16 fiscal year beginning July 1, 1998, and ending June
 17 30, 1999, the following amount, or so much thereof as
 18 is necessary, to be used for the purpose designated:

19 For the connection to the network of authorized
 20 users which are libraries as provided in the Part III
 21 contracts executed in 1995:

22 \$ 4,000,000

23 The telecommunications advisory committee
 24 established in section 8D.7, in consultation with the
 25 state library, shall develop for submission to the
 26 commission proposals for the allocation of moneys
 27 appropriated in this paragraph for the connection of
 28 libraries to the network as provided in the Part III
 29 contracts executed in 1995. The advisory committee
 30 shall conduct a cost-benefit analysis in determining
 31 the amount to be allocated to a specific community,
 32 including, at a minimum, consideration of the needs of
 33 a community to which an allocation is proposed, the
 34 number of sites currently in the community, and the
 35 amount of usage at each site in the community. A
 36 proposal for an allocation submitted by the advisory
 37 committee shall be approved by the commission or
 38 rejected and returned to the advisory committee with
 39 an explanation of why such proposal was rejected."

40 3. By renumbering as necessary.

Amendment H-9318 was adopted.

Falck of Fayette offered the following amendment H-9303, previously deferred, filed by him from the floor and moved its adoption:

H-9303

1 Amend Senate File 2418, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 7, by inserting after line 10 the
 4 following:

5 "___ To the Iowa communications network
 6 operations account for use by the Iowa
 7 telecommunications and technology commission only for
 8 the replacement of optical components of the network
 9 which become unusable and which are necessary for the
 10 continued operation and use of the network:

11 \$ 4,000,000

12 Notwithstanding section 8.33, moneys allocated to
 13 the commission in this paragraph which remain
 14 unobligated or unexpended at the close of the fiscal
 15 year shall not revert to the general fund of the state
 16 but shall remain available for the purpose designated
 17 in this paragraph in the succeeding fiscal year."

18 2. By striking page 7, line 27, through page 8,

19 line 3.

20 3. By renumbering as necessary.

Amendment H-9303 lost.

Jacobs of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2418)

The ayes were, 74:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Churchill	Cphoon
Connors	Corbett, Spkr.	Cormack	Dix
Dolecheck	Drake	Eddie	Falck
Frevert	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Jacobs	Jenkins	Klemme
Koenigs	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Mundie	Nelson	Rants
Rayhons	Reynolds-Knight	Richardson	Schrader
Siegrist	Sukup	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Whitead
Wise	Van Maanen,		
	Presiding		

The nays were, 24:

Bernau	Chiodo	Doderer	Dotzler
Drees	Fallon	Foege	Ford
Garman	Huser	Jochum	Kinzer
Kreiman	Moreland	Murphy	Myers
O'Brien	Osterhaus	Scherrman	Shoultz
Taylor	Warnstadt	Weigel	Witt

Absent or not voting, 2:

Chapman Dinkla

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Speaker Corbett in the chair at 3:50 p.m.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2061 and 2418.**

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1998, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 2290, a bill for an act relating to the civil damages and penalties for the illegal taking of antlered deer.

MARY PAT GUNDERSON, Secretary

SENATE AMENDMENT CONSIDERED

Brunkhorst of Bremer called up for consideration **House File 2498**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, amended by the Senate amendment H-9118 as follows:

H-9118

- 1 Amend House File 2498, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 22 and 23 and
- 4 inserting the following:
- 5 "There is appropriated from the innovation fund in
- 6 the department of management to the office of auditor
- 7 of state, a sum not to exceed \$50,000 which shall be".
- 8 2. Page 2, line 6, by striking the figure
- 9 "484,502" and inserting the following: "492,002".
- 10 3. Page 6, by striking lines 9 through 13.
- 11 4. Page 6, line 22, by striking the figure
- 12 "844,898" and inserting the following: "655,898".
- 13 5. Page 11, by inserting after line 13 the
- 14 following:
- 15 "The department of inspections and appeals and the
- 16 department of public health, in consultation with the
- 17 department of human services and the department of
- 18 elder affairs, shall review the need for a state
- 19 licensing program for home health agencies. The
- 20 review shall include, but is not limited to,
- 21 determination of the scope of Iowa agencies and home
- 22 care services not currently regulated by Medicare,
- 23 fiscal information concerning the cost of

24 implementation of a licensing program, feasibility
25 analysis of implementing state regulation of the
26 providers, and other information deemed appropriate by
27 the departments. The department shall submit a report
28 of findings and recommendations to the general
29 assembly on or before December 15, 1998."

30 6. By striking page 12, line 32, through page 13,
31 line 6.

32 7. Page 13, by inserting before line 7 the
33 following: "It is the intent of the general assembly
34 that the state racing and gaming commission shall
35 require jockeys or drivers, trainers, and handlers to
36 submit to drug and alcohol testing pursuant to rules
37 adopted by the state commission and applicable to all
38 such persons. The rules shall establish procedures
39 and standards for the drug and alcohol testing of
40 jockeys or drivers, trainers, and handlers, which
41 shall be consistent with the procedures and standards
42 established for drug and alcohol testing of persons
43 under section 730.5.

44 Sec. ____ Section 99D.25A, subsection 7, Code
45 Supplement 1997, is amended to read as follows:

46 7. A horse entered to race with lasix must be
47 treated at least four hours prior to post time. The
48 lasix shall be administered intravenously by a
49 veterinarian employed by the owner or trainer of the
50 horse under the visual supervision of the commission

Page 2

1 veterinarian. The practicing veterinarian must
2 deposit with the commission veterinarian at the
3 detention barn an unopened supply of lasix and sterile
4 hypodermic needles and syringes to be used for the
5 administrations. Lasix shall only be administered in
6 a dose level of two hundred fifty milligrams. The
7 ~~commission veterinarian shall extract a test sample of~~
8 ~~the horse's blood, urine, or saliva to determine~~
9 ~~whether the horse was improperly drugged after the~~
10 ~~race is run."~~

11 8. Page 13, by striking lines 30 through 32.

12 9. Page 14, by striking lines 21 through 30.

13 10. Page 17, by inserting after line 4 the
14 following:

15 "It is the intent of the general assembly that
16 members of the general assembly serving as members of
17 the deferred compensation advisory board shall be
18 entitled to receive per diem and necessary travel and
19 actual expenses pursuant to section 2.10, subsection
20 5, while carrying out their official duties as members
21 of the board."

22 11. Page 18, by inserting after line 6 the
23 following:

24 "3. For costs associated with the acquisition,
 25 remodeling, and relocation of a headquarters building
 26 for offices and related facilities for employees and
 27 storage of applicable records of the Iowa public
 28 employees' retirement system and notwithstanding any
 29 provision of chapter 18 to the contrary:
 30 \$ 4,000,000

31 Notwithstanding section 8.33, unencumbered or
 32 unobligated funds remaining on June 30, 2000, from the
 33 funds appropriated in this subsection, shall revert to
 34 the Iowa public employees' retirement system fund on
 35 August 31, 2000."

36 12. Page 18, by inserting before line 7 the
 37 following:

38 "Sec. ____ SPECIAL STUDIES APPROPRIATIONS. There
 39 is appropriated from the Iowa public employees'
 40 retirement system fund to the Iowa public employees'
 41 retirement system division of the department of
 42 personnel for the fiscal year beginning July 1, 1998,
 43 and ending June 30, 1999, the following amounts, or so
 44 much thereof as is necessary, to be used for the
 45 purposes designated:

46 1. For costs associated with completing the study
 47 of the possible establishment of a statewide deferred
 48 compensation plan for active members of the Iowa
 49 public employees' retirement system:
 50 \$ 20,000

Page 3

1 2. For costs associated with performing the study
 2 of whether adjunct instructors employed by a community
 3 college or regents university should be allowed to
 4 become members of the Iowa public employees'
 5 retirement system:
 6 \$ 15,000

7 3. For costs associated with performing, in
 8 concert with the retirement systems established in
 9 chapter 97A and chapter 411, a comprehensive
 10 examination of plan design of benefit parity issues:
 11 \$ 35,000"

12 13. Page 19, line 31, by striking the figure
 13 "6,814,435" and inserting the following: "6,806,935".

14 14. Page 20, by striking lines 1 through 8 and
 15 inserting the following:

16 "5. The director of revenue and finance shall
 17 prepare and".

18 15. By striking page 20, line 22, through page
 19 21, line 1.

20 16. Page 22, by inserting after line 31 the
 21 following:

22 "Sec. ____ 1993 Iowa Acts, chapter 151, section 3,
 23 is amended by striking the section."

24 17. Page 23, by inserting after line 16 the
25 following:
26 "Sec. ____ Section 47.7, subsections 1 and 2, Code
27 Supplement 1997, are amended to read as follows:
28 1. ~~The senior administrator of data processing~~
29 ~~services in the department of general services state~~
30 commissioner of elections is designated the state
31 registrar of voters, and shall regulate the
32 preparation, preservation, and maintenance of voter
33 registration records, the preparation of precinct
34 election registers for all elections administered by
35 the commissioner of any county, and the preparation of
36 other data on voter registration and participation in
37 elections which is requested and purchased at actual
38 cost of preparation and production by a political
39 party or any resident of this state. The registrar
40 shall maintain a log, which is a public record,
41 showing all lists and reports which have been
42 requested or generated or which are capable of being
43 generated by existing programs of the data processing
44 ~~services in the department of general services of the~~
45 registrar. In the execution of the duties provided by
46 this chapter, the state registrar of voters ~~and the~~
47 ~~state commissioner of elections~~ shall provide the
48 maximum public access to the electoral process
49 permitted by law.
50 2. The registrar shall offer to each county in the

Page 4

1 state the opportunity to arrange for performance of
2 all functions referred to in subsection 1 by the data
3 processing facilities of the ~~department of general~~
4 ~~services registrar~~, commencing at the earliest
5 practicable time, at a cost to the county determined
6 in accordance with the standard charges for those
7 services adopted annually by the registration
8 commission. A county may accept this offer without
9 taking bids under section 47.5."
10 18. Page 23, by striking lines 17 through 27.
11 19. Page 24, line 33, by striking the word
12 "REPORT".
13 20. Page 25, by striking lines 1 through 15 and
14 inserting the following: "remaining on the effective
15 date of this Act shall revert to the general fund of
16 the state.
17 Sec. ____ Section 505.21, subsection 4, Code 1997,
18 is amended by striking the subsection."
19 21. By renumbering, relettering, or redesignating
20 and correcting internal references as necessary.

Brunkhorst of Bremer offered amendment H-9162, to the Senate
amendment H-9118, filed by him and Millage of Scott as follows:

H-9162

- 1 Amend the Senate amendment, H-9118, to House File
2 2498, as amended, passed, and reprinted by the House,
3 as follows:
- 4 1. Page 1, by inserting after line 9 the
5 following:
6 "_. Page 6, line 2, by striking the figure
7 "116.00" and inserting the following: "118.00"."
8 2. Page 1, line 12, by striking the figure
9 "655,898" and inserting the following: "835,898".
10 3. Page 1, by striking lines 30 and 31 and
11 inserting the following:
12 "_. Page 13, by striking lines 2 through 6, and
13 inserting the following: "gambling game license
14 holder.""
15 4. Page 2, by inserting after line 30 the
16 following:
17 "The Iowa public employees' retirement system
18 division shall advertise for bids for the proposed
19 acquisition and remodeling of a headquarters building
20 and related facilities and let the bid to the most
21 cost-effective bidder submitting a sealed bid
22 proposal."
23 5. Page 4, by striking line 10 and inserting the
24 following:
25 "_. Page 23, line 21, by inserting after the
26 word "officers" the following: "who were not
27 incumbents at the 1998 general election,".
28 __. Page 23, by striking lines 23 through 27 and
29 inserting the following: "1998, and ending June 30,
30 1999, the balances shall revert to the general fund of
31 the state.""
32 6. Page 4, by striking lines 13 through 16 and
33 inserting the following:
34 "_. Page 25, by striking lines 3 through 13 and
35 inserting the following: "management information
36 system.""

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-9181, to amendment H-9162, to the Senate amendment H-9118, filed by him on April 15, 1998.

Brunkhorst of Bremer offered the following amendment H-9256, to amendment H-9162, to the Senate amendment H-9118, filed by him and moved its adoption:

H-9256

- 1 Amend the amendment, H-9162, to the Senate
2 amendment, H-9118, to House File 2498, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 1; by striking lines 17 through 22 and
 5 inserting the following: "The Iowa public employees'
 6 retirement system division shall use a competitive bid
 7 process for the proposed acquisition of a headquarters
 8 building and related facilities and accept, if any,
 9 the most cost-effective bid which best meets the needs
 10 of the system's members."

A non-record roll call was requested.

The ayes were 47, nays 45.

Amendment H-9256 was adopted.

Martin of Scott asked and received unanimous consent to withdraw amendment H-9258, to amendment H-9162, to the Senate amendment H-9118, filed by her on April 17, 1998.

Brunkhorst of Bremer moved the adoption of amendment H-9162, to the Senate amendment H-9118, as amended.

Amendment H-9162, as amended, was adopted.

Blodgett of Cerro Gordo asked and received unanimous consent to withdraw amendment H-9187, to the Senate amendment H-9118, filed by him on April 15, 1998.

Blodgett of Cerro Gordo offered amendment H-9291, to the Senate amendment H-9118, filed by him from the floor as follows:

H-9291

1 Amend the Senate amendment, H-9118, to House File
 2 2498, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by inserting after line 29 the
 5 following:
 6 "___ Page 11, by inserting after line 19 the
 7 following:
 8 "It is the intent of the general assembly that
 9 effective July 1, 1999, the state shall appropriate
 10 sufficient funds to reimburse local governments that
 11 conduct food establishment inspections under
 12 agreements with the department of inspections and
 13 appeals, the difference between the cost of performing
 14 the inspections and actual revenues generated by food
 15 establishment license fees.""

Heaton of Henry rose on a point of order that amendment H-9291 was not germane.

The Speaker ruled the point well taken and amendment H-9291 not germane.

Blodgett of Cerro Gordo moved to suspend the rules to consider amendment H-9291, to the Senate amendment H-9118.

A non-record roll call was requested.

The ayes were 38, nays 56.

The motion to suspend the rules lost.

Blodgett of Cerro Gordo asked and received unanimous consent to withdraw amendment H-9292, to the Senate amendment H-9118, filed by him from the floor.

Huser of Polk asked and received unanimous consent to withdraw amendment H-9168, to the Senate amendment H-9118, filed by her on April 14, 1998.

Garman of Story offered the following amendment H-9169, to the Senate amendment H-9118, filed by her and Holveck of Polk and moved its adoption:

H-9169

- 1 Amend the Senate amendment, H-9118, to House File
- 2 2498, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 1, line 43, through page 2,
- 5 line 10, and inserting the following: "under section
- 6 730.5."

Amendment H-9169 was adopted.

Huser of Polk offered the following amendment H-9176, to the Senate amendment H-9118, filed by her and moved its adoption:

H-9176

- 1 Amend the Senate amendment, H-9118, to House File
- 2 2498, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 2, by inserting after line 30 the
- 5 following:
- 6 "If a headquarters building and related facilities
- 7 are acquired, the Iowa public employees' retirement
- 8 system division shall reimburse the city or other
- 9 local government where the building and related
- 10 facilities are located for police and fire
- 11 protection."

Roll call was requested by Fallon of Polk and Myers of Johnson.

On the question "Shall amendment H-9176 be adopted?" (H.F. 2498)

The ayes were, 52:

Bell	Bernau	Brand	Brunkhorst
Bukta	Burnett	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Doderer	Dolecheck	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Grundberg	Holveck	Huser
Jacobs	Jochum	Kinzer	Koenigs
Lamberti	Larkin	Martin	Mascher
May	Mertz	Metcalf	Moreland
Mundie	Murphy	Myers	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomas	Warnstadt
Weigel	Whitead	Wise	Witt

The nays were, 47:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Carroll
Cormack	Dix	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jenkins
Klemme	Kreiman	Kremer	Larson
Lord	Meyer	Millage	Nelson
O'Brien	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, 1:

Dinkla

Amendment H-9176 was adopted.

Chiodo of Polk asked and received unanimous consent to withdraw amendment H-9166, to the Senate amendment H-9118, filed by him on April 14, 1998.

Martin of Scott offered the following amendment H-9186, to the Senate amendment H-9118, filed by her and Brunkhorst of Bremer and moved its adoption:

H-9186

- 1 Amend the Senate amendment, H-9118, to House File
- 2 2498, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 3, line 11, by inserting after the figure

5 "35,000" the following:

6 "It is the intent of the general assembly that each
7 public retirement system responsible for performing
8 the examination as described in this subsection shall
9 share equally the cost of conducting the examination.
10 Moneys appropriated in this subsection shall be used
11 by the Iowa public employees' retirement system to
12 provide its proportionate share of the cost of the
13 examination."

Amendment H-9186 was adopted.

Jochum of Dubuque offered amendment H-9201, to the Senate amendment H-9118, filed by her as follows:

H-9201

1 Amend the Senate amendment, H-9118, to House File
2 2498, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 4, by inserting after line 9 the
5 following:

6 " . Page 23, by inserting after line 16 the
7 following:

8 "Sec. ____ Section 47.8, subsection 1, Code 1997,
9 is amended to read as follows:

10 1. A state voter registration commission is
11 established which shall meet at least quarterly to
12 make and review policy, adopt rules, and establish
13 procedures to be followed by the registrar in
14 discharging the duties of that office, and to promote
15 interagency cooperation and planning. The commission
16 shall consist of ~~the state commissioner of elections~~
17 ~~or the state commissioner's designee~~, the state
18 chairpersons of the two political parties whose
19 candidates for president of the United States or
20 governor, as the case may be, received the greatest
21 and next greatest number of votes in the most recent
22 general election, or their respective designees, and a
23 two county commissioner commissioners of registration
24 or their designated employees, one from each political
25 party whose candidates for president of the United
26 States or governor, as the case may be, received the
27 greatest and the next greatest number of votes in the
28 most recent general election, appointed by the
29 president of the Iowa state association of county
30 auditors, ~~or an employee of the commissioner~~. Each
31 county commissioner or commissioner's designee shall
32 serve two-year staggered terms. The commission
33 membership shall be balanced by political party
34 affiliation pursuant to section 69.16. Members shall
35 serve without additional salary or reimbursement.
36 ~~The state commissioner of elections, or the state~~

37 commissioner's designee, shall serve as chairperson of
 38 the state voter registration commission. The state
 39 commissioner of elections, or the state commissioner's
 40 designee, shall be an ex officio, nonvoting member of
 41 the commission. The state commissioner shall perform
 42 the administrative tasks required of that office by
 43 the commission.
 44 The commission shall organize and elect a
 45 chairperson annually at its first meeting held in the
 46 calendar year.

Brunkhorst of Bremer rose on a point of order that amendment H-9201, to the Senate amendment H-9118, was not germane.

The Speaker ruled the point not well taken and amendment H-9201 germane.

Jochum of Dubuque moved the adoption of amendment H-9201, to the Senate amendment H-9118.

A non-record roll call was requested.

The ayes were 50, nays 46.

Amendment H-9201 was adopted.

Speaker pro tempore Van Maanen of Marion asked and received unanimous consent to withdraw amendment H-9177, to the Senate amendment H-9118, filed by him on April 15, 1998, placing the following amendments to amendment H-9177, to the Senate amendment H-9118, out of order:

H-9182 filed by Taylor of Linn on April 15, 1998

H-9188 filed by Murphy of Dubuque on April 15, 1998.

H-9189 filed by Murphy of Dubuque on April 15, 1998.

H-9190 filed by Murphy of Dubuque on April 15, 1998.

H-9199 filed by Huser of Polk on April 15, 1998.

H-9225 filed by Murphy of Dubuque on April 16, 1998.

H-9226 filed by Murphy of Dubuque on April 16, 1998.

Speaker pro tempore Van Maanen of Marion offered amendment H-9257, to the Senate amendment H-9118, filed by him as follows:

H-9257

- 1 Amend the Senate amendment, H-9118, to House File
- 2 2498, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 4, by inserting after line 10 the
- 5 following:

6 " Page 24, by inserting after line 3 the
7 following:

8 "Sec. ____ NEW SECTION. 99F.5A MORATORIUM FOR
9 ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS AND
10 ON THE NUMBER AND TYPE OF GAMBLING GAMES.

11 1. The total number of licenses issued to conduct
12 gambling games on excursion gambling boats pursuant to
13 this chapter shall not exceed ten until July 1, 2003.

14 2. Notwithstanding subsection 1, the following
15 actions may be taken during the moratorium from July
16 1, 1998, until July 1, 2003, with the approval of the
17 commission:

18 a. A licensed excursion gambling boat may move to
19 a new location within the same county.

20 b. A licensed excursion gambling boat or a pari-
21 mutuel racetrack and its facilities may be sold and a
22 new license may be issued for operation in the same
23 county.

24 c. If a license to conduct gambling games on an
25 excursion gambling boat is surrendered, not renewed,
26 or revoked, a new license may be issued for operation
27 in the same county.

28 3. During the moratorium from July 1, 1998, until
29 July 1, 2003, the commission shall not authorize any
30 of the following:

31 a. An increase in the number of gambling games or
32 the number of slot machines on an excursion gambling
33 boat.

34 b. A number of slot machines at a pari-mutuel
35 racetrack which is greater than the number authorized
36 on or before July 1, 1998.

37 c. A licensee to conduct pari-mutuel wagering at a
38 licensed premises in more than one county.

39 Sec. ____ Section 99F.7, subsection 1, Code 1997,
40 is amended to read as follows:

41 1. If the commission is satisfied that this
42 chapter and its rules adopted under this chapter
43 applicable to licensees have been or will be complied
44 with, the commission shall issue a license for a
45 period of not more than three years to an applicant to
46 own a gambling game operation and to an applicant to
47 operate an excursion gambling boat. The commission
48 shall decide which of the gambling games authorized
49 under this chapter it will permit. The commission
50 shall decide the number, location, and type of

Page 2

1 excursion gambling boats licensed under this chapter
2 for operation on the rivers, lakes, and reservoirs of
3 this state. However, after July 1, 2003, the
4 commission shall issue a new license for an excursion
5 gambling boat operation only if the excursion gambling

6 boat operates on the Mississippi or Missouri river.
 7 The license shall set forth the name of the licensee,
 8 the type of license granted, the place where the
 9 excursion gambling boats will operate and dock, and
 10 the time and number of days during the excursion.
 11 season and the off season when gambling may be
 12 conducted by the licensee. The commission shall not
 13 allow a licensee to conduct gambling games on an
 14 excursion gambling boat while docked during the off
 15 season if the licensee does not operate gambling
 16 excursions for a minimum number of days during the
 17 excursion season. The commission may delay the
 18 commencement of the excursion season at the request of
 19 a licensee.”

Taylor of Linn offered the following amendment H-9276, to amend-
 ment H-9257, to the Senate amendment H-9118, filed by him and
 moved its adoption:

H-9276

1 Amend the amendment, H-9257, to the Senate
 2 amendment, H-9118, to House File 2498, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 1, by striking line 8 and inserting the
 5 following:
 6 “Sec. ____ Section 99F.4A, Code 1997, is amended
 7 by adding the following new subsection:
 8 NEW SUBSECTION. 9. If a license issued pursuant
 9 to this chapter or chapter 99D is transferred, an
 10 existing collective bargaining agreement or the impact
 11 of an employee representation election shall transfer
 12 to the new licensee.
 13 Sec. ____ NEW SECTION. 99F.5A MORATORIUM FOR”.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 52, nays 46.

Amendment H-9276 was adopted.

Huser of Polk asked and received unanimous consent to withdraw
 amendment H-9300, to amendment H-9257, to the Senate amendment
 H-9118, filed by her from the floor.

Huser of Polk offered the following amendment H-9305, to amend-
 ment H-9257, to the Senate amendment H-9118, filed by her from the
 floor and moved its adoption:

H-9305

1 Amend the amendment, H-9257, to the Senate

2 amendment, H-9118, to House File 2498, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 1, by striking line 8 and inserting the
5 following:

6 "Sec. ____ Section 99F.4A, subsection 2, Code
7 1997, is amended to read as follows:

8 2. A license to operate gambling games shall be
9 issued only to a licensee holding a valid license to
10 conduct pari-mutuel dog or horse racing pursuant to
11 chapter 99D on January 1, 1994. However, a license to
12 operate gambling games issued pursuant to this
13 subsection may be transferred to another person after
14 a majority of the voters of the county in which the
15 racetrack enclosure is located, voting on the transfer
16 proposal, approves it. The transfer proposal shall be
17 submitted by the board of supervisors at a general
18 election or a special election called for that
19 purpose. If the proposal is approved, the issuance of
20 a new license is subject to application to, and
21 approval by, the commission.

22 Sec. ____ NEW SECTION. 99F.5A MORATORIUM FOR".

Amendment H-9305 was adopted.

Huser of Polk offered the following amendment H-9288, to amend-
ment H-9257, to the Senate amendment H-9118, filed by her and moved
its adoption:

H-9288

1 Amend the amendment, H-9257, to the Senate
2 amendment, H-9118, to House File 2498, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 1, by inserting after line 13 the
5 following:

6 "____. Notwithstanding the tax rate increases
7 specified in section 99F.11, the tax rates provided
8 for the calendar year 1998 shall be the tax rates for
9 the calendar years 1998 through 2003."

10 2. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Sukup of Franklin.

On the question "Shall amendment H-9288, to amendment
H-9257, to the Senate amendment H-9118, be adopted?" (H.F. 2498)

The ayes were, 15:

Cataldo	Chiodo	Connors	Ford
Holveck	Huser	Jochum	Lamberti
Larkin	Mundie	Murphy	Myers
Osterhaus	Scherrman	Taylor	

The nays were, 84:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chapman	Churchill
Cohoon	Cormack	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Houser
Huseman	Jacobs	Jenkins	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Nelson	O'Brien
Rants	Rayhons	Reynolds-Knight	Richardson
Schrader	Shoultz	Siegrist	Sukup
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Mr. Speaker Corbett

Absent or not voting, 1:

Dinkla

Amendment H-9288 lost.

Murphy of Dubuque asked and received unanimous consent to withdraw amendments H-9278 and H-9279, both to amendment H-9257, to the Senate amendment H-9118, filed by him on April 17, 1998.

Brunkhorst of Bremer offered the following amendment H-9320, to amendment H-9257, to the Senate amendment H-9118, filed by him from the floor and moved its adoption:

H-9320

- 1 Amend the amendment, H-9257, to the Senate
- 2 amendment, H-9118, to House File 2498, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 1, line 28, by striking the figure "1998"
- 5 and inserting the following: "1999".
- 6 2. Page 1, line 36, by striking the figure "1998"
- 7 and inserting the following: "1999".
- 8 3. Page 1, by striking line 37 and inserting the
- 9 following:
- 10 "4. The commission shall not authorize a licensee
- 11 to conduct pari-mutuel wagering at a".

Amendment H-9320 was adopted.

Speaker pro tempore Van Maanen of Marion asked and received unanimous consent that amendment H-9257, to the Senate amendment H-9118, be deferred.

Vande Hoef of Osceola asked and received unanimous consent to withdraw amendment H-9277, to the Senate amendment H-9118, filed by him on April 17, 1998, placing amendment H-9286, to amendment H-9277, to the Senate amendment H-9118, filed by Kreiman of Davis on April 17, 1998 out of order.

Millage of Scott offered the following amendment H-9321, to the Senate amendment H-9118, filed by him from the floor and moved its adoption:

H-9321

- 1 Amend the Senate amendment, H-9118, to House File
- 2 2498, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking line 10.

Amendment H-9321 was adopted.

The House resumed consideration of amendment H-9257, to the Senate amendment H-9118, previously deferred.

Hansen of Pottawattamie offered the following amendment H-9322, to amendment H-9257, to the Senate amendment H-9118, filed by him from the floor and moved its adoption:

H-9322

- 1 Amend the amendment, H-9257, to the Senate
- 2 amendment, H-9118, to House File 2498, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 1, by striking line 8, and inserting the
- 5 following:
- 6 "Sec. ____ Section 99F.4A, Code 1997, is amended
- 7 by adding the following new subsection:
- 8 NEW SUBSECTION. 8. A civil penalty imposed by the
- 9 commission on a licensee relating to a violation of
- 10 legal age for gambling or pari-mutuel wagering shall
- 11 not exceed one thousand dollars per incident if the
- 12 violator is removed by the licensee.
- 13 Sec. ____ NEW SECTION. 99F.5A MORATORIUM FOR".
- 14 2. Page 2, by striking line 19 and inserting the
- 15 following: "a licensee.
- 16 Sec. ____ Section 805.8, Code Supplement 1997, is

17 amended by adding the following new subsection:
 18 NEW SUBSECTION. 13. GAMBLING VIOLATIONS. For
 19 violations of legal age for gambling or pari-mutuel
 20 wagering under section 99D.11, subsection 7, section
 21 99E.18, subsection 5, or section 99F.9, subsection 5,
 22 the scheduled fine is one hundred dollars. Failure to
 23 pay the fine by a person under the age of eighteen
 24 shall not result in the person being detained in a
 25 secure facility."

Amendment H-9322 was adopted.

Murphy of Dubuque rose on a point of order that amendment H-9257 was not germane.

The Speaker ruled the point well taken and amendment H-9257 not germane.

Speaker pro tempore Van Maanen of Marion asked for unanimous consent to suspend the rules to consider amendment H-9257.

Objection was raised.

Speaker pro tempore Van Maanen of Marion moved to suspend the rules to consider amendment H-9257, as amended, to the Senate amendment H-9118.

A non-record roll call was requested.

The ayes were 52, nays 27.

The motion to suspend the rules prevailed.

Speaker pro tempore Van Maanen of Marion moved the adoption of amendment H-9257, as amended, to the Senate amendment H-9118.

Amendment H-9257, as amended, was adopted.

On motion by Brunkhorst of Bremer, the House concurred in the Senate amendment H-9118, as amended.

Brunkhorst of Bremer moved that the bill as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2498)

The ayes were, 65:

Arnold
Boddicker

Barry
Bogges

Bernau
Bradley

Blodgett
Brand

Brauns	Brunkhorst	Carroll	Chapman
Chiodo	Churchill	Dix	Dolecheck
Drake	Eddie	Falck	Fallon
Ford	Garman	Gipp	Greig
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Kinzer	Klemme
Koenigs	Kremer	Lamberti	Larson
Lord	Martin	Mertz	Metcalf
Meyer	Millage	Mundie	Nelson
Rants	Rayhons	Richardson	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Whitead	Witt
Mr. Speaker			
Corbett			

The nays were, 33:

Bell	Bukta	Burnett	Cataldo
Cohoon	Connors	Cormack	Doderer
Dotzler	Drees	Foege	Frevert
Holveck	Huser	Jochum	Kreiman
Larkin	Mascher	May	Moreland
Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Scherrman	Schrader	Shoultz
Taylor	Thomas	Warnstadt	Weigel
Wise			

Absent or not voting, 2:

Dinkla	Greiner
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2498** be immediately messaged to the Senate.

HOUSE RECEDES

Houser of Pottawattamie called up for consideration **House File 8**, a bill for an act relating to the funding of state mandates, amended by the House and moved that the House recede from its amendment.

Roll call was requested by Schrader of Marion and Warnstadt of Woodbury.

On the question "Shall the House recede from its amendment?" (H.F. 8)

The ayes were, 52:

Arnold	Barry	Blodgett	Boddicker
Boggess	Bradley	Brauns	Carroll
Churchill	Cormack	Dix	Dolecheck
Drake	Eddie	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson	Rants
Rayhons	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

The nays were, 46:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Foeger	Ford
Frevert	Holveck	Huser	Jochum
Kinzer	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Osterhaus	Reynolds-Knight	Richardson	Scherrman
Schrader	Shultz	Taylor	Thomas
Van Fossen	Warnstadt	Weigel	Whitead
Wise	Witt		

Absent or not voting, 2:

Brunkhorst Dinkla

The motion prevailed and the House recessed.

Houser of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 8)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie

Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Dinkla

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENTS CONSIDERED

Heaton of Henry called up for consideration **House File 2348**, a bill for an act relating to institutions and facilities administered by the department of human services and to similar and related services, amended by the Senate, and moved that the House concur in the following Senate amendment H-9235:

H-9235

- 1 Amend House File 2348, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 12 and
- 4 inserting the following:
- 5 "Section 1. INSTITUTIONS ADMINISTERED BY THE
- 6 DEPARTMENT OF HUMAN SERVICES - LEGISLATIVE FINDINGS
- 7 AND INTENT. During the 1997 legislative interim, the
- 8 human services restructuring task force of the general
- 9 assembly visited the state institutions administered
- 10 by the department of human services. The task force
- 11 members heard from concerned parents, service
- 12 consumers, service system administrators, state and
- 13 community-based providers, advocates for the needs of

14 persons with disabilities, and many other persons
15 interested in the service system for persons with
16 disabilities and juveniles. Based upon the task
17 force's review and recommendations, the general
18 assembly makes the following findings concerning these
19 institutions:"

20 2. Page 1, line 15, by inserting after the word
21 "multiuse" the following: "regional".

22 3. Page 1, line 20, by striking the word
23 "strategically".

24 4. Page 1, line 21, by striking the words "and
25 residential".

26 5. Page 1, by striking lines 23 and 24 and
27 inserting the following:

28 "___ Community-based approaches and individually
29 designed services and support are recognized as the
30 most desirable means of meeting the needs of persons
31 with disabilities. A movement from an institution-
32 oriented system to a community and individual-oriented
33 system has occurred over time while community
34 resources and individualized services have been
35 developed. The general assembly recognizes the role
36 of the department of human services and others in
37 furthering this movement. As part of this movement,
38 the state institutions are evolving to be state-of-
39 the-art service providers for persons with chronic,
40 complex, or difficult-to-treat conditions for which
41 local services are not adequately available, while
42 continuing to make residential services available to
43 accommodate individual family choices.

44 ___ There is a need to foster better
45 understanding of the evolving role of the
46 institutions.

47 6. Page 1, line 28, by striking the words "State
48 officials" and inserting the following: "Institution
49 administrators".

50 7. Page 2, line 6, by inserting after the word

Page 2

1 "services" the following: ", the governor's
2 developmental disabilities council, a certified
3 employee organization that represents residential
4 treatment workers, the Iowa association of
5 rehabilitation and residential facilities, the Iowa
6 state association of counties, the arc of Iowa which
7 was formerly known as the association for retarded
8 citizens of Iowa, the alliance for the mentally ill of
9 Iowa, and other service system consumers,
10 administrators, providers, and advocates".

11 8. Page 2, by striking lines 18 through 21 and
12 inserting the following:

13 "1. The department of human services shall work

- 14 with county central point".
- 15 9. Page 2, line 23, by inserting after the word
16 "providers," the following: "the legal clinic at the
17 state university of Iowa, centers for independent
18 living,".
- 19 10. Page 2, line 31, by striking the words "other
20 citizens" and inserting the following: "any citizen".
- 21 11. Page 3, line 3, by striking the words "state
22 institutions" and inserting the following:
23 "resources".
- 24 12. Page 3, by striking line 8 and inserting the
25 following: "appropriate services to serve citizens
26 from the other state."
- 27 13. Page 4, line 15, by striking the word
28 "subsection" and inserting the following:
29 "subsections".
- 30 14. Page 4, by inserting after line 21 the
31 following:
32 "16. The state shall make every effort to purchase
33 products produced for sale by employers of persons in
34 supported employment."
- 35 15. Page 4, line 35, by inserting after the word
36 "department" the following: "the medical assistance
37 advisory council created in section 249A.4, subsection
38 8".
- 39 16. Page 5, lines 7 and 8, by striking the words
40 "community and residential" and inserting the
41 following: "regional".
- 42 17. Page 5, by striking lines 20 through 22 and
43 inserting the following: "signage, and in other forms
44 of communication."
- 45 18. Page 5, line 26, by inserting after the word
46 "may" the following: "request that the director of
47 human services".
- 48 19. Page 6, line 16, by striking the words
49 "community and residential" and inserting the
50 following: "regional".

Page 3

- 1 20. Page 6, by striking lines 31 through 33 and
2 inserting the following: "signage, and in other forms
3 of communication."
- 4 21. Page 7, line 1, by inserting after the word
5 "may" the following: "request that the director of
6 human services".
- 7 22. By renumbering, relettering, or redesignating
8 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-9235.

Heaton of Henry moved that the bill, as amended by the Senate and concurred in by the House, be read a last time, now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2348)

The ayes were, 94:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chiodo
Churchill	Cohon	Connors	Cormack
Dix	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kremer
Lamberti	Larkin	Larson	Lord
Martin	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, 5:

Chapman	Doderer	Kreiman	Mascher
Myers			

Absent or not voting, 1:

Dinkla

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Rants of Woodbury called up for consideration **House File 2269**, a bill for an act relating to permissible physical contact between school employees and students, amended by the Senate amendment H-9193 as follows:

H-9193

1 Amend House File 2269, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 26, by striking the word
4 "disciplining" and inserting the following:
5 "restraining".

6 2. Page 2, by striking line 13 and inserting the
7 following:

8 "1. An employee of an accredited public school
9 district, accredited nonpublic school, or area
10 education agency may intervene in a fight or".

11 3. Page 2, by inserting after line 22 the
12 following:

13 "2. A person who is not an employee of an
14 accredited public school district, accredited
15 nonpublic school, or area education agency may
16 intervene in a fight or physical struggle, as
17 described in subsection 1, in the absence of such an
18 employee or at the request of such an employee,
19 utilizing the degree and force of intervention
20 reasonably necessary, in the opinion of the
21 nonemployee, to restore order and protect the safety
22 of the individuals involved in the altercation and
23 others in the vicinity of the altercation. However, a
24 person who intervenes in the absence of an employee of
25 an accredited public school district, accredited
26 nonpublic school, or area education agency shall
27 report the intervention and all relevant information
28 regarding the situation as soon as reasonably possible
29 to such an employee.

30 3. A person who intervenes in a fight or physical
31 struggle pursuant to subsection 1 or 2 shall be immune
32 from any civil or criminal liability which might
33 otherwise be incurred or imposed as a result of such
34 reasonable force, and shall be awarded reasonable
35 monetary damages against a party bringing a civil
36 action if determined in the action to have been
37 wrongfully accused, as specified in section 280.21,
38 subsection 3."

39 4. Title page, lines 1 and 2, by striking the
40 words "between school employees and" and inserting the
41 following: "with".

42 5. By renumbering, relettering, or redesignating
43 and correcting internal references as necessary.

Rants of Woodbury offered the following amendment H-9304, to
the Senate amendment H-9193, filed by him from the floor and moved
its adoption:

H-9304

1 Amend the Senate amendment, H-9193, to House File

2 2269, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 3 through 43 and
5 inserting the following:

6 " _ Page 2, by striking line 13 and inserting
7 the following:

8 "1. An employee of an accredited public school
9 district, accredited nonpublic school, or area
10 education agency may intervene in a fight or".

11 _ Page 2, by inserting after line 22 the
12 following:

13 "2. A person who is not an employee of an
14 accredited public school district, accredited
15 nonpublic school, or area education agency may
16 intervene in a fight or physical struggle occurring
17 among students, or between students and nonstudents,
18 that takes place in the presence of the nonemployee in
19 a school building, on school premises, or at any
20 school function or school-sponsored activity
21 regardless of its location. The intervention may
22 occur in the absence of an employee of an accredited
23 public school district, accredited nonpublic school,
24 or area education agency, or at the request of such an
25 employee, utilizing the degree and force of
26 intervention reasonably necessary to restore order and
27 protect the safety of the individuals involved in the
28 altercation and others in the vicinity of the
29 altercation. However, a person who intervenes in the
30 absence of an employee of an accredited public school
31 district, accredited nonpublic school, or area
32 education agency shall report the intervention and all
33 relevant information regarding the situation as soon
34 as reasonably possible to such an employee.

35 3. An employee of an accredited public school
36 district, accredited nonpublic school, or area
37 education agency who intervenes in a fight or physical
38 struggle pursuant to subsection 1 shall be awarded
39 reasonable monetary damages against a party bringing a
40 civil action alleging a violation of this section, if
41 it is determined in the action that the employee has
42 been wrongfully accused. A nonemployee of an
43 accredited public school district, accredited
44 nonpublic school, or area education agency who
45 intervenes in a fight or physical struggle pursuant to
46 subsection 2 shall be limited to the recovery of
47 reasonable attorney fees and court costs, if it is
48 determined in a civil action alleging a violation of
49 this section that the nonemployee has been wrongfully
50 accused."

Page 2

1 _ Title page, lines 1 and 2, by striking the

- 2 words "between school employees and" and inserting the
- 3 following: "involving".
- 4 _ . By renumbering, relettering, or
- 5 redesignating and correcting internal references as
- 6 necessary."

Amendment H-9304 was adopted.

On motion by Rants of Woodbury, the House concurred in the Senate amendment H-9193, as amended.

Rants of Woodbury moved that the bill as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2269)

The ayes were, 95:

Arnold	Barry	Bell	Blodgett
Boddicker	Bogges	Brand	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chiodo	Churchill	Cohoon
Connors	Cormack	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 3:

Bernau	Chapman	Moreland
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Absent or not voting, 2:

Bradley	Dinkla
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2348 and 2269.**

Rants of Woodbury in the chair at 7:50 p.m.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2546, a bill for an act relating to waste tires and tire-derived fuels.

Also: That the Senate has on April 20, 1998, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2345, a bill for an act relating to juvenile justice system provisions involving foster care, termination of parental rights, and adoption preplacement investigations.

MARY PAT GUNDERSON, Secretary

Ways and Means Calendar

The House resumed consideration of **House File 2560**, a bill for an act relating to aircraft registration fees, previously deferred.

Van Fossen of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2560)

The ayes were, 68:

Arnold	Barry	Bell	Blodgett
Boddicker	Boggess	Bradley	Brauns
Brunkhorst	Carroll	Cataldo	Chiodo
Churchill	Cohoon	Corbett, Spkr.	Cormack
Dix	Dolecheck	Drake	Eddie
Frevert	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Koenigs	Kremer
Lamberti	Larkin	Larson	Lord

Martin	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Myers	Nelson	Rayhons	Siegrist
Sukup	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Rants, Presiding

The nays were, 29:

Bernau	Brand	Bukta	Burnett
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Fooge	Ford
Garman	Holveck	Huser	Jochum
Kinzer	Kreiman	Mascher	Murphy
O'Brien	Osterhaus	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Taylor
Whitead			

Absent or not voting, 2:

Dinkla Heaton

Under the provision of Rule 76, conflict of interest, Chapman of Linn refrained from voting.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2560** be immediately messaged to the Senate.

Speaker Corbett in the chair at 8:30 p.m.

Senate File 547, a bill for an act relating to veterans' benefits, veterans preference, veterans' claims, and providing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Kremer of Buchanan offered amendment H-8935 filed by the committee on ways and means as follows:

H-8935

- 1 Amend Senate File 547, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 25B.7, subsection 2, paragraph

6 c, Code Supplement 1997, is amended to read as
 7 follows:
 8 c. Military service property tax credit and
 9 exemption pursuant to chapter 426A and sections 427.3
 10 through 427.7, to the extent of ~~six~~ ten dollars and
 11 ~~seventy-five~~ forty-nine cents per thousand dollars of
 12 assessed value of the exempt property.”
 13 2. Page 11, by inserting after line 27 the
 14 following:
 15 “Sec. ____ Section 426A.2, Code 1997, is amended
 16 to read as follows:
 17 426A.2 MILITARY SERVICE TAX CREDIT.
 18 The moneys shall be apportioned each year so as to
 19 replace all or a portion of the tax which would be due
 20 on property eligible for military service tax
 21 exemption in the state, if the property were subject
 22 to taxation, the amount of the credit to be not more
 23 than ~~six~~ ten dollars and ~~seventy-five~~ forty-nine cents
 24 per thousand dollars of assessed value of property
 25 which would be subject to the tax, except for the
 26 military service tax exemption.”

Greig of Emmet asked and received unanimous consent that amend-
 ment H-9171, to the committee amendment H-8935, be deferred.

Bernau of Story offered the following amendment H-9029, to the
 committee amendment H-8935 filed by him and Jochum of Dubuque
 and moved its adoption:

H-9029

1 Amend the Committee amendment, H-8935, to Senate
 2 File 547, as passed by the Senate, as follows:
 3 1. Page 1, by striking lines 10 through 12 and
 4 inserting the following: “through 427.7, to the
 5 extent of ~~six~~ ten dollars and ~~seventy-five~~ forty-nine cents per
 6 thousand dollars of assessed value of the exempt
 7 property.”
 8 2. Page 1, line 19, by striking the words “or a
 9 portion” and inserting the following: “~~or a portion~~”.
 10 3. Page 1, by striking lines 22 through 26 and
 11 inserting the following: “to taxation, the amount of
 12 the credit to be not more than ~~six~~ ten dollars and
 13 ~~seventy-five~~ forty-nine cents per thousand dollars of assessed
 14 value of property which would be subject to the tax,
 15 except for the military service tax exemption.
 16 Sec. ____ Section 426A.5, Code 1997, is amended to
 17 read as follows:
 18 426A.5 PROPORTIONATE SHARES TO DISTRICTS.
 19 The amount of credits received under this chapter
 20 shall then be apportioned by each county treasurer to
 21 the several taxing districts in the same manner as

22 though the amount of the credit had been paid by the
 23 owner of the property receiving the credit. Each
 24 taxing district shall receive its proportionate share
 25 of the military service tax credit allowed on each and
 26 every tax exemption allowed in such the taxing
 27 district, ~~in the proportion that the levy made by such~~
 28 ~~taxing district upon general property bears to the~~
 29 ~~total levy upon all property subject to general~~
 30 ~~property taxation by all taxing districts imposing a~~
 31 ~~general property tax in such taxing district based~~
 32 ~~upon the amount of property taxes which would be due~~
 33 ~~on the property receiving the credit, if the property~~
 34 ~~were subject to taxation."~~

A non-record roll call was requested.

The ayes were 55, nays 30.

Amendment H-9029 was adopted.

Kremer of Buchanan offered the following amendment H-9319, to the committee amendment H-8935, filed by Larson of Linn from the floor and moved its adoption:

H-9319

1 Amend the amendment, H-8935, to Senate File 547, as
 2 passed by the Senate, as follows:
 3 1. Page 1, line 15, by striking the word "Sec.
 4 ____" and inserting the following: "Sec. 101."
 5 2. Page 1, by inserting after line 26 the
 6 following:
 7 " ____ Page 14, by inserting after line 15 the
 8 following:
 9 "Sec. ____ Sections 1 and 101 of this Act are
 10 effective for military service tax exemption claims
 11 filed or on file on or after January 1, 1999, for
 12 property taxes due and payable in the fiscal year
 13 beginning July 1, 2000."

Amendment H-9319 was adopted.

Greig of Emmet asked and received unanimous consent to withdraw amendment H-9171, to the committee amendment H-8935, filed by him on April 14, 1998.

Kremer of Buchanan moved the adoption of the committee amendment H-8935, as amended.

The committee amendment H-8935, as amended, was adopted.

RULE 32 INVOKED

Millage of Scott rose and invoked Rule 32 to refer Senate File 547 to the committee on appropriations.

The Speaker ruled the point well taken and referred Senate File 547 to the committee on appropriations.

The House resumed consideration of **Senate File 2413**, a bill for an act relating to exemptions from and reductions in solid waste tonnage fees for certain persons, previously deferred.

Shoultz of Black Hawk offered the following amendment H-9293 filed by him from the floor and moved its adoption:

H-9293

- 1 Amend Senate File 2413, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 455B.301, Code 1997, is
 6 amended by adding the following new subsection:
 7 NEW SUBSECTION. 21. "Transfer station" means a
 8 fixed or mobile intermediate sanitary disposal project
 9 for transferring loads of solid waste, with or without
 10 reduction of volume, to another transportation unit."
 11 2. Page 1, line 3, by inserting after the figure
 12 "1." the following: "a. A tonnage fee is imposed on
 13 each ton of solid waste generated or landfilled in the
 14 state. Operators of sanitary landfills and operators
 15 of transfer stations shall pay the tonnage fee as
 16 provided in this section. The tonnage fee shall not
 17 be applied to the same solid waste more than once.
 18 b."
 19 3. Page 1, by inserting after line 8 the
 20 following:
 21 "c. The operator of a transfer station shall pay a
 22 tonnage fee to the department for each ton of solid
 23 waste received by the transfer station and transported
 24 from the transfer station during the preceding
 25 reporting period for landfilling in a sanitary
 26 landfill not paying the tonnage fee imposed under this
 27 section."
 28 4. Page 1, line 11, by inserting after the word
 29 "landfill" the following: "or transfer station".
 30 5. Page 1, line 13, by inserting after the word
 31 "landfill" the following: "or transfer station".
 32 6. Page 2, line 14, by inserting after the word
 33 "landfill" the following: "or transfer station".
 34 7. Title page, line 1, by inserting after the
 35 word "to" the following: "transfer stations and".

A non-record roll call was requested.

The ayes were 38, nays 46.

Amendment H-9293 lost.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendments H-9296 and H-9294 filed by him from the floor.

Shoultz of Black Hawk offered the following amendment H-9297 filed by him from the floor and moved its adoption:

H-9297

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by inserting after line 8 the
- 4 following:
- 5 "Sec. ____ The department of natural resources is
- 6 requested to evaluate, assess, and suggest amendments
- 7 to the design standards and criteria for nonmunicipal
- 8 solid waste landfills."

Amendment H-9297 was adopted.

Shoultz of Black Hawk offered the following amendment H-9298 filed by him from the floor and moved its adoption:

H-9298

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by inserting after line 8 the
- 4 following:
- 5 "Sec. ____ The environmental protection division
- 6 of the department of natural resources is requested to
- 7 implement a permitting fee schedule for the
- 8 administration of permits to tonnage fee exempt
- 9 foundry sand and coal combustion residue disposal
- 10 sites."

Amendment H-9298 was adopted.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-9299 filed by him from the floor.

Jenkins of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2413)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck

Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Mr. Speaker	
		Corbett	

The nays were, 3:

Fallon Shoultz Witt

Absent or not voting, 2:

Boddicker Dinkla

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 1998, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2061, a bill for an act relating to a delay in implementing the inclusion of certain information on property tax statements by providing a deferral application process and providing an effective date.

Also: That the Senate has on April 20, 1998, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2281, a bill for an act relating to compensation for the legal defense of indigent persons in criminal, appellate, and certain civil cases.

Also: That the Senate has on April 20, 1998, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2296, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision.

MARY PAT GUNDERSON, Secretary

Gipp of Winneshiek called up for consideration **House File 2546**, a bill for an act relating to waste tires and tire-derived fuels, amended by the Senate, and moved that the House concur in the following Senate amendment H-9323:

H-9323

- 1 Amend House File 2546, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 8, by striking the word "shall"
- 4 and inserting the following: "may".
- 5 2. Page 1, by striking lines 10 through 19 and
- 6 inserting the following: "party."
- 7 3. Page 1, lines 25 through 27, by striking the
- 8 words "other than a site located underground and
- 9 holding a grain warehouse license."
- 10 4. Page 1, line 29, by striking the word "fifty"
- 11 and inserting the following: "thirty-five".
- 12 5. Page 1, by striking lines 30 through 32 and
- 13 inserting the following: "equivalent collected by the
- 14 site and the prior to July 1, 1998. The financial".
- 15 6. Page 1, lines 34 and 35, by striking the words
- 16 "eighty-five" and inserting the following: "eighty-
- 17 five thirty-five".
- 18 7. Page 2, line 2, by inserting after the word
- 19 "department." the following: "This paragraph shall
- 20 take effect July 1, 1999."
- 21 8. Page 2, by striking lines 12 through 18 and
- 22 inserting the following: "tire collection or
- 23 processing site, the financial assurance instrument
- 24 for a waste tire collection site shall provide
- 25 coverage in an amount which is equivalent to eighty-
- 26 five cents per passenger tire equivalent collected by
- 27 the site on or after July 1, 1998, and the financial
- 28 assurance instrument for a waste tire processing site
- 29 shall provide coverage in an amount which is
- 30 equivalent to eighty-five cents per passenger tire
- 31 equivalent collected for processing by the site which
- 32 is above the three-day processing supply of tires for
- 33 the site as determined by the department."
- 34 9. By striking page 2, line 19, through page 3,
- 35 line 1.
- 36 10. By renumbering, relettering, or redesignating
- 37 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-9323.

Gipp of Winneshiek moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2546)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Blodgett	Bogges	Brand	Brauns
Brunkhorst	Bukta	Burnett	Carroll
Cataldo	Chapman	Chiodo	Cohoon
Connors	Cormack	Dix	Doderer
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Boddicker	Bradley	Churchill	Dinkla
Kremer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Houser of Pottawattamie called up for consideration **House File 2558**, a bill for an act relating to mental health, developmental disability, and substance abuse service, commitment, and payment provisions, and including an applicability provision and an effective date,

amended by the Senate, and moved that the House concur in the following Senate amendment H-9284:

H-9284

1 Amend House File 2558, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 12, by inserting after line 5 the
4 following:

5 "DIVISION VIII

6 SEXUALLY VIOLENT PREDATORS

7 Sec. ____ Section 229A.12, if enacted by 1998 Iowa
8 Acts, Senate File 2398, section 12, is amended to read
9 as follows:

10 229A.12 DIRECTOR OF HUMAN SERVICES -
11 RESPONSIBILITY FOR COSTS - DUTIES - REIMBURSEMENT.

12 The director of human services shall be responsible
13 for all costs relating to the evaluation and treatment
14 of persons committed to the director's custody under
15 any provision of this chapter. Reimbursement may be
16 obtained by the director from the patient and any
17 person legally liable or bound by contract for the
18 support of the patient for the cost of care and
19 treatment provided. As used in this section, "any
20 person legally liable" does not include a political
21 subdivision."

22 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-9284.

Houser of Pottawattamie moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2558)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boggest	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins

Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker Corbett		

The nays were, none.

Absent or not voting, 2:

Boddicker Dinkla

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate File 2413, House Files 2546 and 2558.**

HOUSE RECEDES

Gries of Crawford called up for consideration **House Concurrent Resolution 15**, a concurrent resolution providing for the formation of a committee by the Legislative Council to conduct a comprehensive study of school finance and make recommendations for a revised school aid formula, amended by the House and moved that the House recede from its amendment.

The motion prevailed and the House receded.

On motion by Gries of Crawford, the resolution was adopted.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Concurrent Resolution 15** be immediately messaged to the Senate.

MOTIONS TO RECONSIDER
(House File 8)

I move to reconsider the vote by which House File 8 passed the House on April 20, 1998.

HOUSER of Pottawattamie

(House File 8)

I move to reconsider the vote by which House File 8 passed the House on April 20, 1998.

SCHRADER of Marion

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 20th day of April, 1998: House Files 2175, 2262, 2275, 2400, 2424, 2472, 2499 and 2542.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 20, 1998, he approved and transmitted to the Secretary of State the following bills:

House File 2120, an act prohibiting the use of self-service displays in the offering for sale or sale of cigarettes or tobacco products, and providing a penalty.

House File 2282, an act authorizing the imposition of a local option sales and services tax and use of certain federal funds for school infrastructure projects and the issuance of bonds, and providing an effective date.

Senate File 316, an act relating to the training and probationary periods for certain law enforcement officers.

Senate File 347, an act relating to the disposal of public nuisances seized by the department of natural resources.

Senate File 2109, an act relating to mobile home dealers.

Senate File 2312, an act providing for child day care requirements for volunteers and for the number of children receiving care under the child care home pilot projects and providing an effective date.

Senate File 2329, an act relating to crime victims, by expanding the compensation available from the crime victim compensation program to victims of crime and their families and providing a Code editor directive.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Five teachers and ten students from the Four Oaks Program, Cedar Rapids, accompanied by Bonnie Morris. By Foege of Linn.

Twenty home school students from Van Meter, accompanied by Peggy Willard. By Lord of Dallas.

One hundred 7th and 8th grade students from Rockwell City-Lytton Middle School, Lytton, accompanied by Diane Lenertz. By Mundie of Webster.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1998\492 Rick August, Walcott – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\493 Jerry Kleymann, Alta – For being named the Elementary Principal of the Year for Area Education Agency 5 by the School Administrators of Iowa.
- 1998\494 Diane Kearns, Keokuk – For being elected president of the Iowa Health Information Management Association.
- 1998\495 Rev. L. H. Streich, Maynard – For his 48 years of service to the Lutheran ministry.
- 1998\496 Cliff and Arlene Bouska, Waucoma – For celebrating their 50th wedding anniversary.
- 1998\497 Fire Chief Wally Rundle, Oelwein – For his 35 years of service to the Oelwein Fire Department.
- 1998\498 Audra Cole, Sioux City – For receiving the Lifetime Achievement Award by the Iowa Chapter, National Association of Social Workers.
- 1998\499 Myrtle Beitel, Davenport – For celebrating her 90th birthday.
- 1998\500 Robert S. and Joy Klopp, Cedar Rapids – For celebrating their 50th wedding anniversary.

- 1998\501 Mike Powell, LeMars – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\502 Winga's Cafe and Mr. and Mrs. John Winga, Jr., Washington – For celebrating 70 years as one of Iowa's oldest family owned restaurants.
- 1998\503 Sammy and Patricia Samuelson, Fairfield – For celebrating their 50th wedding anniversary.
- 1998\504 Warren and Ruby Beatty, Keosauqua – For celebrating their 50th wedding anniversary.
- 1998\505 Ethel Holm, Keosauqua – For celebrating her 104th birthday.
- 1998\506 Keosauqua Mother's Club, Keosauqua – For celebrating their 70th Anniversary.
- 1998\507 Leonard and Marlys Papesh, Clutier – For celebrating their 50th wedding anniversary.
- 1998\508 Velma Asmussen, Toledo – For celebrating her 80th birthday.
- 1998\509 Sylbert Holly, Monona – For serving the students of MFL-MarMac Schools for 24 years as the school nurse.
- 1998\510 Tiffany Olsen, Tama – For being named All American Scholar by the United States Achievement Academy.
- 1998\511 Dave Nading, Strawberry Point – For exemplary volunteer work with Save The Backbone Lake Committee.

AMENDMENTS FILED

H-9301	H.F.	2559	Lamberti of Polk
H-9324	S.F.	2345	Senate Amendment
H-9325	S.F.	2281	Senate Amendment
H-9327	S.F.	2296	Senate Amendment

On motion by Siegrist of Pottawattamie, the House adjourned at 9:45 p.m., until 8:45 a.m., Tuesday, April 21, 1998.

JOURNAL OF THE HOUSE

One Hundredth Calendar Day - Sixty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 21, 1998

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Carl Heuss, Christian Reformed Church, Des Moines. A group from Arthur High School, Odebolt sang "Prayer of the Children" under the direction of Linda Johnson.

The Journal of Monday, April 20, 1998 was approved.

CONSIDERATION OF SENATE JOINT RESOLUTION 2004

The House resumed consideration of Senate Joint Resolution 2004, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state budget by limiting state general fund expenditures and restricting certain state tax revenue changes, previously deferred.

Weigel of Chickasaw offered the following amendment H-9081 filed by him and moved its adoption:

H-9081

- 1 Amend Senate Joint Resolution 2004, as passed by
- 2 the Senate, as follows:
- 3 1. Page 3, line 10, by striking the word
- 4 "principles," and inserting the following:
- 5 "principles established by the governmental accounting
- 6 standards board or its successor,".

A non-record roll call was requested.

The ayes were 37, nays 52.

Amendment H-9081 lost.

Bernau of Story offered the following amendment H-9101 filed by him and moved its adoption:

H-9101

- 1 Amend Senate Joint Resolution 2004, as passed by
- 2 the Senate, as follows:
- 3 1. Page 3, line 11, by inserting after the word
- 4 "purposes." the following: "Any state government plan

5 for retirement shall be fully funded at all times, and
6 the state shall use consistent standards in accordance
7 with generally accepted actuarial and accounting
8 principles for the plan.”

Rants of Woodbury in the chair at 9:42 a.m.

Amendment H-9101 lost.

Chapman of Linn offered amendment H-9065 filed by her as follows:

H-9065

1 Amend Senate Joint Resolution 2004, as passed by
2 the Senate, as follows:
3 1. Page 3, by inserting after line 11 the
4 following:
5 “_. The General Assembly shall provide state
6 reimbursement to local taxing jurisdictions for one
7 hundred percent of the loss of property tax revenues
8 resulting from property tax credits passed by the
9 General Assembly and shall provide one hundred percent
10 of the cost to local governmental units for
11 obligations of the state as provided by law.”

Speaker Corbett in the chair at 10:20 a.m.

Chapman of Linn offered the following amendment H-9112, to amendment H-9065, filed by her and moved its adoption:

H-9112

1 Amend the amendment, H-9065, to Senate Joint
2 Resolution 2004, as passed by the Senate, as follows:
3 1. Page 1, line 11, by inserting after the word
4 “law.” the following: “However, the General Assembly
5 may provide for less than one hundred percent
6 reimbursement of such revenue loss or costs of such
7 obligations if the bill providing for this is approved
8 by at least three-fifths vote of the whole membership
9 of each house of the General Assembly.”

Amendment H-9112 was adopted.

Larson of Linn rose on a point of order that amendment H-9065 was not germane.

The Speaker ruled the point well taken and amendment H-9065 not germane.

Chapman of Linn asked for unanimous consent to suspend the rules to consider amendment H-9065.

Objection was raised.

Chapman of Linn moved to suspend the rules to consider amendment H-9065, as amended.

A non-record roll call was requested.

The ayes were 39, nays 48.

The motion to suspend the rules lost.

Weigel of Chickasaw offered amendment H-9071 filed by him as follows:

H-9071

- 1 Amend Senate Joint Resolution 2004, as passed by
- 2 the Senate, as follows:
- 3 1. Page 3, by inserting after line 11 the
- 4 following:
- 5 "___ Local taxing jurisdictions shall be
- 6 reimbursed by the state one hundred percent of the
- 7 loss in property tax revenue resulting from property
- 8 tax credits provided to the following:
- 9 a. Homesteads based upon home ownership.
- 10 b. Agricultural land based upon school district
- 11 levies.
- 12 c. Family farms based upon school district levies.
- 13 d. Military veterans based upon time and length of
- 14 service."

Larson of Linn rose on a point of order that amendment H-9071 was not germane.

The Speaker ruled the point well taken and amendment H-9071 not germane.

Frevert of Palo Alto offered amendment H-9087 filed by her and requested division as follows:

H-9087

- 1 Amend Senate Joint Resolution 2004, as passed by
- 2 the Senate, as follows:

H-9087A

- 3 1. Page 3, by inserting after line 11 the
- 4 following:

5 "___ The budget submitted by the Governor and
6 passed by the General Assembly shall provide full
7 funding of any education instructional support
8 programs provided for by law."

9 2. Page 3, by inserting after line 11 the
10 following:

11 "___ The budget submitted by the Governor and
12 passed by the General Assembly shall provide full
13 funding of any educational programs provided for by
14 law for talented and gifted students in elementary and
15 secondary grades."

H-9087B

16 3. Page 3, by inserting after line 11 the
17 following:

18 "___ The budget submitted by the Governor and
19 passed by the General Assembly shall provide for
20 timely state aid payments to schools."

21 4. By renumbering as necessary.

Frevert of Palo Alto asked and received unanimous consent to withdraw amendment H-9087A placing amendment H-9142 filed by Frevert of Palo Alto on April 13, 1998 out of order.

Larson of Linn rose on a point of order that amendment H-9087B was not germane.

The Speaker ruled the point not well taken and amendment H-9087B germane.

Frevert of Palo Alto moved the adoption of amendment H-9087B.

Amendment H-9087B lost.

Larkin of Lee offered amendment H-9100 filed by him as follows:

H-9100

1 Amend Senate Joint Resolution 2004, as passed by
2 the Senate, as follows:

3 1. Page 3, by inserting after line 11 the
4 following:

5 "___ A local government may file a lawsuit
6 challenging a budget passed by the General Assembly if
7 the budget passed by the General Assembly does not
8 adequately fund obligations of the state as provided
9 by law."

10 2. By renumbering as necessary.

Larson of Linn rose on a point of order that amendment H-9100 was not germane.

The Speaker ruled the point well taken and amendment H-9100 not germane.

Larkin of Lee asked for unanimous consent to suspend the rules to consider amendment H-9100.

Objection was raised.

Larkin of Lee moved to suspend the rules to consider amendment H-9100.

A non-record roll call was requested.

The ayes were 43, nays 50.

The motion to suspend the rules lost.

Siegrist of Pottawattamie asked and received unanimous consent that Senate Joint Resolution 2004 be temporarily deferred.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 1998, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2498, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

MARY PAT GUNDERSON, Secretary

HOUSE INSISTS

Brunkhorst of Bremer called up for consideration **House File 2498**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED (House File 2498)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2498: Brunkhorst of Bremer, Chair; Van Maanen of Marion, Holmes of Scott, Chiodo of Polk and Huser of Polk.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2498** be immediately messaged to the Senate.

HOUSE REFUSED TO CONCUR

Churchill of Polk called up for consideration Senate File 2296, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-9327:

H-9327

1 Amend the House amendment, S-5540, to Senate File
2 2296, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. By striking page 1, line 3, through page 8,
5 line 16, and inserting the following:

6 "_. By striking everything after the enacting
7 clause and inserting the following:

8 "Section 1. DEPARTMENT OF ECONOMIC DEVELOPMENT.

9 There is appropriated from the general fund of the
10 state and other designated funds to the department of
11 economic development for the fiscal year beginning
12 July 1, 1998, and ending June 30, 1999, the following
13 amounts, or so much thereof as is necessary, to be
14 used for the purposes designated:

15 1. ADMINISTRATIVE SERVICES DIVISION

16 a. General administration

17 For salaries, support, maintenance, miscellaneous
18 purposes, and for providing that a business receiving
19 moneys from the department for the purpose of job
20 creation shall make available ten percent of the new
21 jobs created for promise jobs program participants who
22 are qualified for the jobs created and for not more
23 than the following full-time equivalent positions:

24	\$	1,494,231
25	FTEs	25.75

26 One of the full-time equivalent positions
27 authorized in this lettered paragraph relates to the
28 transition of personnel services contractors to full-
29 time equivalent positions. The merit system
30 provisions of chapter 19A and the provisions of the
31 state and union collective bargaining agreements shall
32 not govern movement into these full-time equivalent
33 positions until September 1, 1998. These provisions
34 relating to the transition of personnel services
35 contractors to full-time equivalent positions, chapter
36 19A, and collective bargaining agreements are void
37 after September 1, 1998.

38 b. Film office

39 For salaries, support, maintenance, miscellaneous

40 purposes, and for not more than the following full-
 41 time equivalent positions:
 42 \$ 253,632
 43 FTEs 2.00
 44 2. BUSINESS DEVELOPMENT DIVISION
 45 a. Business development operations
 46 For salaries, support, maintenance, miscellaneous
 47 purposes, for not more than the following full-time
 48 equivalent positions, for allocating \$495,000 to
 49 support activities in conjunction with the Iowa
 50 manufacturing technology center, \$150,000 to the

Page 2

1 graphic arts center, and for a strategic marketing
 2 effort for workforce development:
 3 \$ 3,940,232
 4 FTEs 22.75
 5 Four of the full-time equivalent positions
 6 authorized in this lettered paragraph relate to the
 7 transition of personnel services contractors to full-
 8 time equivalent positions. The merit system
 9 provisions of chapter 19A and the provisions of the
 10 state and union collective bargaining agreements shall
 11 not govern movement into these full-time equivalent
 12 positions until September 1, 1998. These provisions
 13 relating to the transition of personnel services
 14 contractors to full-time equivalent positions, chapter
 15 19A, and collective bargaining agreements are void
 16 after September 1, 1998.
 17 b. Small business programs
 18 For salaries, support, maintenance, miscellaneous
 19 purposes, and for not more than the following full-
 20 time equivalent positions for the small business
 21 program, the small business advisory council, and
 22 targeted small business program:
 23 \$ 450,622
 24 FTEs 5.00
 25 c. Federal procurement office
 26 For salaries, support, maintenance, miscellaneous
 27 purposes, and for not more than the following full-
 28 time equivalent positions:
 29 \$ 103,967
 30 FTEs 3.00
 31 Notwithstanding section 8.33, moneys remaining
 32 unencumbered or unobligated on June 30, 1999, shall
 33 not revert and shall be available for expenditure
 34 during the fiscal year beginning July 1, 1999, for the
 35 same purposes.
 36 d. Strategic investment fund
 37 For deposit in the strategic investment fund for
 38 salaries, support, for not more than the following
 39 full-time equivalent positions:

40 \$ 6,803,513
 41 FTEs 12.50
 42 Two of the full-time equivalent positions
 43 authorized in this lettered paragraph relate to the
 44 transition of personnel services contractors to full-
 45 time equivalent positions. The merit system
 46 provisions of chapter 19A and the provisions of the
 47 state and union collective bargaining agreements shall
 48 not govern movement into these full-time equivalent
 49 positions until September 1, 1998. These provisions
 50 relating to the transition of personnel services

Page 3

1 contractors to full-time equivalent positions, chapter
 2 19A, and collective bargaining agreements are void
 3 after September 1, 1998.

4 The department may allocate from the strategic
 5 investment fund up to \$600,000 for the entrepreneurial
 6 ventures assistance program. The department shall
 7 seek the advice, consultation, and cooperation of the
 8 entrepreneurial centers and the major benefactor of
 9 the centers in the implementation of the
 10 entrepreneurial ventures assistance program.

11 The department may allocate from the strategic
 12 investment fund up to \$100,000 for the microbusiness
 13 rural enterprise assistance program under section
 14 15.114.

15 The department shall provide an annual report on
 16 the progress made by the department in making the
 17 community economic betterment program a self-
 18 sustaining, revolving loan program.

19 e. Insurance economic development

20 There is appropriated from moneys collected by the
 21 division of insurance in excess of the anticipated
 22 gross revenues under section 505.7, subsection 3, to
 23 the department for the fiscal year beginning July 1,
 24 1998, and ending June 30, 1999, the following amount,
 25 or so much thereof as is necessary, for insurance
 26 economic development and international insurance
 27 economic development:

28 \$ 200,000

29 f. Value-added agriculture

30 There is appropriated from the moneys available to
 31 support value-added agricultural products and
 32 processes, four percent, or so much thereof as is
 33 necessary, of the total moneys available to support
 34 value-added agricultural products and processes
 35 pursuant to section 423.24 each quarter for
 36 administration of the value-added agricultural
 37 products and processes financial assistance program as
 38 provided in section 15E.111, including salaries,
 39 support, maintenance, miscellaneous purposes, and for

40 not more than 2.00 FTEs.

41 The department shall collaborate with the
42 university of northern Iowa on a strategic initiative
43 to develop ag-based industrial lubrication technology
44 and to create projects to deploy the technology in
45 commercial applications. Notwithstanding the
46 requirements of section 15E.111 and the administrative
47 rules for value-added agricultural products and
48 processes, the department shall allocate \$150,000 for
49 this initiative.

50 3. COMMUNITY DEVELOPMENT DIVISION

Page 4

1 a. Community assistance

2 For salaries, support, maintenance, miscellaneous
3 purposes, and for not more than the following full-
4 time equivalent positions for administration of the
5 community economic preparedness program, the Iowa
6 community betterment program, and the city development
7 board:

8 \$ 654,547
9 FTEs 8.50

10 b. Main street/rural main street program

11 For salaries and support for not more than the
12 following full-time equivalent positions:

13 \$ 425,219
14 FTEs 3.00

15 Notwithstanding section 8.33, moneys committed to
16 grantees under contract from the general fund of the
17 state that remain unexpended on June 30, 1999, shall
18 not revert to any fund but shall be available for
19 expenditure for purposes of the contract during the
20 fiscal year beginning July 1, 1999.

21 c. Community development program

22 For salaries, support, maintenance, miscellaneous
23 purposes, for not more than the following full-time
24 equivalent positions, for rural resource coordination,
25 rural community leadership, rural innovations grant
26 program, and the rural enterprise fund:

27 \$ 827,215
28 FTEs 7.50

29 Three of the full-time equivalent positions
30 authorized in this lettered paragraph relate to the
31 transition of personnel services contractors to full-
32 time equivalent positions. The merit system
33 provisions of chapter 19A and the provisions of the
34 state and union collective bargaining agreements shall
35 not govern movement into these full-time equivalent
36 positions until September 1, 1998. These provisions
37 relating to the transition of personnel services
38 contractors to full-time equivalent positions, chapter
39 19A, and collective bargaining agreements are void

40 after September 1, 1998.

41 There is appropriated from the rural community 2000
42 program revolving fund established in section 15.287
43 to provide to Iowa's councils of governments funds for
44 planning and technical assistance to local
45 governments:

46 \$ 150,000

47 There is appropriated from the rural community 2000
48 program revolving fund established in section 15.287
49 to the rural development program for the purposes of
50 the program including the rural enterprise fund and

Page 5

1 collaborative skills development training:

2 \$ 484,343

3 Notwithstanding section 8.33, moneys committed to
4 grantees under contract from the general fund of the
5 state or through transfers from the Iowa community
6 development loan fund or from the rural community 2000
7 program revolving fund that remain unexpended on June
8 30, 1999, shall not revert but shall be available for
9 expenditure for purposes of the contract during the
10 fiscal year beginning July 1, 1999.

11 d. Community development block grant and HOME

12 For administration and related federal housing and
13 urban development grant administration for salaries,
14 support, maintenance, miscellaneous purposes, and for
15 not more than the following full-time equivalent
16 positions:

17 \$ 418,737

18 FTEs 21.75

19 Three of the full-time equivalent positions
20 authorized in this lettered paragraph relate to the
21 transition of personnel services contractors to full-
22 time equivalent positions. The merit system
23 provisions of chapter 19A and the provisions of the
24 state and union collective bargaining agreements shall
25 not govern movement into these full-time equivalent
26 positions until September 1, 1998. These provisions
27 relating to the transition of personnel services
28 contractors to full-time equivalent positions, chapter
29 19A, and collective bargaining agreements are void
30 after September 1, 1998.

31 e. Housing development fund

32 For providing technical assistance to communities
33 of all sizes and local financial institutions to help
34 meet local housing needs and to provide and transfer
35 matching funds for the HOME program:

36 \$ 1,300,000

37 Notwithstanding section 8.33, moneys committed to
38 grantees under contract from the housing development
39 fund and moneys transferred for matching funds for the

40 HOME program that remain unexpended or unobligated on
 41 June 30, 1999, shall not revert to any fund but shall
 42 be available for obligation and expenditure for
 43 purposes of those programs during the fiscal year
 44 beginning July 1, 1999.

45 f. Shelter assistance program

46 For the purposes of the shelter assistance fund:

47 \$ 400,000

48 4. INTERNATIONAL DIVISION

49 a. International trade operations

50 For salaries, support, maintenance, miscellaneous

Page 6

1 purposes, for support of foreign representation and
 2 trade offices, and for not more than the following
 3 full-time equivalent positions:

4 \$ 2,010,073

5 FTEs 10.00

6 From among the full-time equivalent positions
 7 authorized by this lettered paragraph, one position
 8 shall concentrate on the export sale of grain, one on
 9 the export sale of livestock, and one on the export
 10 sale of value-added agricultural products.

11 The department shall file a report every six months
 12 with the general assembly in a manner consistent with
 13 section 7A.11 and with the chairpersons and ranking
 14 members of the joint appropriations subcommittee on
 15 economic development which gives an update of all
 16 activities regarding trade promotion in the Chinese
 17 market.

18 b. Export trade assistance program

19 For export trade activities, including a program to
 20 encourage and increase participation in trade shows
 21 and trade missions by providing financial assistance
 22 to businesses for a percentage of their costs of
 23 participating in trade shows and trade missions, by
 24 providing for the lease/sublease of showcase space in
 25 existing world trade centers, by providing temporary
 26 office space for foreign buyers, international
 27 prospects, and potential reverse investors, and by
 28 providing other promotional and assistance activities,
 29 including salaries and support:

30 \$ 425,000

31 Notwithstanding section 8.33, moneys appropriated
 32 by this lettered paragraph which remain unobligated or
 33 unexpended on June 30, 1999, shall not revert to the
 34 general fund of the state but shall be transferred to
 35 and deposited in the strategic investment fund created
 36 in section 15.313.

37 c. Agricultural product advisory council

38 For support, maintenance, and miscellaneous
 39 purposes:

40	.....	\$	1,300
41	d. For transfer to the partner state program which		
42	the department may use to contract with private groups		
43	or organizations which are the most appropriate to		
44	administer this program and the groups and		
45	organizations participating in the program shall, to		
46	the fullest extent possible, provide the funds to		
47	match the appropriation made in this paragraph of the		
48	funds transferred:		
49	.....	\$	125,000
50	5. TOURISM DIVISION		

Page 7

1	Tourism operations/advertising		
2	For salaries, support, maintenance, miscellaneous		
3	purposes, for not more than the following full-time		
4	equivalent positions:		
5	.....	\$	5,038,912
6	.....	FTEs	18.52

7 The department may expend up to \$130,000 to provide
8 assistance to private welcome centers in the state.

9 The department shall not provide assistance of more
10 than \$10,000 to any one private welcome center. A
11 private welcome center seeking assistance shall submit
12 a competitive application to the department and may be
13 eligible for receiving assistance if the private
14 welcome center complies with all of the following
15 criteria:

16 a. The private welcome center is at risk of a
17 projected operating deficit.

18 b. The private welcome center complies with
19 operational standards and requirements determined by
20 the department.

21 c. The private welcome center submits a financial
22 plan for self-sufficiency to the department.

23 The department shall conduct a study of the public
24 and private welcome center system in the state. The
25 department shall make recommendations to the general
26 assembly for the future operation of the system
27 including recommendations concerning funding for
28 private welcome center operations and quality
29 standards for public and private welcome centers.

30 The department shall not use the moneys
31 appropriated in this subsection, unless the department
32 develops public-private partnerships with Iowa
33 businesses in the tourism industry, Iowa tour groups,
34 Iowa tourism organizations, and political subdivisions
35 in this state to assist in the development of
36 advertising efforts. The department shall, to the
37 fullest extent possible, develop cooperative efforts
38 for advertising with contributions from other sources.

39 Sec. 2. COMMUNITY DEVELOPMENT LOAN FUND.

40 Notwithstanding section 15E.120, subsections 5, 6, and
 41 7, and section 15.287, there is appropriated from the
 42 Iowa community development loan fund all the moneys
 43 available during the fiscal year beginning July 1,
 44 1998, and ending June 30, 1999, to the department of
 45 economic development for the community development
 46 program to be used by the department for the purposes
 47 of the program.

48 Sec. 3. JOB TRAINING FUND. Notwithstanding
 49 section 15.251, subsection 2, there is appropriated
 50 from the job training fund to the department of

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1 economic development for the fiscal year beginning
 2 July 1, 1998, and ending June 30, 1999, the following
 3 amount, or so much thereof as is necessary, to be used
 4 for the purposes designated:

5 For administration of chapter 260E, including
 6 salaries, support, maintenance, miscellaneous
 7 purposes, and for not more than the following full-
 8 time equivalent positions:

9	\$	210,000
10	FTEs	2.50

11 Appropriations to the department of economic
 12 development for administration of chapter 260E and the
 13 department of workforce development for the target
 14 alliance program shall be funded on a proportional
 15 basis if receipts to the job training fund are
 16 insufficient to fund both appropriations in their
 17 entirety.

18 Sec. 4. WORKFORCE DEVELOPMENT FUND. There is
 19 appropriated from the workforce development fund
 20 account created in section 15.342A, to the workforce
 21 development fund created in section 15.343, for the
 22 fiscal year beginning July 1, 1998, and ending June
 23 30, 1999, the following amount, for the purposes of
 24 the workforce development fund:

25	\$	6,850,000
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26 Sec. 5. Of all funds appropriated to or receipts
 27 credited to the job training fund created in section
 28 260F.6, subsection 1, up to \$175,000 for the fiscal
 29 year beginning July 1, 1998, and ending June 30, 1999,
 30 and not more than 1.50 FTEs may be used for the
 31 administration of the Iowa jobs training Act.

32 Sec. 6. IOWA STATE UNIVERSITY. There is
 33 appropriated from the general fund of the state to the
 34 Iowa state university of science and technology for
 35 the fiscal year beginning July 1, 1998, and ending
 36 June 30, 1999, the following amounts, or so much
 37 thereof as is necessary, to be used for the purposes
 38 designated:

39 1. For funding and maintaining in their current

40	locations the existing small business development		
41	centers, and for not more than the following full-time		
42	equivalent positions:		
43	.....	\$	1,235,880
44	.....	FTEs	5.80
45	2. For the Iowa state university of science and		
46	technology research park, including salaries, support,		
47	maintenance, miscellaneous purposes, and for not more		
48	than the following full-time equivalent positions:		
49	\$	376,500
50	FTEs	4.31

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1	3. For funding the institute for physical research		
2	and technology, provided that \$318,358 shall be		
3	allocated to the industrial incentive program in		
4	accordance with the intent of the general assembly,		
5	and for not more than the following full-time		
6	equivalent positions:		
7	.....	\$	4,379,458
8	.....	FTEs	46.42

9 It is the intent of the general assembly that the
10 incentive program focus on Iowa industrial sectors and
11 seek contributions and in-kind donations from
12 businesses, industrial foundations, and trade
13 associations and that moneys for the institute for
14 physical research and technology industrial incentive
15 program shall only be allocated for projects which are
16 matched by private sector moneys for directed contract
17 research or for nondirected research. The match
18 required of small businesses as defined in section
19 15.102, subsection 4, for directed contract research
20 or for nondirected research shall be \$1 for each \$3 of
21 state funds. The match required for other businesses
22 for directed contract research or for nondirected
23 research shall be \$1 for each \$1 of state funds. The
24 match required of industrial foundations or trade
25 associations shall be \$1 for each \$1 of state funds.

26 Iowa state university of science and technology
27 shall report annually to the joint appropriations
28 subcommittee on economic development and legislative
29 fiscal bureau the total amounts of private
30 contributions, the proportion of contributions from
31 small businesses and other businesses, and the
32 proportion for directed contract research and
33 nondirected research of benefit to Iowa businesses and
34 industrial sectors.

35 Notwithstanding section 8.33, moneys appropriated
36 for the fiscal year which remain unobligated and
37 unexpended at the end of the fiscal year shall not
38 revert but shall be available for expenditure the
39 following fiscal year.

40 Sec. 7. UNIVERSITY OF IOWA. There is appropriated
 41 from the general fund of the state to the state
 42 university of Iowa for the fiscal year beginning July
 43 1, 1998, and ending June 30, 1999, the following
 44 amounts, or so much thereof as is necessary, to be
 45 used for the purposes designated:

46 1. For the university of Iowa research park,
 47 including salaries, support, maintenance, equipment,
 48 miscellaneous purposes, and for not more than the
 49 following full-time equivalent positions:
 50 \$ 331,007

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1 FTEs 4.35
 2 2. For funding the advanced drug development
 3 program at the Oakdale research park and for not more
 4 than the following full-time equivalent positions:
 5 \$ 262,199
 6 FTEs 2.85

7 The board of regents shall submit a report on the
 8 progress of regents institutions in meeting the
 9 strategic plan for technology transfer and economic
 10 development to the chairpersons of the joint
 11 appropriations subcommittee on economic development,
 12 the joint appropriations subcommittee on education,
 13 the majority leader and minority leader of the senate,
 14 the majority and minority leaders of the house of
 15 representatives, the secretary of the senate, the
 16 chief clerk of the house of representatives, and the
 17 legislative fiscal bureau by December 1, 1998.

18 Sec. 8. UNIVERSITY OF NORTHERN IOWA. There is
 19 appropriated from the general fund of the state to the
 20 university of northern Iowa for the fiscal year
 21 beginning July 1, 1998, and ending June 30, 1999, the
 22 following amounts, or so much thereof as is necessary,
 23 to be used for the purposes designated:

24 1. For the metal casting institute, including
 25 salaries, support, maintenance, miscellaneous
 26 purposes, and for not more than the following full-
 27 time equivalent positions:
 28 \$ 166,349
 29 FTEs 2.75

30 2. For the institute of decision making, including
 31 salaries, support, maintenance, miscellaneous
 32 purposes, and for not more than the following full-
 33 time equivalent positions:
 34 \$ 688,308
 35 FTEs 8.00

36 Sec. 9. DEPARTMENT OF WORKFORCE DEVELOPMENT.
 37 There is appropriated from the general fund of the
 38 state, to the department of workforce development for
 39 the fiscal year beginning July 1, 1998, and ending

40 June 30, 1999, the following amounts, or so much
41 thereof as is necessary, for the purposes designated:

42 1. DIVISION OF LABOR SERVICES

43 For the division of labor services, including
44 salaries, support, maintenance, miscellaneous
45 purposes, and for not more than the following full-
46 time equivalent positions:

47 \$ 2,902,693
48 FTEs 93.00

49 From the contractor registration fees, the division
50 of labor services shall reimburse the department of

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1 inspections and appeals for all costs associated with
2 hearings under chapter 91C, relating to contractor
3 registration.

4 2. DIVISION OF INDUSTRIAL SERVICES

5 For salaries, support, maintenance, miscellaneous
6 purposes, and for not more than the following full-
7 time equivalent positions:

8 \$ 2,390,927
9 FTEs 34.00

10 The division of industrial services shall continue
11 charging a \$65 filing fee for workers' compensation
12 cases. The filing fee shall be paid by the petitioner
13 of a claim. However, the fee can be taxed as a cost
14 and paid by the losing party, except in cases where it
15 would impose an undue hardship or be unjust under the
16 circumstances.

17 3. For salaries, support, maintenance,
18 miscellaneous purposes, and for not more than the
19 following full-time equivalent position for the
20 workforce development state and regional boards:

21 \$ 106,929
22 FTE 1.00

23 4. For salaries, support, maintenance,
24 miscellaneous purposes for collection of labor market
25 information, and for not more than the following full-
26 time equivalent position:

27 \$ 65,354
28 FTE 1.00

29 5. WORKFORCE DEVELOPMENT AREA

30 For salaries, support, maintenance, and
31 miscellaneous purposes for the development and
32 maintenance of a workforce sufficient in size and
33 skill to meet the occupational demands of each
34 workforce development area, and for workforce
35 development programs, including those provided for in
36 sections 84A.7, 84A.8, and 84A.9. Each region shall
37 be required to provide an equal amount of matching
38 funds from local sources:

39 \$ 1,480,022

40 FTEs 4.20
 41 The department shall expend \$923,180 on youth
 42 workforce programs. Youth conservation corps program
 43 moneys shall be allocated among the regions which have
 44 developed a youth conservation corps program.
 45 Notwithstanding section 8.33, moneys committed to
 46 grantees under contract that remain unexpended on June
 47 30, 1999, shall not revert to any fund but shall be
 48 available for expenditure for purposes of the contract
 49 during the fiscal year beginning July 1, 1999.
 50 6. LABOR MANAGEMENT COORDINATOR

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1 For salaries, support, maintenance, miscellaneous
 2 purposes, and for not more than the following full-
 3 time equivalent position:
 4 \$ 66,851
 5 FTE 0.50

6 The Iowa workforce development board shall be
 7 responsible for the functions previously conducted by
 8 the state labor management cooperation council. The
 9 board, the department of workforce development, and
 10 the labor management coordinator shall cooperate to
 11 improve communications and facilitate dialogue between
 12 labor, management, and government on workforce
 13 development problems facing the state, to form in-
 14 plant labor management committees, and to provide
 15 technical assistance to establish effective labor
 16 management policies in the state.

17 7. WELFARE-TO-WORK MATCHING FUNDS

18 For matching funds for welfare-to-work grants
 19 authorized through the United States department of
 20 labor to provide additional services for the hardest
 21 to employ recipients of family investment program
 22 benefits:

23 \$ 888,633
 24 Notwithstanding section 8.33, moneys appropriated
 25 in this subsection which remain unexpended or
 26 unobligated on June 30, 1999, shall not revert to the
 27 general fund of the state but shall remain available
 28 for expenditure for the same purpose during the fiscal
 29 year beginning July 1, 1999.

30 Sec. 10. JOB TRAINING FUND. Notwithstanding
 31 section 15.251, subsection 2, there is appropriated
 32 from the job training fund to the department of
 33 workforce development for the fiscal year beginning
 34 July 1, 1998, and ending June 30, 1999, the following
 35 amount, or so much thereof as is necessary, to be used
 36 for the purpose designated:

37 For the target alliance program:
 38 \$ 30,000

39 Sec. 11. ADMINISTRATIVE CONTRIBUTION SURCHARGE

40 FUND. There is appropriated from the administrative
 41 contribution surcharge fund of the state to the
 42 department of workforce development for the fiscal
 43 year beginning July 1, 1998, and ending June 30, 1999,
 44 the following amount, or so much thereof as is
 45 necessary, for the purposes designated:
 46 Notwithstanding section 96.7, subsection 12,
 47 paragraph "c", for salaries, support, maintenance,
 48 conducting labor availability surveys, miscellaneous
 49 purposes, and for not more than the following full-
 50 time equivalent positions:

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1 \$ 7,100,000
 2 FTEs 125.42

3 Sec. 12. EMPLOYMENT SECURITY CONTINGENCY FUND.

4 There is appropriated from the special employment
 5 security contingency fund to the department of
 6 workforce development for the fiscal year beginning
 7 July 1, 1998, and ending June 30, 1999, the following
 8 amounts, or so much thereof as is necessary, for the
 9 purposes designated:

10 1. DIVISION OF LABOR SERVICES

11 For salaries, support, maintenance, and
 12 miscellaneous purposes:

13 \$ 296,000

14 2. DIVISION OF INDUSTRIAL SERVICES

15 For salaries, support, maintenance, and
 16 miscellaneous purposes:

17 \$ 175,000

18 Any additional penalty and interest revenue may be
 19 used to accomplish the mission of the department.

20 Sec. 13. PUBLIC EMPLOYMENT RELATIONS BOARD. There

21 is appropriated from the general fund of the state to
 22 the public employment relations board for the fiscal
 23 year beginning July 1, 1998, and ending June 30, 1999,
 24 the following amount, or so much thereof as is
 25 necessary, for the purposes designated:

26 For salaries, support, maintenance, miscellaneous
 27 purposes, and for not more than the following full-
 28 time equivalent positions:

29 \$ 857,844

30 FTEs 12.80

31 Sec. 14. CAREER ASSESSMENT TOOL DEVELOPMENT.

32 There is appropriated from the general fund of the
 33 state to the department of economic development for
 34 the fiscal year beginning July 1, 1998, and ending
 35 June 30, 1999, the following amount, or so much
 36 thereof as is necessary, to be used for the purposes
 37 designated:

38 For purposes of development of a career assessment
 39 tool as provided in this section:

40 \$ 100,000
 41 Moneys appropriated under this section shall be
 42 used by the department of economic development,
 43 following a request for proposals, to enter into a
 44 contract for the development of a career assessment
 45 tool with an Iowa-based business in the career
 46 assessment field that has made initial documented
 47 investments in career assessment research and which
 48 demonstrates the ability to work with and market the
 49 proposed assessment tool. The assessment tool shall
 50 be age-appropriate for middle and secondary school

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1 students and capable of measuring student attributes,
 2 both unique and general, which affect career pathway
 3 options. In addition, the assessment tool shall be
 4 effective in addressing the lifelong learning needs of
 5 adults, social welfare recipients, and individuals
 6 within the correctional system. The assessment tool
 7 shall be valid under current educational standards,
 8 and aligned with the United States secretary of
 9 labor's commission on achieving necessary skills and
 10 with guidelines published by the national career
 11 development association. The assessment tool may be
 12 developed in consultation with private and public
 13 entities involved in the education of students of all
 14 ages, business and industry, labor organizations,
 15 school-to-work program representatives, and social
 16 welfare, economic development, and workforce
 17 development groups.

18 Sec. 15. WORKFORCE RECRUITMENT INITIATIVE.

19 1. FINDINGS. The general assembly finds that
 20 growing levels of employment coupled with historically
 21 low levels of unemployment are evidence of increasing
 22 scarcity of skilled workers. Limited access to a
 23 skilled workforce is preventing Iowa companies from
 24 increasing employment and production, and is a barrier
 25 to sustained and stable economic growth.

26 Further, the general assembly finds that in order
 27 to increase the size of the workforce, a partnership
 28 of private sector employers, communities and public
 29 sector organizations should be formed to develop and
 30 implement a workforce recruitment initiative. The
 31 initiative is intended to include strategies for
 32 recruiting new workers that will meet the workforce
 33 needs of Iowa employers who are unable to fill high
 34 quality jobs.

35 2. ESTABLISHMENT. The general assembly finds an
 36 immediate need for the establishment of a workforce
 37 recruitment initiative with projects intended to
 38 retain and recruit new skilled and unskilled employees
 39 to fill the needs of both communities and businesses.

40 The department of economic development and the
 41 department of workforce development shall enter into a
 42 cooperative memorandum of understanding to accomplish
 43 purposes of this initiative. The memorandum shall
 44 include, but not be limited to, provisions for the
 45 sharing and utilization of job matching databases and
 46 technology to accomplish the purposes of the
 47 initiative and for an allocation out of moneys
 48 appropriated to the department of economic development
 49 for purposes of the workforce recruitment initiative
 50 for payment of employee salaries related to the

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1 workforce recruitment initiative.

2 3. STATE AGENCY COOPERATION. The department of
 3 economic development and the department of workforce
 4 development shall seek and obtain the cooperation of
 5 any state agency and local economic development
 6 organization actively involved in workforce
 7 development initiatives which could provide employee
 8 recruitment and marketing assistance to accomplish the
 9 workforce recruitment initiative.

10 4. FTEs. For purposes of the workforce
 11 recruitment initiative, the department of workforce
 12 development shall increase the number of full-time
 13 equivalent positions authorized for the department
 14 during the fiscal year beginning July 1, 1998, by 2.00
 15 FTEs through moneys authorized for expenditure in this
 16 Act and allocated pursuant to the cooperative
 17 memorandum of understanding entered into with the
 18 department of economic development as provided in
 19 section 2.

20 5. APPROPRIATION. There is appropriated from the
 21 general fund of the state to the department of
 22 economic development for the fiscal year beginning
 23 July 1, 1998, and ending June 30, 1999, the following
 24 amount, or so much thereof as is necessary, to be used
 25 for the purposes designated:

26 For workforce recruitment initiative purposes
 27 including technical support and maintenance of
 28 databases and an internet web site, for a joint
 29 proposal of the department of economic development and
 30 the department of workforce development relating to
 31 the workforce recruitment initiative which shall
 32 include provisions for private sector contributions,
 33 and including salaries, support, maintenance,
 34 miscellaneous purposes, and for not more than the
 35 following full-time equivalent positions:

36	..... \$	300,000
37	..... FTEs	3.00

38 Notwithstanding section 8.33, moneys appropriated
 39 in this subsection which remain unexpended or

40 unobligated on June 30, 1999, shall not revert to the
41 general fund of the state but shall remain available
42 for expenditure in the fiscal year beginning July 1,
43 1999, for the purposes designated.

44 6. STRATEGIC INVESTMENT FUND ALLOCATION. There is
45 allocated from the strategic investment fund to the
46 department of economic development for the fiscal year
47 beginning July 1, 1998, and ending June 30, 1999,
48 \$150,000 to be used for the purchase of equipment,
49 software, laptop computers, and other necessary
50 technological equipment.

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1 7. BUSINESS DEVELOPMENT DIVISION. The business
2 development division of the department of economic
3 development may expend from moneys appropriated to the
4 department and allocated to the business development
5 division, for business development operations, up to
6 \$400,000 for increasing the labor availability and
7 recruitment efforts in the state in all occupational
8 areas and as deemed necessary.

9 Sec. 16. NEW SECTION. 15.361 TITLE.

10 This part shall be known and may be cited as the
11 "Certified School to Career Program".

12 Sec. 17. NEW SECTION. 15.362 DEFINITIONS.

13 As used in this part, unless the context otherwise
14 requires:

15 1. "Certified school to career program" or
16 "certified program" means a sequenced and articulated
17 secondary and postsecondary program registered as an
18 apprenticeship program under 29 C.F.R. subtit. A, pt.
19 29, which is conducted pursuant to an agreement as
20 provided in section 15.364 or a program approved by
21 the state board of education, in conjunction with the
22 department of economic development, as meeting the
23 standards enumerated in section 15.363, that
24 integrates a secondary school curriculum with private
25 sector job training which places students in job
26 internships, and which is designed to continue into
27 postsecondary education and that will result in
28 teaching new skills and adding value to the wage-
29 earning potential of participants and increase their
30 long-term employability in the state and which is
31 conducted pursuant to an agreement as provided in
32 section 15.364.

33 2. "Participant" means an individual between the
34 ages of sixteen and twenty-four who is enrolled in a
35 public or private secondary or postsecondary school
36 and who initiated participation in a certified school
37 to career program as part of secondary school
38 education.

39 3. "Payroll expenditures" means the base wages

40 actually paid by an employer to a participant plus the
41 amount held in trust to be applied toward the
42 participant's postsecondary education.

43 4. "Sponsor" means any person, association,
44 committee, or organization operating a school to
45 career program and in whose name the program is or
46 will be registered or approved.

47 Sec. 18. NEW SECTION. 15.363 CERTIFICATION
48 STANDARDS.

49 The state board of education, in consultation with
50 the department of economic development, shall adopt

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1 rules pursuant to chapter 17A to guide the board and
2 department in determining whether a potential school
3 to career program should be approved.

4 A school to career program which is approved by the
5 state board of education in conjunction with the
6 department of economic development shall comply with
7 all of the following standards:

8 1. The program is conducted pursuant to an
9 organized, written plan embodying the terms and
10 conditions of employment, job training, classroom
11 instruction, and supervision of one or more
12 participants, subscribed to by a sponsor who has
13 undertaken to carry out the school to career program.

14 2. The program complies with all state and federal
15 laws pertaining to the workplace.

16 3. The employer agrees to assign an employee to
17 serve as a mentor for a participant. The mentor's
18 occupation shall be in the same career pathway as the
19 career interests of the participant.

20 4. The program involves an eligible postsecondary
21 institution as defined in section 261C.3.

22 5. Other standards adopted by rule by the state
23 board of education after consultation with the
24 department of economic development.

25 Sec. 19. NEW SECTION. 15.364 CERTIFIED PROGRAM
26 AGREEMENT.

27 The certified program shall be conducted pursuant
28 to a signed written agreement between each participant
29 and the employer which contains at least the following
30 provisions:

31 1. The names and signatures of the participant and
32 the sponsor or employer and the signature of a parent
33 or guardian if the participant is a minor.

34 2. A description of the career field in which the
35 participant is to be trained, and the beginning date
36 and duration of the training.

37 3. The employer's agreement to provide paid
38 employment, at a base wage, for the participant during
39 the summer months after the participant's junior and

- 40 senior years in high school and after the
41 participant's first year of postsecondary education.
- 42 4. The participant and employer shall agree upon
43 set minimum academic standards which must be
44 maintained through the participant's secondary and
45 postsecondary education.
- 46 5. This base wage paid to the participant shall
47 not be less than the minimum wage prescribed by Iowa
48 law or the federal Fair Labor Standards Act, whichever
49 is applicable.
- 50 6. That in addition to the base wage paid to the

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- 1 participant, the employer shall pay an additional sum
2 to be held in trust to be applied toward the
3 participant's postsecondary education required for
4 completion of the certified program. The additional
5 amount must be not less than an amount determined by
6 the department of economic development to be
7 sufficient to provide payment of tuition expenses
8 toward completion of not more than two academic years
9 of the required postsecondary education component of
10 the certified program at an Iowa community college or
11 an Iowa public or private college or university. This
12 amount shall be held in trust for the benefit of the
13 participant pursuant to rules adopted by the
14 department of economic development. Payment into an
15 ERISA-approved fund for the benefit of the participant
16 shall satisfy this requirement. The specific fund
17 shall be specified in the agreement.
- 18 7. The participant's agreement to work for the
19 employer for at least two years following the
20 completion of the participant's postsecondary
21 education required by the certified program. However,
22 the agreement may provide for additional education and
23 work commitments beyond the two years.
- 24 8. If the participant does not complete the two-
25 year employment obligation, the participant's
26 agreement to repay to the employer the amount paid by
27 the employer toward the participant's postsecondary
28 education expenses pursuant to subsection 6.
- 29 9. a. That if a participant does not complete the
30 certified program contemplated by the agreement after
31 entering a postsecondary education program, any
32 unexpended funds being held in trust for the
33 participant's postsecondary education shall be paid
34 back to the employer. In addition the participant
35 must repay to the employer amounts paid from the trust
36 which were expended on the participant's behalf for
37 postsecondary education.
- 38 b. That if a participant does not complete the
39 certified program contemplated by the agreement prior

40 to entering a postsecondary education program, one-
41 half of the moneys being held in trust for the
42 participant's postsecondary education shall be paid to
43 a postsecondary education institution as defined in
44 section 261C.3 of the participant's choice to pay
45 tuition or expenses of the participant. The other
46 one-half of the trust moneys shall be paid back to the
47 employer. Any moneys to be transferred for the
48 benefit of the participant which are not transferred
49 within five years for purposes of education at the
50 designated postsecondary institution, shall be paid

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1 back to the employer.

2 Sec. 20. NEW SECTION. 15.365 PAYROLL EXPENDITURE
3 REFUND.

4 1. An employer who employs a participant in a
5 certified school to career program may claim a refund
6 of twenty percent of the employer's payroll
7 expenditures for each participant in the certified
8 program. The refund is limited to the first four
9 hundred hours of payroll expenditures per participant
10 for each calendar year the participant is in the
11 certified program, not to exceed three years per
12 participant.

13 2. To receive a refund under subsection 1 for a
14 calendar year, the employer shall file the claim by
15 July 1 of the following calendar year. The claim
16 shall be filed on forms provided by the department of
17 economic development and the employer shall provide
18 such information regarding the employer's
19 participation in a certified school to career program
20 as the department may require. Forms should be
21 designed such that claims for refunds for more than
22 one participant may be made on a single form.

23 3. For each fiscal year of the fiscal period
24 beginning July 1, 1999, and ending June 30, 2004,
25 there is appropriated up to five hundred thousand
26 dollars annually from the general fund of the state to
27 the department of economic development to pay refunds
28 under this section. If the amount appropriated in a
29 fiscal year is insufficient to pay all refund claims
30 for the calendar year in full, each claimant shall
31 receive a proportion of the claimant's refund claim
32 equal to the ratio of the amount appropriated to the
33 total amount of refund claims. Any unpaid portion of
34 a claim shall not be paid from a subsequent fiscal
35 year appropriation.

36 4. The department of economic development shall
37 consult with the department of revenue and finance for
38 purposes of this section. The department of economic
39 development shall adopt rules as deemed necessary to

40 carry out the purposes of the certified school to
41 career program.

42 Sec. 21. NEW SECTION. 15.366 CUSTOMER TRACKING
43 SYSTEM.

44 All participants and sponsors participating in a
45 certified school to career program shall be included
46 in the customer tracking system implemented by the
47 department of workforce development pursuant to
48 section 84A.5.

49 Sec. 22. NEW SECTION. 15.367 REPEAL.

50 This part of chapter 15 is repealed June 30, 2004.

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1 However, any contracts in existence on June 30, 2004,
2 shall continue to be valid and each party to such
3 contract is obligated to perform as required under
4 such contract. However, no employer is entitled to
5 any payroll expenditure refund for payroll
6 expenditures incurred after December 31, 2002.

7 Sec. 23. NEW SECTION. 15A.8 LOANS PAYABLE FROM
8 NEW JOBS CREDIT FROM WITHHOLDING.

9 1. As an additional means to provide moneys for
10 the payment of the costs of a new jobs training
11 project or multiple projects under chapter 260E and
12 this chapter, a community college may make an advance
13 or loan, including an interfund transfer or a loan
14 from moneys on hand and legally available, to be paid
15 from the same sources and secured in the same manner
16 as certificates described in sections 15A.7 and
17 260E.6.

18 2. Revenues from a job training agreement received
19 prior to the completion by a business of its repayment
20 obligation for a project and not pledged to
21 certificates, loans, or advances, and not necessary
22 for the payment of principal and interest maturing on
23 such certificates, loans, or advances, may be applied
24 by the community college to the reduction of any other
25 outstanding certificates, loans, or advances.

26 Sec. 24. Section 15E.83, Code 1997, is amended to
27 read as follows:

28 15E.83 SEED CAPITAL CORPORATION.

29 1. The Iowa seed capital corporation shall be
30 incorporated under chapter 504A. ~~The purpose of the~~
31 ~~corporation shall be to provide seed capital to start-~~
32 ~~up and emerging growth companies in Iowa that are~~
33 ~~bringing new products and processes to the~~
34 ~~marketplace, and it shall be the goal of the~~
35 ~~corporation to financially support the establishment~~
36 ~~and growth of start-up and emerging growth companies~~
37 ~~that can contribute to the economic diversity of the~~
38 ~~state and provide general and specific economic~~
39 ~~benefits to the state. The corporation shall only~~

~~40 provide seed capital or financial assistance to Iowa
41 businesses. The corporation shall not be regarded as
42 a state agency, except for purposes of chapters 17A
43 and 69, and a member of the board is not considered a
44 state employee, except for purposes of chapter 669.
45 An individual employed by the corporation is a state
46 employee for purposes of the Iowa public employees'
47 retirement system, state health and dental plans, and
48 other state employee benefit plans and chapter 669.
49 Chapters 8, 18, 19A, and 20 and other provisions of
50 law that relate to requirements or restrictions~~

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~~1 dealing with state personnel or state funds do not
2 apply to the corporation and any employees of the
3 board or corporation except to the extent provided in
4 this division. Chapters 21 and 22 shall apply to
5 activities of the corporation and to employees of the
6 board or corporation except to the extent provided in
7 this division.~~

~~8 2. The corporation shall be governed by a board of
9 seven directors who shall serve a term of four years.
10 Of the seven directors, four shall be persons
11 experienced in business finance and employed at a bank
12 or other financial institution, be a certified public
13 accountant, be an attorney, or be a licensed
14 stockbroker. Each director shall serve at the
15 pleasure of the governor and shall be appointed by the
16 governor, subject to confirmation by the senate
17 pursuant to section 2.32. A director is eligible for
18 reappointment. A vacancy on the board of directors
19 shall be filled in the same manner as an original
20 appointment.~~

~~21 3. The board of directors shall annually elect one
22 member as chairperson and one member as secretary.
23 The board may elect other officers of the corporation
24 as necessary. Members shall be reimbursed for
25 necessary expenses incurred in the performance of
26 duties from funds appropriated to the corporation.~~

~~27 4 3. Each director of the corporation shall take
28 an oath of office and the record of each oath shall be
29 filed in the office of the secretary of state.~~

~~30 5 4. The corporation shall receive information and
31 cooperate with other agencies of the state and the
32 political subdivisions of the state.~~

~~33 Sec. 25. Section 15E.85, Code 1997, is amended to
34 read as follows:~~

~~35 15E.85 BOARD OF DIRECTORS.~~

~~36 The powers of the corporation are vested in and
37 shall be exercised by the board of directors. Four
38 members of the board constitute a quorum and an
39 affirmative vote of at least four of the members~~

40 present at a meeting is necessary before an action may
41 be taken by the board. An action taken by the board
42 shall be authorized by resolution at a regular or
43 special meeting and takes effect immediately unless
44 the resolution specifies otherwise. Notice of a
45 meeting shall be given orally or in writing not less
46 than forty-eight hours prior to the meeting.
47 Sec. 26. Section 15E.87, Code 1997, is amended to
48 read as follows:
49 15E.87 CORPORATE PURPOSE – POWERS.
50 The purpose of the corporation is to stimulate and

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1 encourage the development of new products within Iowa
2 by the infusion of financial aid for invention and
3 innovation in situations in which financial aid would
4 not otherwise be reasonably available from commercial
5 sources. For this purpose the corporation has the
6 following powers:
7 1. To have perpetual succession as a corporate
8 body and to adopt bylaws, policies, and procedures for
9 the regulation of its affairs and conduct of its
10 business consistent with the purposes of this
11 division.
12 ~~2. To enter into venture agreements with persons~~
13 ~~doing business in Iowa upon conditions and terms which~~
14 ~~are consistent with the purposes of this division for~~
15 ~~the advancement of financial aid to the persons. The~~
16 ~~financial aid advanced shall be for the development of~~
17 ~~specific products, procedures, and techniques which~~
18 ~~are to be developed and produced in this state. The~~
19 ~~corporation shall condition the agreements upon~~
20 ~~contractual assurances that the benefits of increasing~~
21 ~~or maintaining employment and tax revenues shall~~
22 ~~remain in Iowa.~~
23 ~~3. To receive and accept aid or contributions from~~
24 ~~a source of money, property, labor, or other things of~~
25 ~~value to be used to carry out the purposes of this~~
26 ~~division including gifts or grants from a department~~
27 ~~or agency of the United States or any state.~~
28 ~~4. To issue notes and bonds as provided under this~~
29 ~~division.~~
30 5. To hold patents, copyrights, trademarks, or
31 other evidences of protection or exclusivity issued
32 under the laws of this state or the United States to
33 any products.
34 6. To employ assistants, agents, and other
35 employees and to engage consultants, attorneys, and
36 appraisers as necessary or desirable to carry out the
37 purposes of the corporation.
38 7. To make and enter into contracts and
39 agreements necessary or incidental to its performance

40 of the duties and the powers granted to the
41 corporation.
42 8 5. To sue and be sued, plead, and adopt a seal.
43 9 6. With the approval of the treasurer of state,
44 to invest funds which are not needed for immediate use
45 or disbursement, including funds held in reserve, in
46 obligations issued or guaranteed by the state or the
47 United States.
48 10 7. To procure insurance against a loss in
49 connection with its property and other assets.
50 11 8. To the extent permitted under a corporation

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1 contract with other persons, to consent to a
2 termination, modification, forgiveness, or other
3 change in the terms of a contractual right, payment,
4 royalty, contract, or agreement.
5 12 9. To take necessary action to render bonds
6 issued under this division more marketable.
7 Sec. 27. Section 422.16A, Code Supplement 1997, is
8 amended to read as follows:
9 422.16A JOB TRAINING WITHHOLDING - CERTIFICATION
10 AND TRANSFER.
11 Upon the completion by a business of its repayment
12 obligation for a training project funded under chapter
13 260E, including a job training project funded under
14 ~~chapter 260E and section 15A.8~~ or repaid in whole or
15 in part by the supplemental new jobs credit from
16 withholding under section 15A.7 or section 15.331, the
17 sponsoring community college shall report to the
18 department of economic development the amount of
19 withholding paid by the business to the community
20 college during the final twelve months of withholding
21 payments. The department of economic development
22 shall notify the department of revenue and finance of
23 that amount. The department shall credit to the
24 workforce development fund account established in
25 section 15.342A twenty-five percent of that amount
26 each quarter for a period of ten years. If the amount
27 of withholding from the business or employer is
28 insufficient, the department shall prorate the
29 quarterly amount credited to the workforce development
30 fund account. The maximum amount from all employers
31 which shall be transferred to the workforce
32 development fund account in any year is ten million
33 dollars.
34 Sec. 28. LIQUIDATION OF THE IOWA SEED CAPITAL
35 CORPORATION. Notwithstanding sections 15E.81 through
36 15E.94, sections 15E.181 through 15E.184, and 1997
37 Iowa Acts, chapter 143, sections 5 and 6, it is the
38 intent of the general assembly that the Iowa seed
39 capital corporation shall be liquidated or sold in an

40 orderly manner. On May 31, 1998, the terms of the
41 board members of the Iowa seed capital corporation
42 shall terminate, the Iowa seed capital corporation
43 shall be renamed the ISCC liquidation corporation, and
44 a three-person board shall be constituted to complete
45 the orderly liquidation or sale of the assets of the
46 ISCC liquidation corporation. The ISCC liquidation
47 corporation board shall consist of the commissioner of
48 insurance or the commissioner's designee, the
49 superintendent of banking or the superintendent's
50 designee, and the treasurer of state or the

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1 treasurer's designee. The members of the ISCC
2 liquidation corporation board and any staff providing
3 assistance to the board shall not be liable for their
4 acts or omissions in connection with the liquidation
5 or sale of the corporation. The ISCC liquidation
6 corporation board shall close the corporation offices
7 at 200 East Grand, Des Moines, Iowa, by June 30, 1998,
8 terminate the officers and staff of the corporation by
9 June 30, 1998, and shall not hire a new permanent or
10 temporary staff to operate this corporation.

11 The staff of the treasurer of state shall provide
12 administrative support to the ISCC liquidation
13 corporation board and the corporation shall reimburse
14 the treasurer of state for the reasonable costs of
15 providing administrative support. The attorney
16 general shall be consulted and shall provide legal
17 support throughout the liquidation and sale process
18 and the corporation shall reimburse the attorney
19 general for the reasonable costs of providing any such
20 consultation and legal support.

21 The ISCC liquidation corporation board's goals in
22 supervising the liquidation or sale of the corporation
23 are to maximize the net revenue to the state and
24 minimize the impact to the companies involved. The
25 board shall not make any new investments during the
26 liquidation period, except for those necessary to
27 protect and maintain its current holdings.

28 The ISCC liquidation corporation board is
29 authorized to contract for the services, including
30 brokers, other financial advisors or consultants, or
31 legal advisors, necessary to complete the orderly
32 liquidation or sale of the ISCC liquidation
33 corporation.

34 The ISCC liquidation corporation board may
35 determine the potential administrative, legal, and
36 contractual service costs for the liquidation or sale
37 of the corporation and may maintain a prudent reserve
38 fund from liquid assets of the corporation for such
39 purposes. Upon the unanimous vote of the ISCC

40 liquidation corporation board the remainder of the
41 liquid assets shall be transferred to the strategic
42 investment fund established in section 15.313.
43 Following the complete liquidation and dissolution
44 of the corporation or the sale of the corporation, all
45 remaining moneys shall be transferred to the strategic
46 investment fund. Upon transfer of the remaining
47 moneys to the strategic investment fund, the ISCC
48 liquidation corporation board shall be dissolved.
49 Sec. 29. SHELTER ASSISTANCE FUND. In providing
50 moneys from the shelter assistance fund to homeless

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1 shelter programs, the department of economic
2 development shall explore the potential of allocating
3 moneys to homeless shelter programs based in part on
4 their ability to move their clients toward self-
5 sufficiency.
6 Sec. 30. The department of economic development
7 and the department of workforce development shall
8 within the budget proposals for the fiscal year
9 beginning July 1, 2000, detail the number of FTEs and
10 contract employees included in the budget proposal.
11 During the budget process for the fiscal year
12 beginning July 1, 2000, the joint economic development
13 appropriation subcommittee shall examine contract
14 employees in relationship to the budgets of the
15 department of economic development and the department
16 of workforce development.
17 Sec. 31. The department of economic development
18 shall submit a report to the general assembly as
19 provided in section 7A.11 by January 1, 1999, which
20 includes all of the following:
21 1. A survey of all business, industry, and
22 agriculture-related international trade activities in
23 this state. The survey shall include the types of
24 businesses and the products involved in international
25 trade and the estimated costs and revenues resulting
26 from such trade.
27 2. A list of specific targets and targeted
28 opportunities for business, industry, and agriculture
29 related to international trade activities in this
30 state. These targets shall include the types of
31 businesses and the products that are currently
32 involved in international trade, as well as the types
33 of businesses and the products that could potentially
34 become involved in international trade in the future.
35 Sec. 32. BUDGET PROPOSALS. The department of
36 economic development and the department of workforce
37 development shall submit all budget proposals in the
38 traditional format as well as in the budgeting for
39 results format for the fiscal year beginning July 1,

40 1999.

41 Sec. 33. By December 31 of each year, the ISCC
42 liquidation corporation shall submit an annual report
43 to the chairpersons and the ranking members of the
44 joint appropriations subcommittee on economic
45 development. The report shall include an update on
46 the financial condition of the corporation relating to
47 the status of any moneys, assets, or contracts
48 currently being held by the corporation or transferred
49 by the corporation during the prior year.

50 Sec. 34. NEW SECTION. 16.5A NONPROFIT

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1 CORPORATIONS.

2 Any nonprofit corporation created by or in
3 association with the Iowa finance authority since
4 January 1, 1989, shall file a report by January 15 of
5 each year with the chairpersons and ranking members of
6 the appropriate appropriations subcommittees of the
7 general assembly. Any nonprofit corporation created
8 by or in association with the authority since January
9 1, 1989, shall adopt a written conflict of interests
10 policy.

11 Sec. 35. NEW SECTION. 16.5B HOUSING CORPORATION
12 BOARD.

13 The board of directors of the Iowa housing
14 corporation shall consist of seven voting members
15 serving staggered three-year terms. One member of the
16 board of directors shall be a representative of the
17 home builders association of Iowa and one member of
18 the board of directors shall be a representative of
19 the Iowa bankers association.

20 Sec. 36. FEDERAL GRANTS. All federal grants to
21 and the federal receipts of agencies appropriated
22 funds under this Act, not otherwise appropriated, are
23 appropriated for the purposes set forth in the federal
24 grants or receipts unless otherwise provided by the
25 general assembly.

26 Sec. 37. The Iowa finance authority and the Iowa
27 housing corporation shall consider restrictions on any
28 per diem provided to a member of the board of
29 directors serving both the authority and the Iowa
30 housing corporation on occasions when meetings of both
31 entities are held on the same day and in the same city
32 or metropolitan area.

33 Sec. 38. Notwithstanding section 96.9, subsection
34 4, paragraph "a", moneys credited to the state by the
35 secretary of the treasury of the United States
36 pursuant to section 903 of the Social Security Act
37 shall be appropriated to the department of workforce
38 development and shall be used by the department for
39 the administration of the unemployment compensation

40 program only. This appropriation shall not apply to
41 any fiscal year after June 30, 2001.
42 Sec. 39. Notwithstanding any full-time equivalent
43 position limitations in this Act to the contrary, the
44 department of economic development may add 3.00 FTEs
45 for the commission on volunteer services and 1.00 FTE
46 for the housing assistance program. Two of the full-
47 time equivalent positions added under this section for
48 the commission on volunteer services relate to the
49 transition of personnel services contractors to full-
50 time equivalent positions. The merit system

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1 provisions of chapter 19A and the provisions of the
2 state and union collective bargaining agreements shall
3 not govern movement into these full-time positions
4 until September 1, 1998. The provisions relating to
5 the transition of personnel services contractors to
6 full-time equivalent positions, chapter 19A, and
7 collective bargaining agreements are void after
8 September 1, 1998.

9 Sec. 40. Section 15E.86, Code 1997, is repealed.

10 Sec. 41. EFFECTIVE DATE. Sections 15, 16, 17, 18,
11 19, 20, 21, 22, and 28 of this Act, being deemed of
12 immediate importance, take effect upon enactment.”

The motion lost and the House refused to concur in the Senate amendment H-9327.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2296** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Dix of Butler called up for consideration **Senate File 2061**, a bill for an act relating to a delay in implementing the inclusion of certain information on property tax statements by providing a deferral application process and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-9326:

H-9326

1 Amend the House amendment, S-5762, to Senate File
2 2061, as passed by the Senate, as follows:

3 1. Page 1, by striking lines 43 through 45 and
4 inserting the following:

5 “ 1. Page 2, by striking lines 29 through 31 and
6 inserting the following: “a percentage increase or

- 7 decrease. The comparative.””
 8 2. Page 1, by inserting before line 46 the
 9 following:
 10 “_ Page 2, line 32, by striking the words “and
 11 publication”.”
 12 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-9326.

Dix of Butler moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 2061)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, 1:

Kreiman

Absent or not voting, 2:

Dinkla

Osterhaus

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2061** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:24 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:32 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 1998, appointed the conference committee to House File 2498, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and the members of the Senate are: The Senator from Polk, Senator Kramer, Chair; the Senator from Linn, Senator Lundby; the Senator from Fremont, Senator McLaren; the Senator from Polk, Senator McCoy; the Senator from Pottawattamie, Senator Gronstal.

Also: That the Senate has on April 21, 1998, insisted on its amendment to Senate File 2296, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision, and the members of the conference committee on the part of the Senate are: The Senator from Chickasaw, Senator Borlaug, Chair; the Senator from Iowa, Senator Schuerer; the Senator from Fremont, Senator McLaren; the Senator from Scott, Senator Deluhery; the Senator from Black Hawk, Senator Harper.

MARY PAT GUNDERSON, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-four members present, forty-six absent.

CONSIDERATION OF SENATE JOINT RESOLUTION 2004

The House resumed consideration of Senate Joint Resolution 2004, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state budget by limiting state general fund expenditures and restricting certain state tax revenue changes, previously deferred.

Warnstadt of Woodbury offered amendment H-9107 filed by him as follows:

H-9107

- 1 Amend Senate Joint Resolution 2004, as passed by
- 2 the Senate, as follows:
- 3 1. Page 3, by inserting after line 11 the
- 4 following:
- 5 "___ Lottery revenues received by the state after
- 6 deduction of prizes and administrative expenses shall
- 7 be credited to a special fund which shall be separate
- 8 from the general fund of the state. Moneys in this
- 9 special fund shall be expended as determined by the
- 10 General Assembly for nonrecurring projects."

Larson of Linn rose on a point of order that amendment H-9107 was not germane.

The Speaker ruled the point well taken and amendment H-9107 not germane.

Warnstadt of Woodbury moved to suspend the rules to consider amendment H-9107.

A non-record roll call was requested.

The ayes were 39, nays 47.

The motion to suspend the rules lost.

Speaker Corbett in the chair at 2:00 p.m.

Bernau of Story offered amendment H-9076 filed by him as follows:

H-9076

- 1 Amend Senate Joint Resolution 2004, as passed by
- 2 the Senate, as follows:
- 3 1. By striking page 1, line 6, through page 3,
- 4 line 13, and inserting the following:
- 5 "STATE GENERAL FUND RESERVES
- 6 STATE GENERAL FUND RESERVES. Section 1. The state
- 7 will maintain as part of the general fund reserve
- 8 accounts equal to at least ten percent of general fund
- 9 expenditures made in the fiscal year. The total
- 10 amount in the reserve accounts may be less than ten
- 11 percent in a fiscal year, if approved in a bill
- 12 receiving the affirmative votes of at least three-
- 13 fifths of the whole membership of each house of the
- 14 General Assembly."
- 15 2. Title page, line 2, by striking the word
- 16 "limiting" and inserting the following:
- 17 "restricting".

Gipp of Winneshiek asked and received unanimous consent that Senate Joint Resolution 2004 be temporarily deferred. (Amendment H-9076 pending.)

CONFERENCE COMMITTEE APPOINTED
(Senate File 2296)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2296: Churchill of Polk, Chair; Millage of Scott, Van Fossen of Scott, Holveck of Polk and Dotzler of Black Hawk.

The House resumed consideration of Senate Joint Resolution 2004, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state budget by limiting state general fund expenditures and restricting certain state tax revenue changes, previously deferred, and amendment H-9076 pending.

Bernau of Story moved the adoption of amendment H-9076.

Amendment H-9076 lost.

Larson of Linn asked and received unanimous consent that Senate Joint Resolution 2004 be temporarily deferred.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Corbett invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the Second Regular Session of the Seventy-seventh General Assembly were presented to the following Pages by Speaker Corbett, Majority Leader Brent Siegrist of Pottawattamie and Minority Leader David Schrader of Marion:

Katie Abrisz
Michelle Bauer
Jennifer Best
Mary Ellen Bruns
Cassandra Buesig
Dawn DeShaw
Lindsey Dohlman
Kristina Exline
Abigail Greiner
Jennifer Hill
Kimberly Hubbard
Nicholas Irving
Jason Johnsen
Erin Kiley

Isaac Knight
Carrie Lamphier
James Mertz
Mark Mesle
Kathryn Munger
Joel Norton
Zachary Nunn
Emily Paul
Aaron Roberts
Calvin Schlack
Miranda Von Ahsen
Sarah Wollschlager
Kristine Yeager

The House resumed consideration of Senate Joint Resolution 2004, previously deferred.

Bernau of Story asked and received unanimous consent to withdraw amendment H-9078 filed by him on April 9, 1998.

Larkin of Lee asked and received unanimous consent to withdraw amendment H-9036 filed by him on April 9, 1998.

Jochum of Dubuque asked and received unanimous consent that amendment H-9098 be deferred.

Richardson of Warren offered the following amendment H-9070 filed by him and moved its adoption:

H-9070

- 1 Amend Senate Joint Resolution 2004, as passed by
- 2 the Senate, as follows:
- 3 1. Page 3, line 22, by striking the words "tax
- 4 or" and inserting the following: "tax,"
- 5 2. Page 3, line 23, by inserting after the word
- 6 "taxes," the following: "or enacting, amending, or
- 7 repealing provisions relating to state-imposed fees,"
- 8 3. Page 3, line 30, by inserting after the word
- 9 "government." the following: "The requirements of
- 10 this section apply to fees imposed by the state,
- 11 regardless of the means of collection, which are
- 12 collected in exchange for goods or services provided
- 13 by state government."

A non-record roll call was requested.

The ayes were 37, nays 53.

Amendment H-9070 lost.

Richardson of Warren offered the following amendment H-9080 filed by him and moved its adoption:

H-9080

- 1 Amend Senate Joint Resolution 2004, as passed by
- 2 the Senate, as follows:
- 3 1. Page 3, line 22, by striking the words "tax
- 4 or" and inserting the following: "tax,"
- 5 2. Page 3, line 23, by inserting after the word
- 6 "taxes," the following: "or enacting, amending, or
- 7 repealing provisions relating to any state-imposed fee
- 8 which exceeds one hundred dollars,"
- 9 3. Page 3, line 24, by inserting after the word
- 10 "taxes" the following: "or fees".

- 11 4. Page 3, line 25, by inserting after the word
12 "tax" the following: "or fee".
13 5. Page 3, line 30, by inserting after the word
14 "government." the following: "The requirements of
15 this section apply to any fee imposed by the state
16 which exceeds one hundred dollars, regardless of the
17 means of collection, and which is collected in
18 exchange for goods or services provided by state
19 government."

Amendment H-9080 lost.

Shoultz of Black Hawk asked and received unanimous consent that amendment H-9083 be deferred.

Bernau of Story offered the following amendment H-9089 filed by him and moved its adoption:

H-9089

- 1 Amend Senate Joint Resolution 2004, as passed by
2 the Senate, as follows:
3 1. Page 3, lines 25 and 26, by striking the words
4 "the General Assembly" and inserting the following:
5 "a revenue estimating conference which shall be
6 established by the General Assembly by law".

Gipp of Winneshiek in the chair at 4:43 p.m.

Amendment H-9089 lost.

Shoultz of Black Hawk offered the following amendment H-9091 filed by him and moved its adoption:

H-9091

- 1 Amend Senate Joint Resolution 2004, as passed by
2 the Senate, as follows:
3 1. Page 3, by striking lines 25 and 26 and
4 inserting the following: "increase in state tax
5 revenues of one percent or more shall require the
6 affirmative votes of at least".

A non-record roll call was requested.

The ayes were 35, nays 50.

Amendment H-9091 lost.

Bernau of Story asked and received unanimous consent to withdraw amendments H-9102, H-9084 and H-9090, filed by him on April 9, 1998.

Bernau of Story offered amendment H-9082 filed by him as follows:

H-9082

- 1 Amend Senate Joint Resolution 2004, as passed by
- 2 the Senate, as follows:
- 3 1. Page 3, line 35, by inserting after the word
- 4 "passage" the following: "unless the bill also
- 5 repeals an existing tax or taxes resulting in a
- 6 revenue neutral net fiscal impact for the bill".

Bernau of Story offered the following amendment H-9141, to amend-
ment H-9082, filed by him and moved its adoption:

H-9141

- 1 Amend the amendment, H-9082, to Senate Joint
- 2 Resolution 2004, as passed by the Senate, as follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "bill" the following: "or unless the bill also
- 5 contains a provision reducing property taxes resulting
- 6 in a revenue neutral net fiscal impact for the bill".

Amendment H-9141 was adopted.

Bernau of Story moved the adoption of amendment H-9082, as
amended.

Amendment H-9082 lost.

Speaker Corbett in the chair at 6:25 p.m.

Doderer of Johnson asked and received unanimous consent to with-
draw amendment H-9073 filed by her and Osterhaus of Jackson on
April 9, 1998, placing amendment H-9191 filed by Schrader of Marion
on April 15, 1998, out of order.

Larkin of Lee offered the following amendment H-9037 filed by
him and moved its adoption:

H-9037

- 1 Amend Senate Joint Resolution 2004, as passed by
- 2 the Senate, as follows:
- 3 1. Page 4, by striking lines 2 through 6.

A non-record roll call was requested.

The ayes were 34, nays 50.

Amendment H-9037 lost.

Siegrist of Pottawattamie asked and received unanimous consent
that Senate Joint Resolution 2004 be temporarily deferred.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2538, a bill for an act relating to eligible housing businesses qualifying for incentives and assistance in enterprise zones, providing additional incentives and assistance for approved eligible businesses located in an enterprise zone, and requiring consideration of building codes and zoning.

Also: That the Senate has on April 21, 1998, passed the following bill in which the concurrence of the Senate was asked:

House File 2560, a bill for an act relating to aircraft registration fees and sales tax exemptions.

Also: That the Senate has on April 21, 1998, adopted the conference committee report and passed Senate File 2296, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision.

Also: That the Senate has on April 21, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2413, a bill for an act relating to exemptions from and reductions in solid waste tonnage fees for certain persons.

MARY PAT GUNDERSON, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Blodgett of Cerro Gordo, until his return, on request of Siegrist of Pottawattamie.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2296)

Churchill of Polk called up for consideration the report of the conference committee on Senate File 2296 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2296

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 2296, a bill for an Act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision, respectfully make the following report:

1. That the Senate recedes from its amendment, H-9327.

2. That the House recedes from its amendment, S-5540.

3. That Senate File 2296, as amended, passed, and reprinted by the Senate, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is appropriated from the general fund of the state and other designated funds to the department of economic development for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE SERVICES DIVISION

a. General administration

For salaries, support, maintenance, miscellaneous purposes, and for providing that a business receiving moneys from the department for the purpose of job creation shall make available ten percent of the new jobs created for promise jobs program participants who are qualified for the jobs created and for not more than the following full-time equivalent positions:

.....	\$	1,494,231
.....	FTEs	25.75

One of the full-time equivalent positions authorized in this lettered paragraph relates to the transition of personnel services contractors to full-time equivalent positions. The merit system provisions of chapter 19A and the provisions of the state and union collective bargaining agreements shall not govern movement into these full-time equivalent positions until September 1, 1998. These provisions relating to the transition of personnel services contractors to full-time equivalent positions, chapter 19A, and collective bargaining agreements are void after September 1, 1998.

b. Film office

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	253,632
.....	FTEs	2.00

2. BUSINESS DEVELOPMENT DIVISION

a. Business development operations

For salaries, support, maintenance, miscellaneous purposes, for not more than the following full-time equivalent positions, for allocating \$495,000 to support activities in conjunction with the Iowa manufacturing technology center, \$150,000 to the graphic arts center, and for a strategic marketing effort for workforce development:

.....	\$	3,940,232
.....	FTEs	22.75

Four of the full-time equivalent positions authorized in this lettered paragraph relate to the transition of personnel services contractors to full-time equivalent positions. The merit system provisions of chapter 19A and the provisions of the state and union collective bargaining agreements shall not govern movement into these full-time equivalent positions until September 1, 1998. These provisions relating to the transition of personnel services contractors to full-time equivalent positions, chapter 19A, and collective bargaining agreements are void after September 1, 1998.

b. Small business programs

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for the small business program, the small business advisory council, and targeted small-business program:

.....	\$	450,622
.....	FTEs	5.00

c. Federal procurement office

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	103,967
.....	FTEs	3.00

Notwithstanding section 8.33, moneys remaining unencumbered or unobligated on June 30, 1999, shall not revert and shall be available for expenditure during the fiscal year beginning July 1, 1999, for the same purposes.

d. Strategic investment fund

For deposit in the strategic investment fund for salaries, support, for not more than the following full-time equivalent positions:

.....	\$	6,803,513
.....	FTEs	12.50

Two of the full-time equivalent positions authorized in this lettered paragraph relate to the transition of personnel services contractors to full-time equivalent positions. The merit system provisions of chapter 19A and the provisions of the state and union collective bargaining agreements shall not govern movement into these full-time equivalent positions until September 1, 1998. These provisions relating to the transition of personnel services contractors to full-time equivalent positions, chapter 19A, and collective bargaining agreements are void after September 1, 1998.

The department may allocate from the strategic investment fund up to \$600,000 for the entrepreneurial ventures assistance program. The department shall seek the advice, consultation, and cooperation of the entrepreneurial centers and the major benefactor of the centers in the implementation of the entrepreneurial ventures assistance program.

The department may allocate from the strategic investment fund up to \$100,000 for the microbusiness rural enterprise assistance program under section 15.114.

The department shall provide an annual report on the progress made by the department in making the community economic betterment program a self-sustaining, revolving loan program.

e. Insurance economic development

There is appropriated from moneys collected by the division of insurance in excess of the anticipated gross revenues under section 505.7, subsection 3, to the department for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, for insurance economic development and international insurance economic development:

..... \$ 200,000

f. Value-added agriculture

There is appropriated from the moneys available to support value-added agricultural products and processes, four percent, or so much thereof as is necessary, of the total moneys available to support value-added agricultural products and processes pursuant to section 423.24 each quarter for administration of the value-added agricultural products and processes financial assistance program as provided in section 15E.111, including salaries, support, maintenance, miscellaneous purposes, and for not more than 2.00 FTEs.

The department shall collaborate with the university of northern Iowa on a strategic initiative to develop ag-based industrial lubrication technology and to create projects to deploy the technology in commercial applications. Notwithstanding the requirements of section 15E.111 and the administrative rules for value-added agricultural products and processes, the department shall allocate \$150,000 for this initiative.

3. COMMUNITY DEVELOPMENT DIVISION

a. Community assistance

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for administration of the community economic preparedness program, the Iowa community betterment program, and the city development board:

..... \$ 654,547

..... FTEs 8.50

b. Main street/rural main street program

For salaries and support for not more than the following full-time equivalent positions:

..... \$ 425,219

..... FTEs 3.00

Notwithstanding section 8.33, moneys committed to grantees under contract from the general fund of the state that remain unexpended on June 30, 1999, shall not revert to any fund but shall be available for expenditure for purposes of the contract during the fiscal year beginning July 1, 1999.

c. Community development program

For salaries, support, maintenance, miscellaneous purposes, for not more than the following full-time equivalent positions, for rural resource coordination, rural community leadership, rural innovations grant program, and the rural enterprise fund:

..... \$ 827,215
..... FTEs 7.50

Three of the full-time equivalent positions authorized in this lettered paragraph relate to the transition of personnel services contractors to full-time equivalent positions. The merit system provisions of chapter 19A and the provisions of the state and union collective bargaining agreements shall not govern movement into these full-time equivalent positions until September 1, 1998. These provisions relating to the transition of personnel services contractors to full-time equivalent positions, chapter 19A, and collective bargaining agreements are void after September 1, 1998.

There is appropriated from the rural community 2000 program revolving fund established in section 15.287 to provide to Iowa's councils of governments funds for planning and technical assistance to local governments:

..... \$ 150,000

There is appropriated from the rural community 2000 program revolving fund established in section 15.287 to the rural development program for the purposes of the program including the rural enterprise fund and collaborative skills development training:

..... \$ 484,343

Notwithstanding section 8.33, moneys committed to grantees under contract from the general fund of the state or through transfers from the Iowa community development loan fund or from the rural community 2000 program revolving fund that remain unexpended on June 30, 1999, shall not revert but shall be available for expenditure for purposes of the contract during the fiscal year beginning July 1, 1999.

d. Community development block grant and HOME

For administration and related federal housing and urban development grant administration for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 418,737
..... FTEs 21.75

Three of the full-time equivalent positions authorized in this lettered paragraph relate to the transition of personnel services contractors to full-time equivalent

positions. The merit system provisions of chapter 19A and the provisions of the state and union collective bargaining agreements shall not govern movement into these full-time equivalent positions until September 1, 1998. These provisions relating to the transition of personnel services contractors to full-time equivalent positions, chapter 19A, and collective bargaining agreements are void after September 1, 1998.

e. Housing development fund

For providing technical assistance to communities of all sizes and local financial institutions to help meet local housing needs and to provide and transfer matching funds for the HOME program:

..... \$ 1,300,000

Notwithstanding section 8.33, moneys committed to grantees under contract from the housing development fund and moneys transferred for matching funds for the HOME program that remain unexpended or unobligated on June 30, 1999, shall not revert to any fund but shall be available for obligation and expenditure for purposes of those programs during the fiscal year beginning July 1, 1999.

f. Shelter assistance program

For the purposes of the shelter assistance fund:

..... \$ 400,000

4. INTERNATIONAL DIVISION

a. International trade operations

For salaries, support, maintenance, miscellaneous purposes, for support of foreign representation and trade offices, and for not more than the following full-time equivalent positions:

..... \$ 2,010,073

..... FTEs 10.00

From among the full-time equivalent positions authorized by this lettered paragraph, one position shall concentrate on the export sale of grain, one on the export sale of livestock, and one on the export sale of value-added agricultural products.

The department shall file a report every six months with the general assembly in a manner consistent with section 7A.11 and with the chairpersons and ranking members of the joint appropriations subcommittee on economic development which gives an update of all activities regarding trade promotion in the Chinese market.

b. Export trade assistance program

For export trade activities, including a program to encourage and increase participation in trade shows and trade missions by providing financial assistance to businesses for a percentage of their costs of participating in trade shows and trade missions, by providing for the lease/sublease of showcase space in existing world trade centers, by providing temporary office space for foreign buyers, international prospects, and potential reverse investors, and by providing other promotional and assistance activities, including salaries and support:

..... \$ 425,000

Notwithstanding section 8.33, moneys appropriated by this lettered paragraph which remain unobligated or unexpended on June 30, 1999, shall not revert to the general fund of the state but shall be transferred to and deposited in the strategic investment fund created in section 15.313.

c. Agricultural product advisory council

For support, maintenance, and miscellaneous purposes:

..... \$ 1,300

d. For transfer to the partner state program which the department may use to contract with private groups or organizations which are the most appropriate to administer this program and the groups and organizations participating in the program shall, to the fullest extent possible, provide the funds to match the appropriation made in this paragraph of the funds transferred:

..... \$ 125,000

5. TOURISM DIVISION

Tourism operations/advertising

For salaries, support, maintenance, miscellaneous purposes, for not more than the following full-time equivalent positions:

..... \$ 5,038,912

..... FTEs 18.52

The department may expend up to \$130,000 to provide assistance to private welcome centers in the state. The department shall not provide assistance of more than \$10,000 to any one private welcome center. A private welcome center seeking assistance shall submit a competitive application to the department and may be eligible for receiving assistance if the private welcome center complies with all of the following criteria:

- a. The private welcome center is at risk of a projected operating deficit.
- b. The private welcome center complies with operational standards and requirements determined by the department.
- c. The private welcome center submits a financial plan for self-sufficiency to the department.

The department shall conduct a study of the public and private welcome center system in the state. The department shall make recommendations to the general assembly for the future operation of the system including recommendations concerning funding for private welcome center operations and quality standards for public and private welcome centers.

The department shall not use the moneys appropriated in this subsection, unless the department develops public-private partnerships with Iowa businesses in the tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions in this state to assist in the development of advertising efforts. The department shall, to the fullest extent possible, develop cooperative efforts for advertising with contributions from other sources.

Sec. 2. COMMUNITY DEVELOPMENT LOAN FUND. Notwithstanding section 15E.120, subsections 5, 6, and 7, and section 15.287, there is appropriated from the Iowa community development loan fund all the moneys available during the fiscal year beginning July 1, 1998, and ending June 30, 1999, to the department of economic development for the community development program to be used by the department for the purposes of the program.

Sec. 3. JOB TRAINING FUND. Notwithstanding section 15.251, subsection 2, there is appropriated from the job training fund to the department of economic development for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For administration of chapter 260E, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	210,000
.....	FTEs	2.50

Appropriations to the department of economic development for administration of chapter 260E and the department of workforce development for the target alliance program shall be funded on a proportional basis if receipts to the job training fund are insufficient to fund both appropriations in their entirety.

Sec. 4. WORKFORCE DEVELOPMENT FUND. There is appropriated from the workforce development fund account created in section 15.342A, to the workforce development fund created in section 15.343, for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, for the purposes of the workforce development fund:

.....	\$	6,850,000
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Sec. 5. Of all funds appropriated to or receipts credited to the job training fund created in section 260F.6, subsection 1, up to \$175,000 for the fiscal year beginning July 1, 1998, and ending June 30, 1999, and not more than 1.50 FTEs may be used for the administration of the Iowa jobs training Act.

Sec. 6. IOWA STATE UNIVERSITY. There is appropriated from the general fund of the state to the Iowa state university of science and technology for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For funding and maintaining in their current locations the existing small business development centers, and for not more than the following full-time equivalent positions:

.....	\$	1,235,880
.....	FTEs	5.80

2. For the Iowa state university of science and technology research park, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	376,500
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..... FTEs 4.31

3. For funding the institute for physical research and technology, provided that \$2,358 shall be allocated to the industrial incentive program in accordance with the intent of the general assembly, and for not more than the following fulltime equivalent positions:

..... \$ 4,379,458

..... FTEs 46.42

It is the intent of the general assembly that the incentive program focus on Iowa industrial sectors and seek contributions and in-kind donations from businesses, industrial foundations, and trade associations and that moneys for the institute for physical research and technology industrial incentive program shall only be allocated for projects which are matched by private sector moneys for directed contract research or for nondirected research. The match required of small businesses as defined in section 15.102, subsection 4, for directed contract research or for nondirected research shall be \$1 for each \$3 of state funds. The match required for other businesses for directed contract research or for nondirected research shall be \$1 for each \$1 of state funds. The match required of industrial foundations or trade associations shall be \$1 for each \$1 of state funds.

Iowa state university of science and technology shall report annually to the joint appropriations subcommittee on economic development and legislative fiscal bureau the total amounts of private contributions, the proportion of contributions from small businesses and other businesses, and the proportion for directed contract research and nondirected research of benefit to Iowa businesses and industrial sectors.

Notwithstanding section 8.33, moneys appropriated for the fiscal year which remain unobligated and unexpended at the end of the fiscal year shall not revert but shall be available for expenditure the following fiscal year.

Sec. 7. UNIVERSITY OF IOWA. There is appropriated from the general fund of the state to the state university of Iowa for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the university of Iowa research park, including salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 331,007

..... FTEs 4.35

2. For funding the advanced drug development program at the Oakdale research park and for not more than the following fulltime equivalent positions:

..... \$ 262,199

..... FTEs 2.85

The board of regents shall submit a report on the progress of regents institutions in meeting the strategic plan for technology transfer and economic development to the chairpersons of the joint appropriations subcommittee on economic development, the joint appropriations subcommittee on education, the majority

leader and minority leader of the senate, the majority and minority leaders of the house of representatives, the secretary of the senate, the chief clerk of the house of representatives, and the legislative fiscal bureau by December 1, 1998.

Sec. 8. UNIVERSITY OF NORTHERN IOWA. There is appropriated from the general fund of the state to the university of northern Iowa for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the metal casting institute, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	166,349
.....	FTEs	2.75

2. For the institute of decision making, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	688,308
.....	FTEs	8.00

Sec. 9. DEPARTMENT OF WORKFORCE DEVELOPMENT. There is appropriated from the general fund of the state, to the department of workforce development for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. DIVISION OF LABOR SERVICES

For the division of labor services, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,902,693
.....	FTEs	93.00

From the contractor registration fees, the division of labor services shall reimburse the department of inspections and appeals for all costs associated with hearings under chapter 91C, relating to contractor registration.

2. DIVISION OF INDUSTRIAL SERVICES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,390,927
.....	FTEs	34.00

The division of industrial services shall continue charging a \$65 filing fee for workers' compensation cases. The filing fee shall be paid by the petitioner of a claim. However, the fee can be taxed as a cost and paid by the losing party, except in cases where it would impose an undue hardship or be unjust under the circumstances.

3. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent position for the workforce development state and regional boards:

.....	\$	106,929
.....	FTE	1.00

4. For salaries, support, maintenance, miscellaneous purposes for collection of labor market information, and for not more than the following full-time equivalent position:

.....	\$	65,354
.....	FTE	1.00

5. WORKFORCE DEVELOPMENT AREA

For salaries, support, maintenance, and miscellaneous purposes for the development and maintenance of a workforce sufficient in size and skill to meet the occupational demands of each workforce development area, and for workforce development programs, including those provided for in sections 84A.7, 84A.8, and 84A.9. Each region shall be required to provide an equal amount of matching funds from local sources:

.....	\$	1,480,022
.....	FTEs	4.20

The department shall expend \$923,180 on youth workforce programs. Youth conservation corps program moneys shall be allocated among the regions which have developed a youth conservation corps program.

Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended on June 30, 1999, shall not revert to any fund but shall be available for expenditure for purposes of the contract during the fiscal year beginning July 1, 1999.

6. LABOR MANAGEMENT COORDINATOR

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent position:

.....	\$	66,851
.....	FTE	0.50

The Iowa workforce development board shall be responsible for the functions previously conducted by the state labor management cooperation council. The board, the department of workforce development, and the labor management coordinator shall cooperate to improve communications and facilitate dialogue between labor, management, and government on workforce development problems facing the state, to form in-plant labor management committees, and to provide technical assistance to establish effective labor management policies in the state.

7. WELFARE-TO-WORK MATCHING FUNDS

For matching funds for welfare-to-work grants authorized through the United States department of labor to provide additional services for the hardest to employ recipients of family investment program benefits:

..... \$ 888,633

Notwithstanding section 8.33, moneys appropriated in this subsection which remain unexpended or unobligated on June 30, 1999, shall not revert to the general fund of the state but shall remain available for expenditure for the same purpose during the fiscal year beginning July 1, 1999.

Sec. 10. JOB TRAINING FUND. Notwithstanding section 15.251, subsection 2, there is appropriated from the job training fund to the department of workforce development for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the target alliance program:

..... \$ 30,000

Sec. 11. ADMINISTRATIVE CONTRIBUTION SURCHARGE FUND. There is appropriated from the administrative contribution surcharge fund of the state to the department of workforce development for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, for the purposes designated:

Notwithstanding section 96.7, subsection 12, paragraph "c", for salaries, support, maintenance, conducting labor availability surveys, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 7,100,000
..... FTEs 125.42

Sec. 12. EMPLOYMENT SECURITY CONTINGENCY FUND. There is appropriated from the special employment security contingency fund to the department of workforce development for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. DIVISION OF LABOR SERVICES

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 296,000

2. DIVISION OF INDUSTRIAL SERVICES

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 175,000

Any additional penalty and interest revenue may be used to accomplish the mission of the department.

Sec. 13. PUBLIC EMPLOYMENT RELATIONS BOARD. There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 857,844
 FTEs 12.80

Sec. 14. WORKFORCE RECRUITMENT INITIATIVE.

1. FINDINGS. The general assembly finds that growing levels of employment coupled with historically low levels of unemployment are evidence of increasing scarcity of skilled workers. Limited access to a skilled workforce is preventing Iowa companies from increasing employment and production, and is a barrier to sustained and stable economic growth.

Further, the general assembly finds that in order to increase the size of the workforce, a partnership of private sector employers, communities and public sector organizations should be formed to develop and implement a workforce recruitment initiative. The initiative is intended to include strategies for recruiting new workers that will meet the workforce needs of Iowa employers who are unable to fill high quality jobs.

2. ESTABLISHMENT. The general assembly finds an immediate need for the establishment of a workforce recruitment initiative with projects intended to retain and recruit new skilled and unskilled employees to fill the needs of both communities and businesses. The department of economic development and the department of workforce development shall enter into a cooperative memorandum of understanding to accomplish purposes of this initiative. The memorandum shall include, but not be limited to, provisions for the sharing and utilization of job matching databases and technology to accomplish the purposes of the initiative and for an allocation out of moneys appropriated to the department of economic development for purposes of the workforce recruitment initiative for payment of employee salaries related to the workforce recruitment initiative.

3. STATE AGENCY COOPERATION. The department of economic development and the department of workforce development shall seek and obtain the cooperation of any state agency and local economic development organization actively involved in workforce development initiatives which could provide employee recruitment and marketing assistance to accomplish the workforce recruitment initiative.

4. FTEs. For purposes of the workforce recruitment initiative, the department of workforce development shall increase the number of full-time equivalent positions authorized for the department during the fiscal year beginning July 1, 1998, by 2.00 FTEs through moneys authorized for expenditure in this Act and allocated pursuant to the cooperative memorandum of understanding entered into with the department of economic development as provided in section 2.

5. APPROPRIATION. There is appropriated from the general fund of the state to the department of economic development for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For workforce recruitment initiative purposes including technical support and maintenance of databases and an internet web site, for a joint proposal of the department of economic development and the department of workforce development relating to the workforce recruitment initiative which shall include provisions for private sector contributions, and including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	300,000
.....	FTEs	3.00

Notwithstanding section 8.33, moneys appropriated in this subsection which remain unexpended or unobligated on June 30, 1999, shall not revert to the general fund of the state but shall remain available for expenditure in the fiscal year beginning July 1, 1999, for the purposes designated.

6. **STRATEGIC INVESTMENT FUND ALLOCATION.** There is allocated from the strategic investment fund to the department of economic development for the fiscal year beginning July 1, 1998, and ending June 30, 1999, \$150,000 to be used for the purchase of equipment, software, laptop computers, and other necessary technological equipment.

7. **BUSINESS DEVELOPMENT DIVISION.** The business development division of the department of economic development may expend from moneys appropriated to the department and allocated to the business development division, for business development operations, up to \$400,000 for increasing the labor availability and recruitment efforts in the state in all occupational areas and as deemed necessary.

Sec. 15. NEW SECTION. 15.361 TITLE.

This part shall be known and may be cited as the "Certified School to Career Program".

Sec. 16. NEW SECTION. 15.362 DEFINITIONS.

As used in this part, unless the context otherwise requires:

1. "Certified school to career program" or "certified program" means a sequenced and articulated secondary and postsecondary program registered as an apprenticeship program under 29 C.F.R. subtit. A, pt. 29, which is conducted pursuant to an agreement as provided in section 15.364 or a program approved by the state board of education, in conjunction with the department of economic development, as meeting the standards enumerated in section 15.363, that integrates a secondary school curriculum with private sector job training which places students in job internships, and which is designed to continue into postsecondary education and that will result in teaching new skills and adding value to the wage-earning potential of participants and increase their long-term employability in the state and which is conducted pursuant to an agreement as provided in section 15.364.

2. "Participant" means an individual between the ages of sixteen and twenty-four 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 secondary school education.

3. "Payroll expenditures" means the base wages actually paid by an employer to a participant plus the amount held in trust to be applied toward the participant's postsecondary education.

4. "Sponsor" means any person, association, committee, or organization operating a school to career program and in whose name the program is or will be registered or approved.

Sec. 17. NEW SECTION. 15.363 CERTIFICATION STANDARDS.

The state board of education, in consultation with the department of economic development, shall adopt rules pursuant to chapter 17A to guide the board and department in determining whether a potential school to career program should be approved.

A school to career program which is approved by the state board of education in conjunction with the department of economic development shall comply with all of the following standards:

1. The program is conducted pursuant to an organized, written plan embodying the terms and conditions of employment, job training, classroom instruction, and supervision of one or more participants, subscribed to by a sponsor who has undertaken to carry out the school to career program.

2. The program complies with all state and federal laws pertaining to the workplace.

3. The employer agrees to assign an employee to serve as a mentor for a participant. The mentor's occupation shall be in the same career pathway as the career interests of the participant.

4. The program involves an eligible postsecondary institution as defined in section 261C.3.

5. Other standards adopted by rule by the state board of education after consultation with the department of economic development.

Sec. 18. NEW SECTION. 15.364 CERTIFIED PROGRAM AGREEMENT.

The certified program shall be conducted pursuant to a signed written agreement between each participant and the employer which contains at least the following provisions:

1. The names and signatures of the participant and the sponsor or employer and the signature of a parent or guardian if the participant is a minor.

2. A description of the career field in which the participant is to be trained, and the beginning date and duration of the training.

3. The employer's agreement to provide paid employment, at a base wage, for the participant during the summer months after the participant's junior and senior years in high school and after the participant's first year of postsecondary education.

4. The participant and employer shall agree upon set minimum academic standards which must be maintained through the participant's secondary and postsecondary education.

5. This base wage paid to the participant shall not be less than the minimum wage prescribed by Iowa law or the federal Fair Labor Standards Act, whichever is applicable.

6. That in addition to the base wage paid to the participant, the employer shall pay an additional sum to be held in trust to be applied toward the participant's postsecondary education required for completion of the certified program. The additional amount must be not less than an amount determined by the department of economic development to be sufficient to provide payment of tuition expenses toward completion of not more than two academic years of the required

postsecondary education component of the certified program at an Iowa community college or an Iowa public or private college or university. This amount shall be held in trust for the benefit of the participant pursuant to rules adopted by the department of economic development. Payment into an ERISA approved fund for the benefit of the participant shall satisfy this requirement. The specific fund shall be specified in the agreement.

7. The participant's agreement to work for the employer for at least two years following the completion of the participant's postsecondary education required by the certified program. However, the agreement may provide for additional education and work commitments beyond the two years.

8. If the participant does not complete the two-year employment obligation, the participant's agreement to repay to the employer the amount paid by the employer toward the participant's postsecondary education expenses pursuant to subsection 6.

9. a. That if a participant does not complete the certified program contemplated by the agreement after entering a postsecondary education program, any unexpended funds being held in trust for the participant's postsecondary education shall be paid back to the employer. In addition the participant must repay to the employer amounts paid from the trust which were expended on the participant's behalf for postsecondary education.

b. That if a participant does not complete the certified program contemplated by the agreement prior to entering a postsecondary education program, one-half of the moneys being held in trust for the participant's postsecondary education shall be paid to a postsecondary education institution as defined in section 261C.3 of the participant's choice to pay tuition or expenses of the participant. The other one-half of the trust moneys shall be paid back to the employer. Any moneys to be transferred for the benefit of the participant which are not transferred within five years for purposes of education at the designated postsecondary institution, shall be paid back to the employer.

Sec. 19. NEW SECTION. 15.365 PAYROLL EXPENDITURE REFUND.

1. An employer who employs a participant in a certified school to career program may claim a refund of twenty percent of the employer's payroll expenditures for each participant in the certified program. The refund is limited to the first four hundred hours of payroll expenditures per participant for each calendar year the participant is in the certified program, not to exceed three years per participant.

2. To receive a refund under subsection 1 for a calendar year, the employer shall file the claim by July 1 of the following calendar year. The claim shall be filed on forms provided by the department of economic development and the employer shall provide such information regarding the employer's participation in a certified school to career program as the department may require. Forms should be designed such that claims for refunds for more than one participant may be made on a single form.

3. For each fiscal year of the fiscal period beginning July 1, 1999, and ending June 30, 2004, there is appropriated up to five hundred thousand dollars annually from the general fund of the state to the department of economic development to pay refunds under this section. If the amount appropriated in a fiscal year is insufficient to pay all refund claims for the calendar year in full, each claimant shall receive a proportion of the claimant's refund claim equal to the ratio of the amount

appropriated to the total amount of refund claims. Any unpaid portion of a claim shall not be paid from a subsequent fiscal year appropriation.

4. The department of economic development shall consult with the department of revenue and finance for purposes of this section. The department of economic development shall adopt rules as deemed necessary to carry out the purposes of the certified school to career program.

Sec. 20. NEW SECTION. 15.366 CUSTOMER TRACKING SYSTEM.

All participants and sponsors participating in a certified school to career program shall be included in the customer tracking system implemented by the department of workforce development pursuant to section 84A.5.

Sec. 21. NEW SECTION. 15.367 REPEAL.

This part of chapter 15 is repealed June 30, 2004. However, any contracts in existence on June 30, 2004, shall continue to be valid and each party to such contract is obligated to perform as required under such contract. However, no employer is entitled to any payroll expenditure refund for payroll expenditures incurred after December 31, 2002.

Sec. 22. NEW SECTION. 15A.8 LOANS PAYABLE FROM NEW JOBS CREDIT FROM WITHHOLDING.

1. As an additional means to provide moneys for the payment of the costs of a new jobs training project or multiple projects under chapter 260E and this chapter, a community college may make an advance or loan, including an interfund transfer or a loan from moneys on hand and legally available, to be paid from the same sources and secured in the same manner as certificates described in sections 15A.7 and 260E.6.

2. Revenues from a job training agreement received prior to the completion by a business of its repayment obligation for a project and not pledged to certificates, loans, or advances, and not necessary for the payment of principal and interest maturing on such certificates, loans, or advances, may be applied by the community college to the reduction of any other outstanding certificates, loans, or advances.

Sec. 23. Section 15E.83, Code 1997, is amended to read as follows:

15E.83 SEED CAPITAL CORPORATION.

1. The Iowa seed capital corporation shall be incorporated under chapter 504A. ~~The purpose of the corporation shall be to provide seed capital to start-up and emerging growth companies in Iowa that are bringing new products and processes to the marketplace, and it shall be the goal of the corporation to financially support the establishment and growth of start-up and emerging growth companies that can contribute to the economic diversity of the state and provide general and specific economic benefits to the state. The corporation shall only provide seed capital or financial assistance to Iowa businesses. The corporation shall not be regarded as a state agency, except for purposes of chapters 17A and 60, and a member of the board is not considered a state employee, except for purposes of chapter 669. An individual employed by the corporation is a state employee for purposes of the Iowa public employees' retirement system, state health and dental plans, and other state employee benefit plans and chapter 669. Chapters 8, 18, 19A, and 20 and other provisions of law that relate to requirements or restrictions dealing with state personnel or state funds do not apply to the corporation and any employees of the~~

board or corporation except to the extent provided in this division. Chapters 21 and 22 shall apply to activities of the corporation and to employees of the board or corporation except to the extent provided in this division.

2. The corporation shall be governed by a board of seven directors who shall serve a term of four years. Of the seven directors, four shall be persons experienced in business finance and employed at a bank or other financial institution, be a certified public accountant, be an attorney, or be a licensed stockbroker. Each director shall serve at the pleasure of the governor and shall be appointed by the governor, subject to confirmation by the senate pursuant to section 2.32. A director is eligible for reappointment. A vacancy on the board of directors shall be filled in the same manner as an original appointment.

3. The board of directors shall annually elect one member as chairperson and one member as secretary. The board may elect other officers of the corporation as necessary. Members shall be reimbursed for necessary expenses incurred in the performance of duties from funds appropriated to the corporation.

4. Each director of the corporation shall take an oath of office and the record of each oath shall be filed in the office of the secretary of state.

5. The corporation shall receive information and cooperate with other agencies of the state and the political subdivisions of the state.

Sec. 24. Section 15E.85, Code 1997, is amended to read as follows:

15E.85 BOARD OF DIRECTORS.

The powers of the corporation are vested in and shall be exercised by the board of directors. Four members of the board constitute a quorum and an affirmative vote of at least four of the members present at a meeting is necessary before an action may be taken by the board. An action taken by the board shall be authorized by resolution at a regular or special meeting and takes effect immediately unless the resolution specifies otherwise. Notice of a meeting shall be given orally or in writing not less than forty-eight hours prior to the meeting.

Sec. 25. Section 15E.87, Code 1997, is amended to read as follows:

15E.87 CORPORATE PURPOSE — POWERS.

The purpose of the corporation is to stimulate and encourage the development of new products within Iowa by the infusion of financial aid for invention and innovation in situations in which financial aid would not otherwise be reasonably available from commercial sources. For this purpose the corporation has the following powers:

1. To have perpetual succession as a corporate body and to adopt bylaws, policies, and procedures for the regulation of its affairs and conduct of its business consistent with the purposes of this division.

2. To enter into venture agreements with persons doing business in Iowa upon conditions and terms which are consistent with the purposes of this division for the advancement of financial aid to the persons. The financial aid advanced shall be for the development of specific products, procedures, and techniques which are to be developed and produced in this state. The corporation shall condition the agreements upon contractual assurances that the benefits of increasing or maintaining employment and tax revenues shall remain in Iowa.

~~3. To receive and accept aid or contributions from a source of money, property, labor, or other things of value to be used to carry out the purposes of this division including gifts or grants from a department or agency of the United States or any state.~~

~~4. To issue notes and bonds as provided under this division.~~

5.2. To hold patents, copyrights, trademarks, or other evidences of protection or exclusivity issued under the laws of this state or the United States to any products.

6.3. To employ assistants, agents, and other employees and to engage consultants, attorneys, and appraisers as necessary or desirable to carry out the purposes of the corporation.

7.4. To make and enter into contracts and agreements necessary or incidental to its performance of the duties and the powers granted to the corporation.

8.5. To sue and be sued, plead, and adopt a seal.

9.6. With the approval of the treasurer of state, to invest funds which are not needed for immediate use or disbursement, including funds held in reserve, in obligations issued or guaranteed by the state or the United States.

10.7. To procure insurance against a loss in connection with its property and other assets.

11.8. To the extent permitted under a corporation contract with other persons, to consent to a termination, modification, forgiveness, or other change in the terms of a contractual right, payment, royalty, contract, or agreement.

12.9. To take necessary action to render bonds issued under this division more marketable.

Sec. 26. Section 422.16A, Code Supplement 1997, is amended to read as follows:

422.16A JOB TRAINING WITHHOLDING - CERTIFICATION AND TRANSFER.

Upon the completion by a business of its repayment obligation for a training project funded under chapter 260E, including a job training project funded under ~~chapter 260E and section 15A.8~~ or repaid in whole or in part by the supplemental new jobs credit from withholding under section 15A.7 or section 15.331, the sponsoring community college shall report to the department of economic development the amount of withholding paid by the business to the community college during the final twelve months of withholding payments. The department of economic development shall notify the department of revenue and finance of that amount. The department shall credit to the workforce development fund account established in section 15.342A twenty-five percent of that amount each quarter for a period of ten years. If the amount of withholding from the business or employer is insufficient, the department shall prorate the quarterly amount credited to the workforce development fund account. The maximum amount from all employers which shall be transferred to the workforce development fund account in any year is ten million dollars.

Sec. 27. LIQUIDATION OF THE IOWA SEED CAPITAL CORPORATION. Notwithstanding sections 15E.81 through 15E.94, sections 15E.181 through 15E.184, and 1997 Iowa Acts, chapter 143, sections 5 and 6, it is the intent of the general assembly that the Iowa seed capital corporation shall be liquidated or sold in an orderly manner. On May 31, 1998, the terms of the board members of the Iowa seed capital corporation shall terminate, the Iowa seed capital corporation shall be renamed the ISCC liquidation corporation, and a three-person board shall be constituted to complete the orderly liquidation or sale of the assets of the ISCC liquidation corporation. The ISCC liquidation corporation board shall consist of the commissioner of insurance or the commissioner's designee, the superintendent of banking or the superintendent's designee, and the treasurer of state or the treasurer's designee. The members of the ISCC liquidation corporation board and any staff providing assistance to the board shall not be liable for their acts or omissions in connection with the liquidation or sale of the corporation. The ISCC liquidation corporation board shall close the corporation offices at 200 East Grand, Des Moines, Iowa, by June 30, 1998, terminate the officers and staff of the corporation by June 30, 1998, and shall not hire a new permanent or temporary staff to operate this corporation.

The staff of the treasurer of state shall provide administrative support to the ISCC liquidation corporation board and the corporation shall reimburse the treasurer of state for the reasonable costs of providing administrative support. The attorney general shall be consulted and shall provide legal support throughout the liquidation and sale process and the corporation shall reimburse the attorney general for the reasonable costs of providing any such consultation and legal support.

The ISCC liquidation corporation board's goals in supervising the liquidation or sale of the corporation are to maximize the net revenue to the state and minimize the impact to the companies involved. The board shall not make any new investments during the liquidation period, except for those necessary to protect and maintain its current holdings.

The ISCC liquidation corporation board is authorized to contract for the services, including brokers, other financial advisors or consultants, or legal advisors, necessary to complete the orderly liquidation or sale of the ISCC liquidation corporation.

The ISCC liquidation corporation board may determine the potential administrative, legal, and contractual service costs for the liquidation or sale of the corporation and may maintain a prudent reserve fund from liquid assets of the corporation for such purposes. Upon the unanimous vote of the ISCC liquidation corporation board the remainder of the liquid assets shall be transferred to the strategic investment fund established in section 15.313.

Following the complete liquidation and dissolution of the corporation or the sale of the corporation, all remaining moneys shall be transferred to the strategic investment fund. Upon transfer of the remaining moneys to the strategic investment fund, the ISCC liquidation corporation board shall be dissolved.

Sec. 28. SHELTER ASSISTANCE FUND. In providing moneys from the shelter assistance fund to homeless shelter programs, the department of economic development shall explore the potential of allocating moneys to homeless shelter programs based in part on their ability to move their clients toward self-sufficiency.

Sec. 29. The department of economic development and the department of

workforce development shall within the budget proposals for the fiscal year beginning July 1, 2000, detail the number of FTEs and contract employees included in the budget proposal. During the budget process for the fiscal year beginning July 1, 2000, the joint economic development appropriation subcommittee shall examine contract employees in relationship to the budgets of the department of economic development and the department of workforce development.

Sec. 30. The department of economic development shall submit a report to the general assembly as provided in section 7A.11 by January 1, 1999, which includes all of the following:

1. A survey of all business, industry, and agriculture related international trade activities in this state. The survey shall include the types of businesses and the products involved in international trade and the estimated costs and revenues resulting from such trade.

2. A list of specific targets and targeted opportunities for business, industry, and agriculture related to international trade activities in this state. These targets shall include the types of businesses and the products that are currently involved in international trade, as well as the types of businesses and the products that could potentially become involved in international trade in the future.

Sec. 31. **BUDGET PROPOSALS.** The department of economic development and the department of workforce development shall submit all budget proposals in the traditional format as well as in the budgeting for results format for the fiscal year beginning July 1, 1999.

Sec. 32. By December 31 of each year, the ISCC liquidation corporation shall submit an annual report to the chairpersons and the ranking members of the joint appropriations subcommittee on economic development. The report shall include an update on the financial condition of the corporation relating to the status of any moneys, assets, or contracts currently being held by the corporation or transferred by the corporation during the prior year.

Sec. 33. NEW SECTION. 16.5A **NONPROFIT CORPORATIONS.**

Any nonprofit corporation created by or in association with the Iowa finance authority since January 1, 1989, shall file a report by January 15 of each year with the chairpersons and ranking members of the appropriate appropriations subcommittees of the general assembly. Any nonprofit corporation created by or in association with the authority since January 1, 1989, shall adopt a written conflict of interests policy.

Sec. 34. NEW SECTION. 16.5B **HOUSING CORPORATION BOARD.**

The board of directors of the Iowa housing corporation shall consist of seven voting members serving staggered three-year terms. One member of the board of directors shall be a representative of the home builders association of Iowa and one member of the board of directors shall be a representative of the Iowa bankers association.

Sec. 35. **FEDERAL GRANTS.** All federal grants to and the federal receipts of agencies appropriated funds under this Act, not otherwise appropriated, are appropriated for the purposes set forth in the federal grants or receipts unless otherwise provided by the general assembly.

Sec. 36. The Iowa finance authority and the Iowa housing corporation shall

consider restrictions on any per diem provided to a member of the board of directors serving both the authority and the Iowa housing corporation on occasions when meetings of both entities are held on the same day and in the same city or metropolitan area.

Sec. 37. Notwithstanding section 96.9, subsection 4, paragraph "a", moneys credited to the state by the secretary of the treasury of the United States pursuant to section 903 of the Social Security Act shall be appropriated to the department of workforce development and shall be used by the department for the administration of the unemployment compensation program only. This appropriation shall not apply to any fiscal year after June 30, 2001.

Sec. 38. Notwithstanding any full-time equivalent position limitations in this Act to the contrary, the department of economic development may add 3.00 FTEs for the commission on volunteer services and 1.00 FTE for the housing assistance program. Two of the full-time equivalent positions added under this section for the commission on volunteer services relate to the transition of personnel services contractors to full-time equivalent positions. The merit system provisions of chapter 19A and the provisions of the state and union collective bargaining agreements shall not govern movement into these full-time positions until September 1, 1998. The provisions relating to the transition of personnel services contractors to full-time equivalent positions, chapter 19A, and collective bargaining agreements are void after September 1, 1998.

Sec. 39. Section 15E.86, Code 1997, is repealed.

Sec. 40. EFFECTIVE DATE. Sections 14, 15, 16, 17, 18, 19, 20, 21, and 27 of this Act, being deemed of immediate importance, take effect upon enactment."

ON THE PART OF THE HOUSE:

STEVEN CHURCHILL, Chair
DAVID MILLAGE
JAMES VAN FOSSEN

ON THE PART OF THE SENATE:

ALLEN BORLAUG, Chair
PATRICK J. DELUHERY
PATRICIA HARPER
DERYLL McLAREN
NEAL SCHUERER

The motion prevailed and the conference committee report was adopted.

Churchill of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2296)

The ayes were, 91:

Arnold
Boggess
Bukta
Chiodo
Cormack
Dotzler
Falck

Barry
Bradley
Burnett
Churchill
Dix
Drake
Foege

Bell
Brauns
Carroll
Cohon
Doderer
Drees
Ford

Bernau
Brunkhorst
Cataldo
Connors
Dolecheck
Eddie
Frevort

Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker Corbett	

The nays were, 5:

Boddicker	Fallon	Garman	Kreiman
Kremer			

Absent or not voting, 4:

Blodgett	Brand	Chapman	Dinkla
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2296** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Boddicker of Cedar called up for consideration **Senate File 2345**, a bill for an act relating to juvenile justice system provisions involving foster care, termination of parental rights, and adoption preplacement investigations, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-9324:

H-9324

- 1 Amend the House amendment, S-5761, to Senate File
- 2 2345, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 36, by striking the word "and".

- 5 2. Page 1, line 37, by inserting after the word
 6 "application" the following: "and all information
 7 the designee communicated to the court".
- 8 3. Page 4, by inserting after line 48 the
 9 following:
 10 " . Page 9, by inserting after line 8 the
 11 following:
 12 "Sec. . NEW SECTION. 232.120 PREADOPTIVE CARE
 13 - CONTINUED PLACEMENT.
 14 If a foster parent is providing preadoptive care to
 15 a child for whom a termination of parental rights
 16 petition has been filed, the placement of the child
 17 with that foster parent shall continue through the
 18 termination of parental rights proceeding unless the
 19 court orders otherwise based upon the best interests
 20 of the child."
- 21 4. Page 5, by inserting after line 24, the
 22 following:
 23 "Sec. . Section 600.12A, if enacted by the 1998
 24 Iowa Acts, Senate File 2338, is amended by adding the
 25 following new subsection:
 26 NEW SUBSECTION. 1A. If the person to be adopted
 27 dies following termination of the parental rights of
 28 the person's biological parents but prior to the
 29 filing of an adoption petition, the person who was the
 30 guardian or custodian of the person to be adopted
 31 prior to the person's death or the person who was in a
 32 parent-child relationship with the person to be
 33 adopted prior to the person's death may file an
 34 adoption petition and the court in the interest of
 35 justice may waive any other procedures or requirements
 36 related to the adoption, proceed to the adoption
 37 hearing, and issue a final adoption decree, unless any
 38 person to whom notice is to be provided pursuant to
 39 section 600.11 objects to the adoption."
 40 5. By renumbering, relettering, or redesignating
 41 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amend-
 ment H-9324.

Boddicker of Cedar moved that the bill, as amended by the House,
 further amended by the Senate and concurred in by the House, be read
 a last time now and placed upon its passage which motion prevailed
 and the bill was read a last time.

On the question—"Shall the bill pass?" (S.F. 2345)

The ayes were, 98:

Arnold
 Blodgett

Barry
 Boddicker

Bell
 Boggess

Bernau
 Bradley

Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chiodo
Churchill	Cohoon	Connors	Cormack
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Chapman Dinkla

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2345** be immediately messaged to the Senate.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 21st day of April, 1998: House Files 2049, 2487 and 2541.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 21, 1998, he approved and transmitted to the Secretary of State the following bills:

Senate File 2331, an act relating to agreements for the provision of services, by excluding persons who provide transportation of prisoners from statutory requirements pertaining to private investigators or security agents and the carrying of weapons, and providing for the sharing of certain habilitative and treatment resources by the department of corrections with the department of human services and providing for certain contractual requirements and the adoption of rules by the department of corrections.

Senate File 2339, an act relating to an inmate's right to counsel in a postconviction proceeding pertaining to a forfeiture of a reduction in sentence or the unlawful holding of a person in custody or restraint.

Senate File 2353, an act relating to an allocation of state aid for purposes of school-based youth services programs.

Senate File 2376, an act relating to the operation of the lottery and providing a penalty.

Senate File 2383, an act relating to amusement ride rider safety, providing a penalty, and providing an effective date.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twelve 4th and 5th grade students from Clark Elementary, New London, accompanied by Becki Harris and Cyndi Morgan. By Heaton of Henry.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

1998\512 Spark and Laura Westendorf, Waucoma - For celebrating their 60th wedding anniversary.

1998\513 Linda Klasen, Farmersburg - For celebrating her 100th birthday.

1998\514 Florence Bodensteiner, West Union - For celebrating her 90th birthday.

- 1998\515 John Skinner, Des Moines – For celebrating his 80th birthday.
- 1998\516 Jennifer Hill, Thompson – For receiving her FFA Degree.
- 1998\517 Elmer and Edith Patrick, Mingo – For celebrating their 50th wedding anniversary.
- 1998\518 Sybil Mae Gilfillan, Evansdale – For celebrating her 80th birthday.

SUBCOMMITTEE ASSIGNMENT

Senate File 547

Appropriations: Millage, Chair; Sukup and Warnstadt.

RESOLUTIONS FILED

HR 108, by Mascher, Myers, Doderer, and Foege, a resolution recognizing the centennial anniversary of the University of Iowa Hospitals and Clinics, and honoring the women and men affiliated with the University of Iowa Hospitals and Clinics.

Laid over under **Rule 25**.

HR 109, by Houser, Myers, Carroll, Arnold, Foege, Grundberg, Jochum, Heaton, Mertz, Mundie, and Vande Hoef, a resolution recognizing the positive contributions realized from county implementation of a single entry point process for mental health, mental retardation, and developmental disabilities (MH/MR/DD) services known as the central point of coordination or "CPC" system.

Laid over under **Rule 25**.

On motion by Siegrist of Pottawattamie, the House adjourned at 8:15 p.m., until 8:45 a.m., Wednesday, April 22, 1998.

JOURNAL OF THE HOUSE

One Hundred First Calendar Day - Sixty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 22, 1998

The House met pursuant to adjournment at 8:45 a.m., Rants of Woodbury in the chair.

Prayer was offered by the Honorable Bill Bernau, state representative from Story County.

The Journal of Tuesday, April 21, 1998 was approved.

PRESENTATION TO RETIRING MEMBERS AND LEADERS

House Speaker Ron Corbett, Majority Leader Brent Siegrist and Minority Leader David Schrader were invited to the Speaker's station for a special presentation.

Rants of Woodbury and Connors of Polk, on behalf of the House, presented plaques to each leader in appreciation of his service and dedicaton to the Iowa House of Representatives during the Seventy-seventh General Assembly.

Rants of Woodbury and Connors of Polk invited to the well of the House, for special recognition, members of the House who will be retiring or are candidates for the Iowa Senate. Plaques were presented to the following members:

William H. Bernau, District 62	1991 - 1998
Steven W. Churchill, District 76	1993 - 1998
Dwight L. Dinkla, District 78	1993 - 1998
Donald L. Gries, District 12	1993 - 1998
Deo A. Koenigs, District 29	1983 - 1998
Joseph M. Kremer, District 27	1985 - 1992, 1995 - 1998
Jeffrey M. Lamberti, District 65	1995 - 1998
James A. Meyer, District 11	1993 - 1998
Michael J. Moreland, District 93	1993 - 1998
Harold G. Van Maanen, District 95	1979 - 1998
Richard P. Vande Hoef, District 6	1993 - 1998
Kenneth J. Veenstra, District 5	1995 - 1998

The House rose and expressed its appreciation.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent

to suspend the rules for the immediate consideration of Senate File 2068.

CONSIDERATION OF BILLS
Unfinished Business Calendar

Senate File 2068, a bill for an act concerning the method by which cities pay the medical costs incurred by members of the police and fire departments of cities who are injured while on duty, with report of committee recommending amendment and passage, was taken up for consideration.

Vande Hoef of Osceola offered the following amendment H-8539 filed by the committee on local government and moved its adoption:

H-8539

- 1 Amend Senate File 2068, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec. ____ NEW SECTION. 364.25 RETIREE HEALTH
- 6 CARE.
- 7 A city may provide health or medical insurance
- 8 coverage or supplemental coverage to retired employees
- 9 of the city. A city providing health or medical
- 10 insurance coverage pursuant to this section may
- 11 establish such requirements or restrictions concerning
- 12 the coverage provided as the city may adopt. If
- 13 coverage is provided, the cost of the health or
- 14 medical insurance coverage shall be paid from moneys
- 15 held in a trust and agency fund established pursuant
- 16 to section 384.6, or out of an appropriation from the
- 17 city general fund for this purpose."
- 18 2. Page 1, line 21, by striking the word
- 19 "section" and inserting the following: "sections
- 20 364.25 and".
- 21 3. Title page, line 1, by inserting after the
- 22 word "pay" the following: "health and medical
- 23 insurance coverage to retired employees and".
- 24 4. By renumbering as necessary.

The committee amendment H-8539 was adopted.

Vande Hoef of Osceola moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2068)

The ayes were, 90:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Chiado	Churchill
Cohon	Connors	Corbett, Spkr.	Cormack
Dix	Dolecheck	Dotzler	Drake
Eddie	Falck	Fallon	Foege
Frevert	Garman	Gipp	Greig
Greiner	Gries	Hansen	Heaton
Holmes	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Rants, Presiding		

The nays were, 1:

Grundberg

Absent or not voting, 9:

Cataldo	Chapman	Dinkla	Doderer
Drees	Ford	Hahn	Holveck
Taylor			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

The House stood at ease at 9:02 a.m., until the fall of the gavel.

The House resumed session at 9:32 a.m., Rants of Woodbury in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 1998, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 2269, a bill for an act relating to permissible physical contact between school employees and students.

Also: That the Senate has on April 21, 1998, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2332, a bill for an act relating to agriculture, regulating the sale of agricultural products advertised as organic, providing for fees and appropriations, and providing penalties and an effective date.

Also: That the Senate has on April 21, 1998, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2418, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, providing for the transfer of the information technology division, providing for the use of the network, establishing an information technology bureau, making miscellaneous related changes, and providing effective dates.

MARY PAT GUNDERSON, Secretary

Senate File 2225, a bill for an act to legalize the proceedings of the board of directors of the Sigourney Community School District to sell certain school district property and providing effective and retroactive applicability dates, with report of committee recommending passage, was taken up for consideration.

Lamberti of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2225)

The ayes were, 92:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Bukta	Burnett
Carroll	Chapman	Chiodo	Churchill
Cohoon	Connors	Corbett, Spkr.	Cormack
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greiner	Gries
Grundberg	Hansen	Heaton	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer

Millage	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Whitead	Wise	Witt	Rants, Presiding

The nays were, none.

Absent or not voting, 8:

Brunkhorst	Cataldo	Dinkla	Greig
Hahn	Holmes	Larson	Nelson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2068 and 2225.**

Speaker Corbett in the chair at 9:40 a.m.

CONSIDERATION OF SENATE JOINT RESOLUTION 2004

The House resumed consideration of Senate Joint Resolution 2004, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state budget by limiting state general fund expenditures and restricting certain state tax revenue changes, previously deferred.

Osterhaus of Jackson offered the following amendment H-9046 filed by him and moved its adoption:

H-9046

- 1 Amend Senate Joint Resolution 2004, as passed by
- 2 the Senate, as follows:
- 3 1. Page 4, by striking lines 7 through 9.

Amendment H-9046 lost.

Wise of Lee asked and received unanimous consent to withdraw amendment H-9094 filed by him on April 9, 1998.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-8953 filed by her on April 6, 1998.

Richardson of Warren asked and received unanimous consent to withdraw amendment H-9069 filed by him on April 9, 1998.

Jochum of Dubuque asked and received unanimous consent to withdraw amendments H-9074 and 9077 filed by her on April 9, 1998.

Bernau of Story asked and received unanimous consent to withdraw amendment H-9075 filed by him on April 9, 1998.

Jochum of Dubuque offered amendment H-9113 filed by her as follows:

H-9113.

1 Amend Senate Joint Resolution 2004, as passed by
2 the Senate, as follows:

3 1. Page 4, by inserting before line 12 the
4 following:

5 "The Constitution of the State of Iowa is amended
6 by adding the following new sections to new Article
7 XIII:

8 ARTICLE XIII.

9 POLITICAL CAMPAIGN EXPENDITURE AND
10 CONTRIBUTION LIMITATIONS.

11 GENERAL ASSEMBLY CANDIDATES' POLITICAL CAMPAIGN
12 EXPENDITURES LIMITED. Section 1.

13 1. For the purposes of this section:

14 a. "Election campaign cycle" means the period of
15 time following the day of one general election through
16 the day of the next general election.

17 b. "Election district" means the geographic area
18 to be represented by a candidate who wins an election:

19 2. The aggregate amount of expenditures, including
20 independent expenditures advocating the election of
21 the candidate or the defeat of the candidate's
22 opponent, as the General Assembly may by law provide,
23 for an election campaign cycle for a candidate for the
24 General Assembly shall not exceed one dollar
25 multiplied by the population of persons residing
26 within the election district where the candidate is on
27 the ballot or is running as a write-in candidate.

28 3. The aggregate amount of expenditures allowed
29 under subsection 2 shall be adjusted for each election
30 campaign cycle by a percentage equal to the percentage
31 increase in the consumer price index for all urban
32 consumers, United States city average, for the
33 immediately preceding year, as published by the
34 federal department of labor, bureau of labor
35 statistics. If such publication ceases to be
36 published, a comparable factor shall be used to make
37 the adjustment required by this section.

38 POLITICAL CONTRIBUTION LIMITATIONS. Sec. 2.

- 39 1. For the purposes of this section, "election
40 campaign cycle" shall mean the period of time
41 following the day of one general election through the
42 day of the next general election.
- 43 2. Contributions to a political candidate for the
44 General Assembly, or to the candidate's committee,
45 including independent expenditures attributed to a
46 candidate as the General Assembly may by law define,
47 shall not exceed the following amounts:
- 48 a. Two hundred dollars from any individual, during
49 an election campaign cycle.
- 50 b. Two thousand dollars from any political

Page 2

- 1 committee, during an election campaign cycle.
- 2 3. In addition, contributions to a candidate
3 during an election campaign cycle pursuant to
4 subsection 2, paragraph "b", in the aggregate may not
5 exceed thirty-five percent of the candidate's maximum
6 expenditure limitation, as determined in section 1."
- 7 2. Title page, line 4, by inserting after the
8 word "changes" the following: ", and relating to
9 political campaigns by setting reasonable limitations
10 on certain campaign contributions and expenditures".
- 11 3. By renumbering as necessary.

Larson of Linn rose on a point of order that amendment H-9113 was not germane.

The Speaker ruled the point well taken and amendment H-9113 not germane.

Bernau of Story offered amendment H-9114 filed by him as follows:

H-9114

- 1 Amend Senate Joint Resolution 2004, as passed by
2 the Senate, as follows:
- 3 1. Page 4, by inserting after line 11 the
4 following:
- 5 "Sec. 3. The following amendment to the
6 Constitution of the State of Iowa is proposed:
- 7 The Constitution of the State of Iowa is amended by
8 adding the following new section to new Article XIII:
- 9 PROHIBITION ON STATE MANDATES. Section 1. If a
10 state mandate is enacted by the General Assembly, or
11 otherwise imposed on a political subdivision and the
12 state mandate requires a political subdivision to
13 engage in any new activity, to provide any new
14 service, or to provide any service beyond that
15 required by any law, and the state does not
16 appropriate moneys to fully fund the cost of the state

17 mandate, the political subdivision is not required to
 18 perform the activity or provide the service and the
 19 political subdivision shall not be subject to the
 20 imposition of any fines or penalties for the failure
 21 to comply with the state mandate. For the purposes of
 22 this section, any requirement originating from the
 23 federal government and administered, implemented, or
 24 enacted by the state, and any allocation of federal
 25 moneys conditioned upon enactment of a state law or
 26 rule, are not state mandates.

27 The prohibition in this section does not apply if
 28 the bill containing the state mandate passes by the
 29 affirmative votes of at least three-fifths of the
 30 whole membership of each house of the General
 31 Assembly."

32 2. By renumbering as necessary.

Larson of Linn rose on a point of order that amendment H-9114 was not germane.

The Speaker ruled the point well taken and amendment H-9114 not germane.

Bernau of Story asked for unanimous consent to suspend the rules to consider amendment H-9114.

Objection was raised.

Bernau of Story moved to suspend the rules to consider amendment H-9114:

Roll call was requested by Bernau of Story and Brand of Tama.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-9114?" (S.J.R. 2004)

The ayes were, 44:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Chiodo	Cohoon
Connors	Doderer	Dotzler	Drees
Falck	Fallon	Foege	Ford
Frevert	Garman	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Moreland
Murphy	Myers	O'Brien	Osterhaus
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Taylor	Thomas	Warnstadt
Weigel	Whitead	Wise	Witt

The nays were, 52:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Carroll
Churchill	Cormack	Dix	Dolecheck
Drake	Eddie	Gipp	Greig
Greiner	Gries	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Jacobs	Jenkins	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Mertz	Metcalf	Meyer	Millage
Mundie	Nelson	Rants	Rayhons
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

Absent or not voting, 4:

Brunkhorst	Cataldo	Dinkla	Grundberg
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The motion to suspend the rules lost.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-9105 (previously deferred) filed by him on April 9, 1998, placing amendment H-9195, to amendment H-9105, filed by Schrader of Marion on April 15, 1998 out of order.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendments H-9115 and H-9116 (both previously deferred) filed by him on April 9, 1998.

The following amendments (all previously deferred) were withdrawn by unanimous consent:

- H-9061 filed by Frevert of Palo Alto on April 9, 1998
- H-9063 filed by Myers of Johnson on April 9, 1998
- H-9083 filed by Shoultz of Black Hawk on April 9, 1998
- H-9086 filed by Frevert of Palo Alto on April 9, 1998
- H-9088 filed by Weigel of Chickasaw on April 9, 1998
- H-9093 filed by Bernau of Story on April 9, 1998
- H-9098 filed by Jochum of Dubuque on April 9, 1998
- H-9099 filed by Weigel of Chickasaw on April 9, 1998
- H-9103 filed by Bernau of Story on April 9, 1998
- H-9104 filed by Weigel of Chickasaw on April 9, 1998

Van Fossen of Scott in the chair at 11:20 a.m.

Lamberti of Polk in the chair at 11:45 a.m.

Rants of Woodbury in the chair at 12:00 p.m.

Speaker Corbett in the chair at 12:50 p.m.

Larson of Linn moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the joint resolution was read a last time.

Senate Joint Resolution 2004, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state budget by limiting state general fund expenditures and restricting certain state tax revenue changes.

Be It Resolved By The General Assembly Of The State Of Iowa:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

The Constitution of the State of Iowa is amended by adding the following new section to new Article XIII:

ARTICLE XIII.
EXPENDITURE LIMITATION.

GENERAL FUND EXPENDITURE LIMITATION. Section 1.

1. For the purposes of this section:

a. "Adjusted revenue estimate" means the most recent revenue estimate determined before January 1, or a later and lesser revenue estimate determined before adjournment of the regular session of the General Assembly, for the general fund for the following fiscal year as determined by a revenue estimating conference which shall be established by the General Assembly by law, adjusted by subtracting estimated refunds payable from that estimated revenue and adding any available surplus in accordance with subsection 5.

b. "General fund" means the principal operating fund of the state which shall be established by the General Assembly by law.

c. "New revenues" means moneys which are received by the state due to increased tax rates or fees or newly created taxes or fees over and above those moneys which are received due to state taxes or fees which are in effect as of January 1 following the most recent state revenue estimating conference. "New revenues" also includes moneys received

by the general fund due to new transfers over and above those moneys received by the general fund due to transfers which are in effect as of January 1 following the most recent state revenue estimating conference. The state revenue estimating conference shall determine the eligibility of transfers to the general fund which are to be considered as new revenue in determining the state general fund expenditure limitation.

2. A state general fund expenditure limitation is created and calculated in subsection 3, for each fiscal year beginning on or after July 1 following the effective date of this section.

3. Except as otherwise provided in this section, the state general fund expenditure limitation for a fiscal year shall be ninety-nine percent of the adjusted revenue estimate.

4. The state general fund expenditure limitation shall be used by the Governor in the preparation of the budget and by the General Assembly in the budget process. If a new revenue source is proposed, the budget revenue projection used for that new revenue source for the period beginning on the effective date of the new revenue source and ending in the fiscal year in which the source is included in the adjusted revenue estimate shall be ninety-five percent of the amount remaining after subtracting estimated refunds payable from the projected revenue from that source. If a new revenue source is established and implemented, the original state general fund expenditure limitation amount provided for in subsection 3 shall be readjusted to include ninety-five percent of the estimated revenue from that source.

5. Any surplus existing at the end of a fiscal year which exceeds ten percent of the adjusted revenue estimate of that fiscal year shall be included in the adjusted revenue estimate for the following fiscal year. Any surplus equal to ten percent or less of the adjusted revenue estimate of the fiscal year may be included in the adjusted revenue estimate for the following fiscal year if approved in a bill receiving the affirmative votes of at least three-fifths of the whole membership of each house of the General Assembly. For purposes of this section, "surplus" means the cumulative excess of revenues and other financing sources over expenditures and other financing uses for the general fund at the end of a fiscal year.

6. The scope of the expenditure limitation under subsection 3 shall not include federal funds, donations, constitutionally dedicated moneys, and moneys in expenditures from a state retirement system.

7. The Governor shall submit and the General Assembly shall pass a budget which does not exceed the state general fund expenditure limitation.

8. The Governor shall not submit and the General Assembly shall not pass a budget which in order to balance assumes reversion of any part of the total of the appropriations included in the budget.

9. The state shall use consistent standards, in accordance with generally accepted accounting principles, for all state budgeting and accounting purposes.

10. The General Assembly shall enact laws to implement this section.

Sec. 2. The following amendment to the Constitution of the State of Iowa is proposed:

The Constitution of the State of Iowa is amended by adding the following new sections to new Article XIII:

ARTICLE XIII.

THREE-FIFTHS MAJORITY FOR TAX LAW CHANGES.

THREE-FIFTHS MAJORITY TO INCREASE TAXES. Section 1. A bill containing provisions enacting, amending, or repealing the state income tax or enacting, amending, or repealing the state sales and use taxes, in which the aggregate fiscal impact of those provisions relating to those taxes results in a net increase in state tax revenues, as determined by the General Assembly, shall require the affirmative votes of at least three-fifths of the whole membership of each house of the General Assembly for passage. This section does not apply to income tax or sales and use taxes imposed at the option of a local government.

THREE-FIFTHS MAJORITY TO ENACT NEW STATE TAX. Sec. 2. A bill that establishes a new state tax to be imposed by the state shall require the affirmative votes of at least three-fifths of the whole membership of each house of the General Assembly for passage.

ENFORCEMENT OF THREE-FIFTHS MAJORITY REQUIREMENT. Sec. 3. A lawsuit challenging the proper enactment of a bill pursuant to section 1 or 2 shall be filed no later than one year following the enactment. Failure to file such a lawsuit within the one-year time

limit shall negate the three-fifths majority requirement as it applies to the bill.

Each bill to which section 1 or 2 applies shall include a separate provision describing the requirements for enactment prescribed by section 1 or 2.

IMPLEMENTATION. Sec. 4. The General Assembly shall enact laws to implement sections 1 through 3.

Sec. 3. The foregoing proposed amendments to the Constitution of the State of Iowa are referred to the General Assembly to be chosen at the next general election for members of the General Assembly and the Secretary of State is directed to cause them to be published for three consecutive months previous to the date of that election as provided by law.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 2004)

The yeas were, 55:

Arnold	Barry	Blodgett	Boddicker
Bogges	Bradley	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Dix
Dolecheck	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Houser	Huseman	Jacobs
Jenkins	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Mertz
Metcalf	Meyer	Millage	Mundie
Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

The nays were, 44:

Bell	Bernau	Brand	Bukta
Burnett	Cataldo	Chapman	Chiodo
Cohoon	Connors	Doderer	Dotzler
Drees	Falck	Fallon	Foege
Ford	Frevert	Holveck	Huser
Jochum	Kinzer	Koenigs	Kreiman
Larkin	Mascher	May	Moreland
Murphy	Myers	O'Brien	Osterhaus

Reynolds-Knight
Shoultz
Weigel

Richardson
Taylor
Whitead

Scherrman
Thomas
Wise

Schrader
Warnstadt
Witt

Absent or not voting, 1:

Dinkla

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate Joint Resolution 2004** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Jacobs of Polk called up for consideration **Senate File 2418**, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, providing for the transfer of the information technology division, providing for the use of the network, establishing an information technology bureau, making miscellaneous related changes, and providing effective dates, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-9329:

H-9329

- 1 Amend the House amendment, S-5771, to Senate File
- 2 2418, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 30, by inserting after the word
- 5 "appropriate." the following: "The study authorized
- 6 in this section shall also include, but not be limited
- 7 to, a determination as to the appropriate number of
- 8 Iowa communications network classrooms which should be
- 9 established per capita."
- 10 2. Page 1, by inserting after line 30 the
- 11 following:
- 12 "Sec. ____ Page 5, by inserting after line 4 the
- 13 following:
- 14 "Sec. ____ DIVISION OF INFORMATION TECHNOLOGY
- 15 SERVICES HEAD - SENATE CONFIRMATION. Notwithstanding
- 16 any contrary provision, the individual appointed by
- 17 the director of the department of general services as

18 the head of the division of information technology
 19 services in the department shall be subject to senate
 20 confirmation.””

21 3. Page 1, by striking line 37 and inserting the
 22 following:

23 \$ 150,000

24 _____. To the state board of regents for technology
 25 improvement:

26 \$ 450,000””

27 4. Page 2, by striking line 4 and inserting the
 28 following:

29 “_ Page 10, by striking lines 23 through 27
 30 and inserting the following: “2000 program office, or
 31 any other state agency. The person retained to
 32 conduct the progress audit shall provide a written
 33 report to the legislative council on or before
 34 November 1, 1998, including the results of the audit
 35 and any information as deemed”.

36 _ Page 10, line 33, by striking the word
 37 “July” and inserting the following: “February”.

38 _ By striking page 11, line 1, through page
 39 12.”

40 5. Page 2, by striking lines 22 through 39 and
 41 inserting the following:

42 “e. (1) Seven individuals to be appointed as
 43 follows:

44 (a) Three members appointed by the governor.

45 (b) Two members appointed by the majority leader
 46 of the senate in consultation with the minority leader
 47 of the senate.

48 (c) Two members appointed by the speaker of the
 49 house of representatives in consultation with the
 50 majority and minority leaders of the house of

Page 2

1 representatives.

2 (2) Members appointed pursuant to subparagraph (1)
 3 shall include the following:

4 (a) One member representing financial institutions
 5 who shall be actively engaged in finance and banking.

6 (b) One person representing insurers who shall be
 7 actively engaged in the insurance industry.

8 (c) One person representing attorneys who shall be
 9 actively engaged in the profession of law.

10 (d) One person representing media interests.

11 (e) One person representing cities who shall be
 12 actively engaged in the administration of a city.

13 (f) One person representing counties who shall be
 14 actively engaged in the administration of a county.

15 (g) One person with technical expertise who shall
 16 provide guidance and advice on the status of
 17 technology and anticipated technological developments.

18 (3) A person appointed pursuant to this paragraph
19 shall not directly or indirectly have a conflict of
20 interest."

21 6. Page 6, by striking line 45 and inserting the
22 following:

23 "Sec. ____ FUNDING FOR IOWACCESS."

24 7. Page 6, by striking lines 48 and 49 and
25 inserting the following: "not to exceed four hundred
26 thousand dollars, up to one dollar of each".

27 8. Page 7, line 6, by inserting after the figure
28 "VII." the following: "For fiscal years beginning on
29 or after July 1, 1999, funding for the purposes of
30 developing, implementing, maintaining, and expanding
31 electronic access to government records in accordance
32 with the requirements as set forth in chapter 18,
33 division VII, shall be provided through the general
34 assembly's appropriation process and the department of
35 general services shall include a line item request for
36 such funding in the department's annual budget
37 request."

38 9. By striking page 7, line 21, through page 8,
39 line 7, and inserting the following:

40 "____ Page 15, by inserting after line 25 the
41 following:

42 "Notwithstanding any contrary provision, the
43 commission shall not permit any new connections to the
44 network after June 30, 1999, except for a connection
45 where the construction associated with such connection
46 has commenced on or before June 30, 1999."

47 10. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amend-
ment H-9329.

Jacobs of Polk moved that the bill, as amended by the House, fur-
ther amended by the Senate and concurred in by the House, be read a
last time now and placed upon its passage which motion prevailed and
the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2418)

The ayes were, 79:

Arnold	Barry	Bernau	Blodgett
Bogges	Bradley	Brand	Brauns
Bukta	Burnett	Carroll	Cataldo
Chapman	Chiodo	Churchill	Cohoon
Connors	Cormack	Dix	Dolecheck
Dotzler	Drake	Eddie	Falck
Foege	Ford	Gipp	Greig
Greiner	Gries	Hahn	Hansen
Heaton	Holmes	Holveck	Houser

Huseman	Jacobs	Jenkins	Kinzer
Klemme	Koenigs	Kremer	Lambert
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Mundie	Myers
Nelson	Rants	Rayhons	Reynolds-Knight
Richardson	Schrader	Shoultz	Siegrist
Sukup	Teig	Thomas	Thomson
Tyrrell	Van Maanen	Vande Hoef	Veenstra
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker Corbett	

The nays were, 20:

Bell	Boddicker	Brunkhorst	Doderer
Drees	Fallon	Frevert	Garman
Grundberg	Huser	Jochum	Kreiman
Moreland	Murphy	O'Brien	Osterhaus
Scherrman	Taylor	Van Fossen	Warnstadt

Absent or not voting, 1:

Dinkla

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2418** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 1:12 p.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:05 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 1998, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2415, a bill for an act relating to agricultural finance, providing an appropriation, and providing an effective date.

MARY PAT GUNDERSON, Secretary

SENATE AMENDMENT CONSIDERED

Meyer of Sac called up for consideration **Senate File 2332**, a bill for an act relating to agriculture, regulating the sale of agricultural products advertised as organic, providing for fees and appropriations, and providing penalties and an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-9328:

H-9328

- 1 Amend the House amendment, S-5637, to Senate File
- 2 2332, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 44, by striking the word "three"
- 5 and inserting the following: "two".
- 6 2. Page 1, line 47, by striking the word "two"
- 7 and inserting the following: "three".

The motion prevailed and the House concurred in the Senate amendment H-9328.

Meyer of Sac moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2332)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Corbett, Spkr.	Cormack	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Huseman	Huser	Jacobs	Jenkins
Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist

Sukup
Thomson
Veenstra
Welter
Van Maanen,
Presiding

Taylor
Tyrrell
Warnstadt
Whitead

Teig
Van Fossen
Weidman
Wise

Thomas
Vande Hoef
Weigel
Witt

The nays were, 1:

Dix

Absent or not voting, 2:

Dinkla

Houser

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2332** be immediately messaged to the Senate.

Speaker Corbett in the chair at 2:23 p.m.

ADOPTION OF SENATE CONCURRENT RESOLUTION 119

Lamberti of Polk asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 119, a concurrent resolution requesting the Legislative Council to establish a sentencing commission, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 108

Mascher of Johnson asked and received unanimous consent for the immediate consideration of House Resolution 108, a resolution recognizing the centennial anniversary of the University of Iowa Hospitals and Clinics, and honoring the women and men affiliated with the University of Iowa Hospitals and Clinics, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Lamberti of Polk called up for consideration **House File 2163**, a bill for an act relating to the reopening of an administrative hearing pertaining to a license revocation for an operating while intoxicated offense, prohibiting a demand for proof of financial responsibility following the recision of an administrative revocation, and providing an effective date, amended by the Senate amendment H-9271 as follows:

H-9271

- 1 Amend House File 2163, as passed by the House, as
2 follows:
- 3 1. Page 1, by striking lines 16 through 29 and
4 inserting the following:
- 5 "b. A person whose motor vehicle license or
6 operating privilege has been revoked under section
7 321J.12 after an administrative hearing under this
8 section, and who was subsequently acquitted of
9 operating while intoxicated in the criminal
10 proceedings arising from the same incident which led
11 to the revocation or had such criminal charges
12 dismissed, may petition the department within twenty
13 days of such acquittal or dismissal to reopen the
14 administrative hearing for the purpose of offering new
15 evidence that the person was not operating with an
16 alcohol concentration as defined in section 321J.1 of
17 .10 or more.
- 18 c. At a reopened hearing, all parties shall have
19 the opportunity to be present in person or via
20 telephonic transmission, and to present any evidence
21 and argument relevant to the question of whether the
22 person was operating with an alcohol concentration as
23 defined in section 321J.1 of .10 or more provided that
24 such evidence was not excluded in the criminal
25 proceeding.
- 26 d. If the person proves any of the following, the
27 revocation shall be rescinded:
- 28 (1) The chemical test that led to the revocation
29 was invalid.
- 30 (2) Based on evidence of errors of law, mistakes
31 of fact, or illegal or improper conduct occurring in
32 relation to the stop or the arrest, the results of the
33 chemical test that led to the revocation cannot be
34 reasonably relied upon.
- 35 e. Costs shall not be taxed to a prevailing party
36 at a reopened hearing."
- 37 2. By renumbering as necessary.

Lamberti of Polk offered the following amendment H-9330, to the Senate amendment H-9271, filed by him from the floor and moved its adoption:

H-9330

- 1 Amend the amendment, H-9271, to House File 2163, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 1, lines 12 through 13, by striking the
5 words "within twenty days of such acquittal or
6 dismissal".

Amendment H-9330 was adopted.

On motion by Lamberti of Polk, the House concurred in the Senate amendment H-9271, as amended.

Lamberti of Polk moved that the bill as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2163)

The ayes were, 99:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Cormack	Dix	Doderer	Dolecheck
Dotzler	Drake	Drees	Eddie
Falck	Fallon	Foege	Ford
Frevert	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hansen	Heaton	Holmes	Holveck
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson	O'Brien
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomas	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Dinkla

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that

the following bills be immediately messaged to the Senate: **Senate Concurrent Resolution 119** and **House File 2163**.

UNANIMOUS CONSENT

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of Senate File 2385.

Unfinished Business Calendar

Senate File 2385, a bill for an act relating to the mandatory minimum term of incarceration for felony domestic abuse assault, with report of committee recommending passage, was taken up for consideration.

Grundberg of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2385)

The ayes were, 97:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Heaton
Holmes	Holveck	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Kinzer	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson	O'Brien	Osterhaus	Rants
Rayhons	Reynolds-Knight	Richardson	Scherrman
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomas	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Whitead	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, 1:

Fallon

Absent or not voting, 2:

Brunkhorst

Dinkla

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2385** be immediately messaged to the Senate.

HOUSE JOINT RESOLUTION 2005 WITHDRAWN

Rants of Woodbury asked and received unanimous consent to withdraw House Joint Resolution 2005 from further consideration by the House.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 1998, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 121, a concurrent resolution recognizing Natinoal Organ and Tissue Donation Awareness Week, designating the month of May as Organ Donation Awareness Month in the state of Iowa, and encouraging citizens of the state to complete organ donor cards.

Also: That the Senate has on April 22, 1998, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2320, a bill for an act relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons under twenty-one years of age.

Also: That the Senate has on April 22, 1998, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2381, a bill for an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the division of soil conservation for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center

deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the bluffslands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all-10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the bluffslands protection fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates.

MARY PAT GUNDERSON, Secretary

The House stood at ease at 3:32 p.m., until the fall of the gavel.

The House resumed session at 4:35 p.m.; Speaker Corbett in the chair.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 116

Larson of Linn asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 116, a concurrent resolution recognizing and commending the efforts of organizers of the Iowa Summit on Volunteerism, and moved its adoption.

The motion prevailed and the resolution was adopted.

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of Senate Concurrent Resolution 121.

ADOPTION OF SENATE CONCURRENT RESOLUTION 121

Eddie of Buena Vista called up for consideration Senate Concurrent Resolution 121, a concurrent resolution recognizing National Organ and Tissue Donation Awareness Week, designating the month of May as Organ Donation Awareness Month in the state of Iowa, and encouraging citizens of the state to complete organ donor cards, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Concurrent Resolution 116** and **Senate Concurrent Resolution 121**.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 118

Churchill of Polk asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 118, a concurrent resolution requesting that the federal government take all necessary and appropriate action to ensure that Japan establishes and maintains an open and competitive market for United States exports, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Speaker pro tempore Van Maanen of Marion called up for consideration **Senate File 2320**, a bill for an act relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons under twenty-one years of age, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-9332:

H-9332

1 Amend the House amendment, S-5359, to Senate File
2 2320, as passed by the Senate, as follows:

3 1. By striking page 1, line 1, through page 2,
4 line 34, and inserting the following:

5 "Amend Senate File 2320, as passed by the Senate,
6 as follows:

7 . By striking everything after the enacting
8 clause and inserting the following:

9 "Section 1. Section 99D.11, subsection 7, Code
10 1997, is amended to read as follows:

11 7. A person under the age of twenty-one years
12 shall not make or attempt to make a pari-mutuel wager.
13 A person who violates this subsection commits a
14 scheduled violation under section 805.8, subsection
15 13.

16 Sec. ____ Section 99E.18, Code 1997, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 5. A person under the age of
19 twenty-one years shall not purchase or attempt to
20 purchase a ticket or share. A person who violates
21 this subsection commits a scheduled violation under
22 section 805.8, subsection 13.

23 Sec. ____ Section 99F.4A, subsection 2, Code 1997,
24 is amended to read as follows:

25 2. A license to operate gambling games shall be
26 issued only to a licensee holding a valid license to
27 conduct pari-mutuel dog or horse racing pursuant to
28 chapter 99D on January 1, 1994. However, a license to
29 operate gambling games issued pursuant to this
30 subsection may be transferred to another person after
31 a majority of the voters voting on the transfer
32 proposal approves it. Only the registered voters of
33 the county in which the racetrack enclosure is located
34 are eligible to vote on the proposal. The transfer
35 proposal shall be submitted by the board of
36 supervisors at a general election or a special
37 election called for that purpose. If the proposal is
38 approved, the transfer of a license is subject to
39 application to, and approval by, the commission.
40 However, the commission shall not give its approval
41 unless the new licensee meets the requirements of
42 sections 99D.8 through 99D.10. In addition, if there
43 is in existence at the time of license transfer a
44 contract for purses and supplements for horse racing,
45 the contract shall remain in effect until its
46 termination, and thereafter, purses and supplements
47 shall be no lower than fifteen percent of the annual
48 adjusted gross receipts. A transferee shall not be
49 required to honor any material changes made to such
50 contract within one year before the transfer.

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1 Sec. ____ Section 99F.4A, Code 1997, is amended by
2 adding the following new subsection:
3 NEW SUBSECTION. 8. A civil penalty imposed by the
4 commission on a licensee relating to a violation of
5 legal age for gambling or pari-mutuel wagering at an
6 excursion gambling boat or a pari-mutuel racetrack
7 shall not exceed one thousand dollars per incident if
8 the violator is removed by the licensee.

9 Sec. ____ Section 99F.4A, Code 1997, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 9. If a license issued pursuant
12 to this chapter or chapter 99D is transferred, an
13 existing collective bargaining agreement or the impact
14 of an employee representation election shall transfer
15 to the new licensee.

16 Sec. 201. NEW SECTION. 99F.5A MORATORIUM FOR
17 ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS AND
18 ON THE NUMBER OF GAMBLING GAMES.

19 1. The total number of licenses issued to conduct
20 gambling games on excursion gambling boats pursuant to
21 this chapter shall not exceed ten until July 1, 2003.

22 2. Notwithstanding subsection 1, the following
23 actions may be taken during the moratorium from July
24 1, 1998, until July 1, 2003, with the approval of the
25 commission:

26 a. A licensed excursion gambling boat may move to
27 a new location within the same county.

28 b. A licensed excursion gambling boat and its
29 facilities may be sold and a new license may be issued
30 for operation in the same county.

31 c. If a license to conduct gambling games on an
32 excursion gambling boat is surrendered, not renewed,
33 or revoked, a new license may be issued for operation
34 in the same county.

35 3. During the moratorium from six months after the
36 effective date of this section of this Act, until
37 January 1, 2001, the commission shall not authorize
38 any of the following:

39 a. An increase in the number of gambling games or
40 the number of slot machines on an excursion gambling
41 boat.

42 b. An increase in the number of slot machines at a
43 pari-mutuel racetrack.

44 4. The commission shall not authorize a licensee
45 to conduct pari-mutuel wagering at a licensed premises
46 in more than one county.

47 Sec. ____ NEW SECTION. 99F.5B CHARITABLE
48 CONTRIBUTIONS.

49 A gambling game license holder may distribute
50 profits to a governmental body and the distribution

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1 shall be considered a charitable contribution. The
2 duty to make charitable contributions may be the
3 subject of a contract between a governmental body and
4 a gambling game license holder. The moneys received
5 by a county as charitable contributions shall be
6 distributed only after receiving advice from citizens
7 of the county obtained at public hearings held in the
8 county.

9 Sec. ____ Section 99F.7, subsection 1, Code 1997,
10 is amended to read as follows:

11 1. If the commission is satisfied that this
12 chapter and its rules adopted under this chapter
13 applicable to licensees have been or will be complied
14 with, the commission shall issue a license for a
15 period of not more than three years to an applicant to
16 own a gambling game operation and to an applicant to
17 operate an excursion gambling boat. The commission
18 shall decide which of the gambling games authorized
19 under this chapter it will permit. The commission
20 shall decide the number, location, and type of
21 excursion gambling boats licensed under this chapter
22 for operation on the rivers, lakes, and reservoirs of
23 this state. However, after July 1, 2003, the
24 commission shall issue a new license for an excursion
25 gambling boat operation only if the excursion gambling
26 boat operates on the Mississippi or Missouri river.
27 The license shall set forth the name of the licensee,
28 the type of license granted, the place where the
29 excursion gambling boats will operate and dock, and
30 the time and number of days during the excursion
31 season and the off season when gambling may be
32 conducted by the licensee. The commission shall not
33 allow a licensee to conduct gambling games on an
34 excursion gambling boat while docked during the off
35 season if the licensee does not operate gambling
36 excursions for a minimum number of days during the
37 excursion season. The commission may delay the
38 commencement of the excursion season at the request of
39 a licensee.

40 Sec. ____ Section 99F.9, subsection 5, Code 1997,
41 is amended to read as follows:

42 5. A person under the age of twenty-one years
43 shall not attempt to make or make a wager on an
44 excursion gambling boat or in a racetrack enclosure
45 and shall not be allowed to enter the area of the
46 excursion gambling boat or racetrack enclosure where
47 gambling is being conducted. However, a person
48 eighteen years of age or older may be employed to work
49 in a gambling area on an excursion gambling boat or a
50 racetrack enclosure. A person who violates this

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1 subsection with respect to a wager commits a scheduled
 2 violation under section 805.8, subsection 13.
 3 Sec. ____ Section 99F.9, Code 1997, is amended by
 4 adding the following new subsection:
 5 NEW SUBSECTION. 7. A licensee shall not permit
 6 the operation of a satellite terminal as defined in
 7 section 527.2 to dispense cash or credit for gambling
 8 purposes on an excursion gambling boat or within a
 9 racetrack enclosure except in nongaming areas as
 10 designated by the commission. The commission may
 11 assess a civil penalty for a violation of this
 12 subsection.
 13 Sec. ____ Section 805.8, Code Supplement 1997, is
 14 amended by adding the following new subsection:
 15 NEW SUBSECTION. 13. GAMBLING VIOLATIONS. For
 16 violations of legal age for gambling or pari-mutuel
 17 wagering under section 99D.11, subsection 7, section
 18 99E.18, subsection 5, or section 99F.9, subsection 5,
 19 the scheduled fine is one hundred dollars. Failure to
 20 pay the fine by a person under the age of eighteen
 21 shall not result in the person being detained in a
 22 secure facility.
 23 Sec. ____ EFFECTIVE DATE. Section 201 of this
 24 Act, being deemed of immediate importance, takes
 25 effect upon enactment.”

The motion prevailed and the House concurred in the Senate amend-
 ment H-9332.

Speaker pro tempore Van Maanen of Marion moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 2320)

The ayes were, 98:

Arnold	Barry	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Brauns	Brunkhorst	Bukta
Burnett	Carroll	Cataldo	Chapman
Chiodo	Churchill	Cohoon	Connors
Dix	Doderer	Dolecheck	Dotzler
Drake	Drees	Eddie	Falck
Fallon	Foege	Ford	Frevert
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Holveck	Houser
Huseman	Huser	Jacobs	Jenkins

Jochum	Kinzer	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson	O'Brien	Osterhaus
Rants	Rayhons	Reynolds-Knight	Richardson
Scherrman	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomas
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, 1:

Cormack

Absent or not voting, 1:

Dinkla

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Concurrent Resolution 118** and **Senate File 2320**.

HOUSE REFUSED TO CONCUR

Brauns of Muscatine called up for consideration **Senate File 2381**, a bill for an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the division of soil conservation for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major

renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the blufflands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the blufflands protection fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-9331:

H-9331

1 Amend the House amendment, S-5740, to Senate File

2 2381, as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 1, by inserting after line 4 the
5 following:

6 " Page 1, line 22, by striking the words
7 "beginning July 1, 1998, and ending June 30, 1999" and
8 inserting the following: "indicated".

9 " Page 1, line 25, by inserting after the word
10 "For" the following: "the fiscal year beginning July
11 1, 1998, and ending June 30, 1999, for".

12 2. Page 1, by inserting after line 4 the
13 following:

14 " Page 1, line 29, by inserting after the
15 word "For" the following: "the fiscal year beginning
16 July 1, 1997, and ending June 30, 1998, for".

17 3. Page 1, by inserting after line 16 the
18 following:

19 " Page 1, line 32, by inserting after the
20 word "For" the following: "the fiscal year beginning
21 July 1, 1998, and ending June 30, 1999, for".

22 4. Page 1, by striking lines 22 and 23.

23 5. Page 1, by striking line 24.

24 6. Page 1, by inserting after line 30 the
25 following:

26 " Page 4, by inserting after line 8 the
27 following:

28 "Sec. __. There is appropriated from the rebuild
29 Iowa infrastructure fund to the department of economic
30 development for the fiscal year beginning July 1,
31 1998, and ending June 30, 1999, the following amount,
32 or so much thereof as is necessary, to be used for the
33 purpose designated:

34 To fund the community economic betterment
35 recreational and cultural program account established
36 in section 15.322:

37 \$ 5,000,000

38 Notwithstanding section 8.33, unencumbered or
39 unobligated funds remaining on June 30, 2001, from the
40 funds appropriated in this section shall revert to the
41 rebuild Iowa infrastructure fund on August 31, 2001."

42 7. Page 1, by striking lines 43 and 44.

43 8. Page 1, by inserting after line 46 the
44 following:

45 " Page 5, by inserting after line 9 the
46 following:

47 "If there is an unobligated or unencumbered balance
48 in the rebuild Iowa infrastructure fund on June 30,
49 1999, the remaining balance of the funds up to an
50 additional \$700,000 shall be appropriated for the

2 critical and deferred maintenance needs at Terrace
3 Hill.””

4 9. By striking page 1, line 47, through page 2,
5 line 2.

6 10. Page 2, line 7, by striking the figure
7 “5,820,000” and inserting the following: “2,620,000”.

8 11. Page 2, by striking lines 8 through 13.

9 12. Page 2, by striking lines 16 through 26.

10 13. Page 2, by inserting after line 48 the
11 following:

12 “_ Page 9, line 27, by striking the word
13 “purpose” and inserting the following: “purposes”.

14 “_ Page 9, by inserting after line 27 the
15 following:

16 “1. For an automated weather observation system at
17 the city of Harlan airport:

18 \$ 55,000”

19 _ Page 9, line 28, by inserting before the
20 word “For” the following: “2.”

21 _ Page 9, line 30, by striking the figure
22 “1,000,000” and inserting the following: “945,000”.

23 14. Page 2, by inserting after line 48 the
24 following:

25 “_ Page 10, by inserting after line 11 the
26 following:

27 “Sec. NEW SECTION. 15.321 COMMUNITY ECONOMIC
28 BETTERMENT RECREATIONAL AND CULTURAL PROGRAM.

29 The purpose of the community economic betterment
30 recreational and cultural program is to assist
31 communities in the development and creation of
32 multipurpose recreational and cultural facilities.
33 The department shall consider whether the wages,
34 benefits, including health benefits, safety, and other
35 attributes of the project, would improve the quality
36 of tourism and recreational employment in the
37 community and the extent to which such a facility
38 would generate additional tourism and recreational
39 opportunities in the state. The department may
40 provide financial assistance to communities for
41 infrastructure improvements to multipurpose
42 recreational and cultural facilities which meet the
43 definition of vertical infrastructure pursuant to
44 section 8.57, subsection 5, paragraph “c”. Financial
45 assistance may be provided in the form of a loan,
46 forgivable loan, loan guarantee, cost-share, or any
47 combination of financial assistance deemed by the
48 department to be most efficient in facilitating the
49 recreational or cultural project.

50 Up to \$2,000,000 may be expended by the department

Page 3

1 for a project if the department determines that an

2. immediate opportunity exists for the establishment of a facility that can produce a long-term tax-generating economic impact, if such project has the approval of the city council of the city or board of supervisors of the county where the project is located.

7 Sec. NEW SECTION. 15.322 COMMUNITY ECONOMIC BETTERMENT RECREATIONAL AND CULTURAL PROGRAM ACCOUNT.

1. A community economic betterment recreational and cultural program account is established within the strategic investment fund to be used by the department for the community economic betterment recreational and cultural program. The account shall consist of all appropriations, grants, or gifts received by the department specifically for use under section 15.321 and any moneys allocated to the community economic betterment recreational and cultural program account from the strategic investment fund.

2. Payments of interest, repayments of moneys loaned under the community economic betterment recreational and cultural program, or recaptures of awards shall be deposited into the strategic investment fund.”

15. Page 3, line 31, by striking the word “loans” and inserting the following: “loan”.

16. Page 3, line 35, by striking the word “loans” and inserting the following: “loan”.

17. Page 3, line 44, by striking “school,” and inserting the following: “school”.

18. Page 4, line 10, by striking the word “and”.

19. Page 4, by striking lines 23 through 45.

20. Page 5, by inserting after line 5 the following:

“ . Title, page 1, line 8, by inserting after the word “facility,” the following: “for a prior fiscal year.””

21. Page 5, by striking lines 15 through 17.

22. Page 5, by striking lines 18 through 20.

23. Page 5, by inserting after line 23 the following:

“ . Title, page 2, line 21, by inserting after the word “airports” the following: “and for an automated weather observation system.””

24. By renumbering, relettering, or redesignating and correcting internal references as necessary.

Roll call was requested by Schrader of Marion and Van Fossen of Scott.

On the question “Shall the House concur in the Senate amendment H-9331?” (S.F. 2381)

The ayes were, 25:

Barry

Bradley

Brauns

Bukta

Cataldo	Cormack	Dolecheck	Drake
Eddie	Greig	Hahn	Holmes
Houser	Jenkins	Kinzer	Larson
Martin	Millage	Moreland	Mundie
Murphy	Van Fossen	Weidman	Weigel
Mr. Speaker			
Corbett			

The nays were, 71:

Arnold	Bell	Bernau	Boddicker
Boguess	Brand	Brunkhorst	Burnett
Carroll	Chapman	Chiodo	Churchill
Cohoon	Connors	Dix	Doderer
Dotzler	Drees	Falck	Fallon
Foege	Ford	Frevert	Garman
Gipp	Greiner	Gries	Grundberg
Hansen	Heaton	Holveck	Huseman
Huser	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Larkin
Lord	Mascher	May	Mertz
Metcalf	Meyer	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Welter
Whitead	Wise	Witt	

Absent or not voting, 4:

Blodgett	Dinkla	Lamberti	Tyrrell
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The motion lost and the House refused to concur in the Senate amendment H-9331.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2381** be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2498)

Brunkhorst of Bremer called up for consideration the report of the conference committee on House File 2498 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2498

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2498, a bill for an Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, respectfully make the following report:

1. That the House recedes from its amendment, S-5780.

2. That the Senate amendment, H-9118, to House File 2498, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, by inserting after line 9 the following:

“ Page 6, line 2, by striking the figure “116.00” and inserting the following: “118.00”.”

2. Page 1, line 12, by striking the figure “655,898” and inserting the following: “835,898”.

3. Page 1, by inserting after line 12 the following:

“ Page 10, line 25, by striking the figure “2,055,961” and inserting the following: “2,145,961”.

Page 10, by inserting after line 26 the following:

“Of the moneys appropriated in this subsection, \$90,000 shall be used by the health facilities division to pay the salary, support, and miscellaneous expenses of a building inspector position.”

4. By striking page 1, line 45, through page 2, line 10, and inserting the following: “Supplement 1997, as amended by 1998 Iowa Acts, Senate File 2121, section 1, is amended to read as follows:

7. A horse entered to race with lasix must be treated at least four hours prior to post time. The lasix shall be administered intravenously by a veterinarian employed by the owner or trainer of the horse. The commission shall adopt rules to ensure that lasix is administered as provided in this section. The commission shall require that the practicing veterinarian deliver an affidavit signed by the veterinarian which certifies information regarding the treatment of the horse. The affidavit must be delivered to a commission veterinarian within twenty minutes following the treatment. The statement must at least include the name of the practicing veterinarian, the tattoo number of the horse, the location of the barn and stall where the treatment occurred, the race number of the horse, the name of the trainer, and the time that the lasix was administered. Lasix shall only be administered in a dose level of two hundred fifty milligrams. ~~The commission veterinarian shall extract a test sample of the horse's blood, urine, or saliva to determine whether the horse was improperly drugged after the race is run.”~~

5. Page 2, by inserting after line 30 the following:

“The Iowa public employees' retirement system division shall use a competitive bid process for the proposed acquisition of a headquarters building and related facilities and accept, if any, the most cost-effective bid which best meets the needs of the system's members.”

6. Page 3, line 11, by inserting after the figure "35,000" the following:

"It is the intent of the general assembly that each public retirement system responsible for performing the examination as described in this subsection shall share proportionately the cost of conducting the examination. Moneys appropriated in this subsection shall be used by the Iowa public employees' retirement system to provide its proportionate share of the cost of the examination."

7. Page 4, by striking lines 13 through 16 and inserting the following:

"_. Page 25, by striking lines 3 through 13 and inserting the following: "management information system."

8. Page 4, by inserting after line 18 the following:

"_. Title page, line 4, by inserting after the word "matters" the following: ", and providing effective dates"."

9. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

BOB BRUNKHORST, Chair
FRANK CHIODO
DANNY HOLMES
GERI HUSER
HAROLD VAN MAANEN

MARY LUNDBY, Chair
MICHAEL E. GRONSTAL
MARY E. KRAMER
MATT McCOY
DERRYL McLAREN

The motion prevailed and the conference committee report was adopted.

Brunkhorst of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2498)

The ayes were, 54:

Arnold	Barry	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Cataldo	Chiodo	Churchill	Cormack
Dix	Doderer	Dolecheck	Drake
Eddie	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hansen
Heaton	Holmes	Houser	Huseman
Huser	Jacobs	Jenkins	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Nelson	Rants	Rayhons	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker		
	Corbett		

The nays were, 44:

Bell	Bernau	Brand	Bukta
Burnett	Chapman	Cphoon	Connors
Dotzler	Drees	Falck	Fallon
Foegen	Ford	Frevort	Garman
Holveck	Jochum	Kinzer	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	O'Brien	Osterhaus	Reynolds-Knight
Richardson	Scherrman	Schrader	Shultz
Taylor	Thomas	Van Fossen	Warnstadt
Weigel	Whitead	Wise	Witt

Absent or not voting, 2:

Blodgett Dinkla

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2498** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 1998, amended and passed the following bill in which the concurrence of the House is asked:

House File 2395, a bill for an act relating to and making supplemental and other appropriations for the fiscal year beginning July 1, 1997, and providing an effective date.

Also: That the Senate has on April 22, 1998, insisted on its amendment to Senate File 2381, a bill for an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the division of soil conservation for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other

transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the bluffslands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the bluffslands protection fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates, and the members of the Conference Committee on the part of the Senate are: The Senator from Buena Vista, Senator Freeman, Chair; the Senator from Fremont, Senator McLaren; the Senator from Bremer, Senator Jensen; the Senator from Webster, Senator Halvorson; the Senator from Dubuque, Senator Connolly.

MARY PAT GUNDERSON, Secretary

CONFERENCE COMMITTEE APPOINTED (Senate File 2381)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2381: Brauns of Muscatine, Chair; Van Fossen of Scott, Rayhons of Hancock, Schrader of Marion and Warnstadt of Woodbury.

SENATE AMENDMENT CONSIDERED

Millage of Scott called up for consideration **House File 2395**, a bill for an act relating to and making supplemental and other appropriations for the fiscal year beginning July 1, 1997, and providing an effective date, amended by the Senate amendment H-9333 as follows:

H-9333

1 Amend House File 2395, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "DIVISION I"

6 2. Page 4, by inserting after line 1 the
7 following:

8 "Sec. ____ 1997 Iowa Acts, chapter 215, section
9 11, is amended to read as follows:

10 SEC. 11. There is appropriated from the marine
11 fuel tax receipts deposited in the general fund of the
12 state to the department of natural resources for the
13 fiscal year beginning July 1, 1997, and ending June
14 30, 1998, the following amount, or so much thereof as
15 is necessary, to be used for the purpose designated:
16 For the purpose of funding capital projects funded
17 from marine fuel tax receipts for the purposes
18 specified in section 452A.79:

19 \$ 1,800,000

20 Notwithstanding section 8.33, unencumbered or
21 unobligated funds remaining on June 30, ~~1998~~ 1999,
22 from the funds appropriated in this section, shall
23 revert to the general fund of the state on August 31,
24 ~~1998~~ 1999."

25 3. Page 4, line 2, by striking the word "This"
26 and inserting the following: "This division of this".

27 4. Page 4, by inserting after line 3 the
28 following:

29 "DIVISION II

30 Sec. ____ EXCESS LOTTERY REVENUES FISCAL YEAR
31 1994-1995. Of the lottery revenues received during
32 the fiscal year beginning July 1, 1994, which remain
33 in the lottery fund following the transfers made
34 pursuant to 1995 Iowa Acts, chapter 220, section 16,
35 1996 Iowa Acts, chapter 1219, section 14, and 1997
36 Iowa Acts, chapter 209, section 10, the following
37 amounts are appropriated or so much thereof as is
38 necessary, for the fiscal year beginning July 1, 1997,
39 and ending June 30, 1998, to be used for the purposes
40 designated:

41 1. To the department of general services, division
42 of information and technology services, for
43 development and other start-up costs to establish a
44 single contact repository implementing the provisions
45 of this Act requiring the establishment of a single
46 contact repository and first-year operational costs of
47 the repository:

48 \$ 125,000

49 2. To the department of human services for a grant
50 to a county with a population between 168,000 and

Page 2

1	175,000 for implementation of the county's runaway	
2	assessment and treatment plan under section 232.195:	
3	.....	\$ 125,000
4	The grant shall be administered by the county's	
5	board of supervisors in consultation with the local	
6	runaway and treatment task force.	
7	3. To the department of personnel for support of	
8	2.00 FTEs in program administration and development	
9	for the deferred compensation program in addition to	
10	other authorized full-time equivalent positions in	
11	fiscal year 1998-1999:	
12	.....	\$ 125,000
13	4. To the department of agriculture and land	
14	stewardship for the state-federal laboratory for	
15	operation and testing:	
16	.....	\$ 109,000
17	5. To the department of education to be awarded to	
18	the Iowa high school band selected to participate in	
19	the national independence day parade in Washington,	
20	D.C.:	
21	.....	\$ 5,000

22 Any lottery revenues remaining in the lottery fund
 23 at the end of the fiscal year beginning July 1, 1997,
 24 as a result of not being appropriated or as a result
 25 of a veto of any appropriation made in this section
 26 shall be transferred to the general fund of the state.
 27 Notwithstanding section 8.33, moneys appropriated in
 28 this section which remain unobligated or unexpended
 29 for the purpose designated shall not revert at the end
 30 of the fiscal year beginning July 1, 1997, but shall
 31 remain available for the purpose designated in the
 32 succeeding fiscal year. Moneys which revert at the
 33 end of the succeeding fiscal year shall be transferred
 34 to the general fund of the state.

35 Sec. ____ BUILDING INSPECTION.

36 1. The appropriation made in 1998 Iowa Acts, House
 37 File 2498, if enacted, to the department of
 38 inspections and appeals, health facilities division,
 39 is reduced by \$90,000. The requirement in that
 40 appropriation for the health facilities division to
 41 use \$90,000 to pay the salary, support, and
 42 miscellaneous expenses of a building inspector
 43 position is void and the provisions of subsection 2
 44 are substituted in lieu of that requirement.

45 2. Notwithstanding section 8.33 and the
 46 reversionary provisions of 1997 Iowa Acts, chapter
 47 209, section 10, unnumbered paragraph 2, of the moneys
 48 appropriated in 1997 Iowa Acts, chapter 209, section
 49 10, subsection 5, which remain unobligated or
 50 unexpended at the close of the fiscal year beginning

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1 July 1, 1997, \$90,000, or so much thereof as is
2 available, shall not revert but shall be transferred
3 to the department of inspections and appeals, health
4 facilities division. The transferred moneys shall be
5 used in the succeeding fiscal year to contract for the
6 performance of building inspections. Moneys
7 transferred pursuant to this section which revert at
8 the end of the fiscal year beginning July 1, 1998,
9 shall be transferred to the general fund of the state.

10 Sec. ____ FISCAL YEAR 1998-1999 LOTTERY TRANSFER.

11 Notwithstanding the requirement in section 99E.10,
12 subsection 1, to transfer lottery revenue remaining
13 after expenses are deducted, notwithstanding the
14 requirement under section 99E.20, subsection 2, for
15 the commissioner to certify and transfer a portion of
16 the lottery fund to the CLEAN fund, and
17 notwithstanding the appropriations and allocations in
18 section 99E.34, all lottery revenues received during
19 the fiscal year beginning July 1, 1998, and ending
20 June 30, 1999, after deductions as provided in section
21 99E.10, subsection 1, and as appropriated under any
22 Act of the Seventy-seventh General Assembly, 1998
23 Session, shall not be transferred to and deposited
24 into the CLEAN fund but shall be transferred and
25 credited to the general fund of the state.

26 Sec. ____ EFFECTIVE DATE. This division of this
27 Act, being deemed of immediate importance, takes
28 effect upon enactment.

29 DIVISION III

30 Sec. ____ Section 15.241, subsection 1, unnumbered
31 paragraph 4, as enacted by 1998 Iowa Acts, House File
32 2485, section 1, is amended to read as follows:

33 Payments of interest, recaptures of awards, and
34 repayments of moneys loaned under this program shall
35 be deposited into the strategic investment fund.
36 Receipts from loans or grants under the business
37 development initiative for entrepreneurs with
38 disabilities program may be maintained in a separate
39 account within the fund.

40 Sec. ____ Section 15E.195, Code Supplement 1997,
41 is amended to read as follows:

42 15E.195 ENTERPRISE ZONE COMMISSION.

43 1. A county which designates an enterprise zone
44 pursuant to section 15E.194, subsection 1, and in
45 which an eligible enterprise zone is certified shall
46 establish an enterprise zone commission to review
47 applications from qualified businesses located within
48 or requesting to locate within an enterprise zone
49 designated pursuant to section 15E.194, subsection 1,
50 to receive incentives or assistance as provided in

Page 4

1 section 15E.196. The enterprise zone commission shall
2 also review applications from qualified housing
3 businesses requesting to receive incentives or
4 assistance as provided in section 15E.193A. The
5 commission shall consist of nine members. Five of
6 these members shall consist of one representative of
7 the board of supervisors, one member with economic
8 development expertise chosen by the department of
9 economic development, one representative of the county
10 zoning board, one member of the local community
11 college board of directors, and one representative of
12 the local workforce development center. These five
13 members shall select the remaining four members. If
14 the enterprise zone consists of an area meeting the
15 requirements for eligibility for an urban or rural
16 enterprise community under Title XIII of the federal
17 Omnibus Budget Reconciliation Act of 1993, one of the
18 remaining four members shall be a representative of
19 that zone community. However, if the enterprise zone
20 qualifies under the city criteria, one of the four
21 members shall be a representative of an international
22 labor organization and if an enterprise zone is
23 located in any city, a representative, chosen by the
24 city council, of each such city may be a member of the
25 commission. A county shall have only one enterprise
26 zone commission to review applications for incentives
27 and assistance for businesses located within or
28 requesting to locate within a certified enterprise
29 zone designated pursuant to section 15E.194,
30 subsection 1.

31 2. The commission may adopt more stringent
32 requirements, including requirements related to
33 compensation and benefits, for a business to be
34 eligible for incentives or assistance than provided in
35 section sections 15E.193 and 15E.193A. The commission
36 may develop as an additional requirement that
37 preference in hiring be given to individuals who live
38 within the enterprise zone. The commission shall work
39 with the local workforce development center to
40 determine the labor availability in the area. The
41 commission shall examine and evaluate building codes
42 and zoning in the enterprise zone and make
43 recommendations to the appropriate governing body in
44 an effort to promote more affordable housing
45 development.

46 3. If the enterprise zone commission determines
47 that a business qualifies ~~for inclusion in an~~
48 ~~enterprise zone~~ and is eligible to receive incentives
49 or assistance as provided in either section 15E.193A
50 or section 15E.196, the commission shall submit an

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1 application for incentives or assistance to the
2 department of economic development. The department
3 may approve, defer, or deny the application.
4 4. In making its decision, the commission or
5 department shall consider the impact of the eligible
6 business on other businesses in competition with it
7 and compare the compensation package of businesses in
8 competition with the business being considered for
9 incentives or assistance. The commission or
10 department shall make a good faith effort to identify
11 existing Iowa businesses within an industry in
12 competition with the business being considered for
13 incentives or assistance. The commission or
14 department shall also make a good faith effort to
15 determine the probability that the proposed incentives
16 or assistance will displace employees of existing
17 businesses. In determining the impact on businesses
18 in competition with the business seeking incentives or
19 assistance, jobs created as a result of other jobs
20 being displaced elsewhere in the state shall not be
21 considered direct jobs created.

22 However, if the commission or department finds that
23 an eligible business has a record of violations of the
24 law, including but not limited to environmental and
25 worker safety statutes, rules, and regulations, over a
26 period of time that tends to show a consistent
27 pattern, the eligible business shall not qualify for
28 incentives or assistance under section 15E.193A or
29 section 15E.196, unless the commission or department
30 finds that the violations did not seriously affect
31 public health or safety or the environment, or if it
32 did that there were mitigating circumstances. In
33 making the findings and determinations regarding
34 violations, mitigating circumstances, and whether an
35 eligible business is eligible for incentives or
36 assistance under section 15E.193A or section 15E.196,
37 the commission or department shall be exempt from
38 chapter 17A. If requested by the commission or
39 department, the business shall provide copies of
40 materials documenting the type of violation, any fees
41 or penalties assessed, court filings, final
42 disposition of any findings and any other information
43 which would assist the commission or department in
44 assessing the nature of a violation.

45 5. A business that is approved to receive
46 incentives or assistance shall, for the length of its
47 designation as an enterprise zone business, certify
48 annually to the county or city, as applicable, and the
49 department of economic development its compliance with
50 the requirements of either section 15E.193 or section

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1 15E.193A.

2 Sec. 100. Section 69.2, subsection 7, Code 1997,
3 is amended to read as follows:

4 7. The board of supervisors declares a vacancy in
5 an elected county office upon finding that the county
6 officer has been physically absent from the county for
7 sixty consecutive days except in the case of a medical
8 emergency; temporary active military duty; or
9 temporary service with another government service,
10 agency, or department.

11 Sec. ____ Section 97B.49B, subsection 3, paragraph
12 b, subparagraph (6), if enacted in 1998 Iowa Acts,
13 House File 2496, section 36, is amended to read as
14 follows:

15 (6) For the fiscal year commencing July 1, 1994,
16 and each succeeding fiscal year through the fiscal
17 year ending June 30, 1998, each judicial district
18 department of correctional services shall pay to the
19 department of personnel from funds appropriated to
20 that judicial district department of correctional
21 services, the amount necessary to pay the employer
22 share of the cost of the additional benefits provided
23 to employees ~~covered under subsection 1, paragraph~~
24 ~~"d", subparagraph (7) of a judicial district~~
25 department of correctional services who are employed
26 as a probation officer III or a parole officer III.

27 Sec. ____ Section 135C.33, subsection 5, if
28 enacted by 1998 Iowa Acts, House File 2275, is amended
29 by adding the following new paragraphs:

30 NEW PARAGRAPH. d. An employee of an elder group
31 home certified under chapter 231B, if the employee
32 provides direct services to consumers.

33 NEW PARAGRAPH. e. An employee of an assisted
34 living facility certified or voluntarily accredited
35 under chapter 231C, if the employee provides direct
36 services to consumers.

37 Sec. ____ Section 135C.33, Code Supplement 1997,
38 is amended by adding the following new subsection:

39 NEW SUBSECTION. 6. The department of inspections
40 and appeals, in conjunction with other departments and
41 agencies of state government involved with criminal
42 history and abuse registry information, shall
43 establish a single contact repository for facilities
44 and other providers to have electronic access to data
45 to perform background checks for purposes of
46 employment, as required of the facilities and other
47 providers under this section.

48 Sec. 200. Section 200.14, subsection 1A, as
49 enacted by 1998 Iowa Acts, Senate File 2082, section
50 1, is amended to read as follows:

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1 1A. Anhydrous ammonia equipment shall be installed
2 and maintained in a safe operating condition and in
3 conformity with rules adopted by the secretary. A
4 person shall not intentionally tamper with anhydrous
5 ammonia equipment. Tampering occurs when a person who
6 is not authorized by the owner of anhydrous ammonia
7 equipment uses the equipment in violation of a
8 provision of this chapter, including a rule adopted by
9 the secretary. A person shall not in any manner or
10 for any purpose sell, fill, refill, deliver, permit to
11 be delivered, or use an anhydrous ammonia container or
12 receptacle, including for the storage of any gas or
13 compound, unless the person owns the container or
14 receptacle or is authorized to do so by the owner. A
15 person shall not possess or transport anhydrous
16 ammonia in a container or receptacle which is not
17 authorized by the secretary to hold anhydrous ammonia.

18 Sec. ____ Section 260A.1, subsection 2, Code
19 Supplement 1997, is amended to read as follows:

20 2. Moneys appropriated in subsection 1 shall be
21 allocated by the department of education to each
22 community college ~~in the proportion that the~~
23 ~~allocation to that community college in 1996 Iowa~~
24 ~~Acts, chapter 1215, section 6, subsection 15, bears to~~
25 ~~the total appropriation made in 1996 Iowa Acts,~~
26 ~~chapter 1215, section 6, subsection 15, to all~~
27 community colleges on the basis of each community
28 college's share of overall community college student
29 enrollment. The overall enrollment and each community
30 college district's share of the overall enrollment
31 shall be determined utilizing refined enrollment
32 reporting methods approved by the department of
33 education using data from the most recently concluded
34 fiscal year. The department of education shall
35 determine enrollment share percentages for each
36 community college district for purposes of allocating
37 the moneys.

38 Sec. ____ Section 279.51, subsection 1, unnumbered
39 paragraph 1, Code Supplement 1997, is amended to read
40 as follows:

41 There is appropriated from the general fund of the
42 state to the department of education for the fiscal
43 year beginning July 1, ~~1997~~ 1998, and each succeeding
44 fiscal year, the sum of fifteen million ~~one~~ three
45 ~~hundred seventy six~~ thousand dollars.

46 Sec. ____ Section 279.51, subsection 1, paragraph
47 b, Code Supplement 1997, is amended to read as
48 follows:

49 b. For the fiscal year beginning July 1, ~~1997~~
50 1998, and for each succeeding fiscal year, eight

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1 million three five hundred twenty ten thousand dollars
2 of the funds appropriated shall be allocated to the
3 child development coordinating council established in
4 chapter 256A for the purposes set out in subsection 2
5 of this section and section 256A.3.

6 Sec. . Section 321.453, Code 1997, as amended
7 by 1998 Iowa Acts, Senate File 2081, section 1, is
8 amended to read as follows:

9 321.453 EXCEPTIONS.

10 The provisions of this chapter governing size,
11 weight, and load, and the permit requirements of
12 chapter 321E do not apply to fire apparatus, to road
13 maintenance equipment owned by or under lease to any
14 state or local authority, implements of husbandry
15 temporarily moved upon a highway, implements of
16 husbandry moved from farm site to farm site or between
17 the retail seller and a farm purchaser, implements of
18 husbandry moved between any site and the site of an
19 agricultural exposition or a fair administered
20 pursuant to chapter 173 or 174, indivisible implements
21 of husbandry temporarily moved between the place of
22 manufacture and a retail seller or a farm purchaser,
23 implements of husbandry received and moved by a retail
24 seller of implements of husbandry in exchange for a
25 purchased implement, or implements of husbandry moved
26 for repairs, except on any part of the interstate
27 highway system. A vehicle, carrying an implement of
28 husbandry, which is exempted from the permit
29 requirements under this section shall be equipped with
30 an amber flashing light under section 321.423, shall
31 be equipped with warning flags on that portion of the
32 vehicle which protrudes into oncoming traffic, and
33 shall only operate from thirty minutes prior to
34 sunrise to thirty minutes following sunset. The one
35 hundred mile distance restriction contained in the
36 definition of implement of husbandry in section 321.1
37 does not apply to this section.

38 Sec. . If the amendment to section 421.40,
39 unnumbered paragraph 3, Code 1997, contained in 1998
40 Iowa Acts, House File 2530 is enacted, that amendment
41 shall prevail over the amendment to section 421.40,
42 unnumbered paragraph 3, Code 1997, contained in 1998
43 Iowa Acts, Senate File 518, section 39.

44 Sec. . 1998 Iowa Acts, House File 2290, section
45 7, if enacted, is amended to read as follows:

46 SEC. 7. EFFECTIVE DATE. Section 6 of this Act,
47 being deemed of immediate importance, takes effect
48 upon enactment. Section 5 of this Act takes effect
49 December 15, 1998, and applies to nonresident deer
50 hunting licenses for calendar years beginning on or

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1 after January 1, 1999.

2 Sec. ____ Section 483A.8, subsection 3, Code 1997,
3 as amended by 1998 Iowa Acts, Senate File 187, section
4 10, is amended to read as follows:

5 3. A nonresident hunting deer is required to have
6 a nonresident deer license and must pay the wildlife
7 habitat fee. The commission shall annually limit to
8 six seven, thousand five hundred licenses the number of
9 nonresidents allowed to have deer hunting licenses.
10 The number of nonresident deer hunting licenses shall
11 be determined as provided in section 481A.38. The
12 commission shall allocate the nonresident deer hunting
13 licenses issued among the zones based on the
14 populations of deer. However, a nonresident applicant
15 may request one or more hunting zones, in order of
16 preference, in which the applicant wishes to hunt. If
17 the request cannot be fulfilled, the applicable fees
18 shall be returned to the applicant. A nonresident
19 applying for a deer hunting license must exhibit proof
20 of having successfully completed a hunter safety and
21 ethics education program as provided in section
22 483A.27 or its equivalent as determined by the
23 department before the license is issued.

24 Sec. ____ 1998 Iowa Acts, Senate File 187, section
25 27, if enacted, is amended to read as follows:

26 SEC. 27. EFFECTIVE AND APPLICABILITY DATES. This
27 Act takes effect December 15, 1998, and applies to
28 licenses and fees for hunting, fishing, fur
29 harvesting, and related wildlife and game activities
30 for the calendar year years beginning on or after
31 January 1, 1999.

32 Sec. ____ Section 692A.13, Code 1997, is amended
33 by adding the following new subsection:

34 NEW SUBSECTION. 9. The department shall provide
35 information for purposes of the single contact
36 repository established pursuant to section 135C.33, in
37 accordance with rules adopted by the department.

38 Sec. 300. 1998 Iowa Acts, Senate File 2406,
39 section 13, if enacted, is amended to read as follows:

40 SEC. 13. IOWA EMPOWERMENT BOARD. The Iowa
41 empowerment board shall adopt rules, arrange for
42 technical assistance, provide guidance, and take other
43 actions needed to assist the designation of community
44 empowerment areas and creation of community
45 empowerment boards and to enable the community
46 empowerment area boards to submit school ready
47 children grant plans in a timely manner for the
48 initial grants to be awarded and grant moneys to be
49 paid. For the initial grants, plans shall be
50 submitted by September 1, 1998, or by January 1, 1999

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1 December 1, 1998, in accordance with criteria
2 established by the board. The Iowa board shall submit
3 to the governor and the general assembly a proposed
4 funding formula for distribution of school ready
5 children grant moneys as necessary for statewide
6 implementation of the grant program for the fiscal
7 year beginning July 1, 1999, and subsequent fiscal
8 years.

9 Sec. 400. 1998 Iowa Acts, Senate File 2410,
10 section 83, subsection 7, if enacted, is amended to
11 read as follows:

12 7. Section 15, subsection 19, paragraph "b" "a",
13 relating to authority to use moneys for support of the
14 child welfare services work group.

15 Sec. 500. Section 514I.7, subsection 2, paragraph
16 e, if enacted by 1998 Iowa Acts, House File 2517,
17 section 9, is amended to read as follows:

18 e. Is not currently covered under or was not
19 covered within the prior six months under a group
20 health plan as defined in 42 U.S.C. § 300gg-91(a)(1)
21 300gg-91(a)(1) or other health benefit plan, unless
22 the coverage was involuntarily lost or unless dropping
23 the coverage is allowed by rule of the board.

24 Sec. ____ 1998 Iowa Acts, House File 2162,
25 sections 34 and 42, are repealed.

26 Sec. ____ 1998 Iowa Acts, House File 2538, section
27 2, amending section 15E.195, is repealed.

28 Sec. ____ 1998 Iowa Acts, House File 2164, section
29 11, amending section 15E.195, subsection 1, is
30 repealed.

31 Sec. ____ EFFECTIVE DATE. The following
32 provisions of this division of this Act, being deemed
33 of immediate importance, take effect upon enactment:

34 1. Section 100, amending section 69.2.

35 2. Section 200, amending section 200.14."

36 ____ Section 300, amending 1998 Iowa Acts, Senate
37 File 2406, section 13.

38 ____ Section 400, amending 1998 Iowa Acts, Senate
39 File 2410, section 83, subsection 7.

40 ____ Section 500, amending section 514I.7, if
41 enacted by 1998 Iowa Acts, House File 2517, section 9.

42 DIVISION IV

43 Sec. ____ NEW SECTION. 327H.20A RAILROAD
44 REVOLVING LOAN FUND.

45 A railroad revolving loan fund is established in
46 the office of the treasurer of state under the control
47 of the department. Moneys in this fund shall be
48 expended for loans to provide assistance for the
49 restoration, conservation, improvement, and
50 construction of railroad main lines, branch lines,

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1 switching yards, sidings, rail connections, intermodal
 2 yards, highway grade separations, and other railroad-
 3 related improvements. The department shall administer
 4 a program for the granting and administration of loans
 5 under this section. The department may enter into
 6 agreements with railroad corporations, the United
 7 States government, cities, counties, and other persons
 8 for carrying out the purposes of this section. Moneys
 9 received as loan repayments shall be credited to the
 10 railroad revolving loan fund. Notwithstanding section
 11 8.33, moneys in the railroad revolving loan fund shall
 12 not revert to the general fund of the state but shall
 13 remain available indefinitely for expenditure under
 14 this section.

15 Sec. __. RAILROAD REVOLVING FUND. There is
 16 appropriated from the general fund of the state to the
 17 state department of transportation for the fiscal year
 18 beginning July 1, 1998, and ending June 30, 1999, for
 19 deposit in the railroad revolving loan fund
 20 established in section 327H.20A, an amount equal to
 21 the amount of loan repayments made under section
 22 327H.18 and chapter 327I that exceed one million one
 23 hundred ninety thousand dollars during fiscal year
 24 1998-1999."

25 5. Title page, line 1, by inserting after the
 26 word "to" the following: "public expenditure and
 27 regulatory matters".

28 6. Title page, line 3, by striking the words
 29 "providing an effective date" and inserting the
 30 following: "subsequent fiscal years, and providing
 31 effective dates".

Churchill of Polk in the chair at 6:50 p.m.

Speaker Corbett in the chair at 6:58 p.m.

Millage of Scott offered the following amendment H-9334, to the
 Senate amendment H-9333, filed by him from the floor and moved its
 adoption:

H-9334

1 Amend the Senate amendment, H-9333, to House File
 2 2395, as amended, passed, and reprinted by the House,
 3 as follows:

- 4 1. Page 2, by striking lines 17 through 21.
- 5 2. By renumbering as necessary.

Amendment H-9334 was adopted.

On motion by Millage of Scott, the House concurred in the Senate
 amendment H-9333, as amended.

Millage of Scott moved that the bill as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2395)

The ayes were, 78:

Arnold	Barry	Boddicker	Bogges
Bradley	Brand	Brauns	Brunkhorst
Bukta	Burnett	Carroll	Cataldo
Chiodo	Churchill	Cormack	Dix
Dolecheck	Drake	Eddie	Falck
Foege	Ford	Frevert	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Hansen	Holmes
Holveck	Houser	Huseman	Jacobs
Jenkins	Jochum	Kinzer	Klemme
Koenigs	Kremer	Lamberti	Larson
Lord	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Mundie	Murphy	Myers	Nelson
Osterhaus	Rants	Rayhons	Reynolds-Knight
Richardson	Scherrman	Siegrist	Sukup
Teig	Thomas	Thomson	Tyrell
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Witt	Mr. Speaker		
	Corbett		

The nays were, 18:

Bell	Bernau	Chapman	Cphoon
Connors	Dotzler	Drees	Fallon
Huser	Kreiman	Larkin	Moreland
O'Brien	Schrader	Shoultz	Taylor
Van Fossen	Wise		

Absent or not voting, 4:

Blodgett	Dinkla	Doderer	Heaton
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2395** be immediately messaged to the Senate.

Unfinished Business Calendar

House File 2518, a bill for an act providing for monitoring and review of state officials, employees, and judicial compliance with requirements under law and providing an effective date, was taken up for consideration.

Murphy of Dubuque asked and received unanimous consent that amendment H-8790 be deferred.

Boddicker of Cedar offered the following amendment H-8521 filed by him and moved its adoption:

H-8521

- 1 Amend House File 2518 as follows:
- 2 1. By striking page 2, line 16, through page 4,
- 3 line 21.
- 4 2. Title page, by striking lines 1 and 2 and
- 5 inserting the following: "An Act providing for a
- 6 review of juvenile justice provisions involving child
- 7 protection by the citizens' aide".
- 8 3. By renumbering as necessary.

Amendment H-8521 was adopted.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-8790 filed by him and Brand of Tama on March 30, 1998.

SENATE FILE 2359 SUBSTITUTED FOR HOUSE FILE 2518

Boddicker of Cedar asked and received unanimous consent to substitute Senate File 2359 for House File 2518.

Senate File 2359, a bill for an act providing for a review of juvenile justice provisions involving child protection by the citizens' aide and providing an effective date, was taken up for consideration.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-8522 filed by him on March 19, 1998.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2359)

The ayes were, 94:

Arnold

Barry

Bell

Bernau

Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chiodo	Churchill
Cohoon	Connors	Cormack	Dix
Dolecheck	Dotzler	Drake	Drees
Eddie	Falck	Fallon	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Maanen	Veenstra	Warnstadt	Weidman
Weigel	Welter	Whitead	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, 2:

• Chapman Van Fossen

Absent or not voting, 4:

Blodgett Dinkla Doderer Vande Hoef

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2359** be immediately messaged to the Senate.

HOUSE FILE 2518 WITHDRAWN

Boddicker of Cedar asked and received unanimous consent to withdraw House File 2518 from further consideration by the House.

ADOPTION OF HOUSE RESOLUTION 109

Myers of Johnson asked and received unanimous consent for the immediate consideration of House Resolution 109, a resolution recognizing the positive contributions realized from county implementation of a single entry point process for mental health, mental retardation,

and developmental disabilities (MH/MR/DD) services known as the central point of coordination or "CPC" system, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 104

Fallon of Polk asked and received unanimous consent for the immediate consideration of House Resolution 104, a resolution regarding the intent of the House of Representatives that interest groups form an advisory committee to develop recommendations to reduce the frequency of abortions and unplanned pregnancies in the state, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 7:26 p.m., until the fall of the gavel.

The House resumed session at 8:25 p.m., Speaker Corbett in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 1998, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2395, a bill for an act relating to and making supplemental and other appropriations for the fiscal year beginning July 1, 1997, and providing an effective date.

Also: That the Senate has on April 22, 1998, adopted the conference committee report and passed House File 2498, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

Also: That the Senate has on April 22, 1998, adopted the conference committee report and passed Senate File 2381, a bill for an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the division of soil conservation for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and

facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the blufflands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the blufflands protection fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates.

MARY PAT GUNDERSON, Secretary

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 2381)

Brauns of Muscatine called up for consideration the report of the conference committee on Senate File 2381 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2381

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2381, a bill for an Act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the division

of soil conservation for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities; for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local costshare grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the blufflands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the blufflands protection fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates, respectively make the following report:

1. That the Senate recedes from its amendment, H-9331.
2. That the House amendment, S-5740 to Senate File 2381, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 1, by inserting after line 4 the following:
" Page 1, line 22, by striking the words "beginning July 1, 1998, and ending June 30, 1999" and inserting the following: "indicated".

__ Page 1, line 25, by inserting after the word "For" the following: "the fiscal year beginning July 1, 1998, and ending June 30, 1999, for"."

2. Page 1, by inserting after line 4 the following:

"__ Page 1, line 29, by inserting after the word "For" the following: "the fiscal year beginning July 1, 1997, and ending June 30, 1998, for"."

3. Page 1, by inserting after line 16 the following:

"__ Page 1, line 32, by inserting after the word "For" the following: "the fiscal year beginning July 1, 1998, and ending June 30, 1999, for"."

4. Page 1, by striking lines 22 and 23.

5. Page 1, by striking line 24.

6. Page 1, by inserting after line 46 the following:

"__ Page 5, by inserting after line 9 the following:

"If there is an unobligated or unencumbered balance in the rebuild Iowa infrastructure fund on June 30, 1999, the remaining balance of the funds up to an additional \$700,000 shall be appropriated for the fiscal year beginning July 1, 1998, for funding more critical and deferred maintenance needs at Terrace Hill."

7. By striking page 1, line 47, through page 2, line 2.

8. Page 2, by striking lines 8 through 13.

9. Page 2, by striking lines 16 through 26.

10. Page 2, by inserting after line 48 the following:

"__ Page 9, line 27, by striking the word "purpose" and inserting the following: "purposes"."

"__ Page 9, by inserting after line 27 the following:

"1. For an automated weather observation system at the city of Harlan airport:

..... \$ 55,000"

__ Page 9, line 28, by inserting before the word "For" the following: "2."

__ Page 9, line 30, by striking the figure "1,000,000" and inserting the following: "945,000"."

11. Page 3, line 31, by striking the word "loans" and inserting the following: "loan".

12. Page 3, line 35, by striking the word "loans" and inserting the following: "loan".

13. Page 3, line 44, by striking "school," and inserting the following: "school".

14. Page 4, line 10, by striking the word "and".

15. Page 4, by striking lines 23 through 45.

"_ Title, page 1, line 8, by inserting after the word "facility," the following: "for a prior fiscal year,"."

17. Page 5, by striking lines 15 through 17.
18. Page 5, by striking lines 18 through 20.
19. Page 5, by inserting after line 23 the following:

"_ Title, page 2, line 21, by inserting after the word "airports" the following: "and for an automated weather observation system"."

20. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

BARRY BRAUNS, Chair
HENRY RAYHONS
DAVID SCHRADER
JAMES VAN FOSSEN
STEVEN WARNSTADT

MARY LOU FREEMAN, Chair
MIKE CONNOLLY
ROD HALVORSON
JOHN W. JENSEN
DERRYL McLAREN

The motion prevailed and the conference committee report was adopted.

Brauns of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2381)

The ayes were, 95:

Arnold	Barry	Bell	Bernau
Boddicker	Boggess	Bradley	Brand
Brauns	Brunkhorst	Bukta	Burnett
Carroll	Cataldo	Chapman	Chiodo
Churchill	Cohoon	Connors	Cormack
Dix	Dolecheck	Dotzler	Drake
Drees	Eddie	Falck	Foege
Ford	Frevert	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Hansen	Heaton	Holmes
Holveck	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Kinzer
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson
O'Brien	Osterhaus	Rants	Rayhons
Reynolds-Knight	Richardson	Scherrman	Schrader
Shultz	Siegrist	Sukup	Taylor

Shoultz	Siegrist	Sukup	Taylor
Teig	Thomas	Thomson	Tyrrell
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Whitead
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 1:

Fallon

Absent or not voting, 4:

Blodgett

Dinkla

Doderer

Van Fossen

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2381** be immediately messaged to the Senate.

REMARKS BY MINORITY LEADER SCHRADER

Schrader of Marion offered the following remarks:

Thank you, Mr. Speaker and Colleagues:

It's very common to stand here and give a leader's farewell speech. I hope that I get to come back to this place again, but I sometimes wonder after having heard the farewell speeches of those colleagues who are going home and are going to do something different. Their stories and their reminiscing and their great, positive futures are fun to hear and delightful to share. I'm not going to talk about our work. I think we've all worked hard, and we've had enough of that. I guess I just want to talk about you folks.

This is a great place and I know that people at home, the people that I call upon, and people I drink coffee with at the Maid-Rite every morning, rarely a person comes in that I don't know. It's fairly rare that a person comes in that I haven't been to their house. I expect many of you cherish that kind of a background in a rural small town. It's pretty nice.

But the folks here are a little different than the ones in my hometown because they're from a lot of home towns. I think those differences really make this place fun. And I'd like to say thanks to some people. First, to my assistant leaders on our Democrat team: John Connors, Pam Jochum, Mike Moreland, Dick Myers, and Don Shoultz. We've really had a team in our caucus this year that made decisions. These folks have gathered around me and around our caucus and shared responsibility in the hard work and made things great. I really appreciate you all.

And fellow colleagues of my party, the minority Democrats, this is a tough road in the minority. The Speaker knows that. I've spent six years now as has Ron. We've both spent an equal number of years in the majority and in the minority. There's no question where either of us wants to be. But we have one hundred percent fought the good fight where fighting is appropriate. And there were good ideas offered by Republicans. We did our best to help you with those good ideas. And when we had good ideas we did our best to get them on the table as well. I really take my hat off to my colleagues in the Democratic party because when you are 46 in a chamber of 100, it's harder than it is when you're 54 in a chamber of 100. And those folks have realized that from day one, but never let it slow them down. They've done their work. And for all of you I appreciate that.

For my Republican colleagues I share the same respect and friendship. Yearly it is one of my jobs to be a recruiter for those folks that will join us next time. And I'm often asked who are you voting for out there? I think that the people who need to serve here are people that have passions. I've found that the people who serve here do have passion. Sometimes we care about different things and care about them differently. Sometimes we feel very passionately about some things and perhaps that passion runs a little too high. Usually it's mine that's too high. But that means we care. I enjoy working with somebody who has strong feelings. They're just working hard to do their best to accomplish what they feel is right. They do that. And I appreciate that.

I'd like to recognize my staff. I think my staff is the best here. I believe they've done everything for me that they could possibly do. Mark Brandsgard and Carolyn Gaukel in my office have done a super job for me and for our caucus. Paulee Lipsman, our caucus staff director. Dave Epley, Jenifer Parsons, Tom Patterson, Mary Braun, Anna Hyatt, Ed Conlow, and Joe Romano have done a super job of research in all the things a caucus staff does. Working a lot of late nights putting in extra effort. I really appreciate those folks and I know my colleagues do as well. My Page this year, Michelle Bauer, has been a super help and has just done a great job. My wife has really done a great job. Many years that I stood here, my wife wasn't with me. She's done a variety of things. In the interim she works in my office. She works for Steve Warnstadt here as his legislative assistant. It's really fun. You can imagine those years that I worked here and my wife didn't. You couldn't go home after a day like some of the days we have and explain that to somebody who hasn't been here. It can't be done. Having her here has really made this an experience that we both enjoy.

I'd also like to say thank you again to my colleagues in here that are retiring. I really enjoyed those retirement speeches. You folks have done great things for our state and have really given of yourselves. I'd like to single out my Democratic retirees. Deo at first I didn't have any idea you could sing. It was great. It was really beautiful. I don't know if Russell Eddie is here listening. I don't know, I expect we'll see you at those animal rights meetings one of these times. And Mike Moreland, I knew when he decided he would retire, I was sort of ready for that and called one weekend during the session and talked to your wife and she said you were out swimming with your son. I think I knew then you would be leaving. But I can guarantee you that the political doors have been left wide open for you. And Bill Bernau, I don't know what you can say about a man that is standing here on the last day of session making enticing pleas to resist a racetrack. He stands over there and raises a checkered flag while you're trying to make your points. I don't know what you can say about a guy like that. But I'll say it here right to him I wish you the best where ever you land. And I mean that. Good luck to you.

So, it's been a great year for me. But I want to recognize a couple of other people and say something that I've said a few times in my life but not very many times. And that's to you Leaders. To Brent and Ron. To each of you and both of you. If we ever chose up sides again, I'd like to be on your team. You guys have done a great job. And I appreciate that. We've been adversaries, that's the way this process works. And truly, if we ever chose sides again, I'd like to be on your team. That's not likely given the situation we're in. I think I'd rather we just switch sides of the field. Thank you for the way you've run this chamber. You have respect for the process, this institution, and the people. We all appreciate that. Thank you.

I talked with my Dad Sunday morning, and he found five mushrooms under an apple tree. So I was really hoping we could get out of here. I made a phone call this morning and found out that the motor in my race car was ready, and I could go pick it up. I told the gentleman that I'd be there at 4:00 this afternoon to get it. I'll be there in the morning. I hope all of you go home to a summer and interim that gives you great pleasure because you have worked hard here and you deserve it.

Thank you.

REMARKS BY MAJORITY LEADER SIEGRIST

Siegrist of Pottawattamie offered the following remarks:

Ladies and Gentlemen of the House:

The tie is on and it's time to go home. It has been a good, but difficult year. Between constitutional amendments, education, and the Governor, race tracks, gambling, and the fact that I've been taking a graduate course this session, it's been a tough year. To paraphrase a song by Garth Brooks, "I'm much too young to feel this darn old."

On opening day, I laid out four goals for the Majority Party and this legislative body. First, reduce taxes - did it. Secondly, help promote value-added agriculture in Iowa - the Agrifutures bill accomplished that. Third, improve recreational opportunities and quality-of-life issues for our families. The infrastructure bill included an additional \$5 million for lake-dredging, bluffland protection, and recreational grants for local communities. Lastly, education. Lord knows that has been the subject of considerable debate this session. I think the educational bills that passed this legislative body do a lot to begin the long-term process for the fundamental changes we need to undertake for our educational system.

Now, I understand that the Governor has some problems with our education package. To be truthful, I haven't been able to exactly determine what good reason he has to veto that bill. I thought that perhaps it had something to do with his legacy. But, I don't think so. Perhaps he's just stubborn - naw. Perhaps he's finally getting even with me for my endorsement of Fred Grandy in 1994. But, I don't think so. Finally last night, I figured it out - why he's acting so strange - El Nino! Governor Branstad, it's a good bill - please sign it.

There were other high points. The HAWK-I plan, sexual predator language, education IRAs and action on methamphetamine. Every legislative session doesn't get everything done. This session is no different. Some will talk about something that didn't get done. I will prefer to talk about everything that did get accomplished. This is a legislative session that we can all be proud of.

To our retirees - best wishes. As a matter of fact, a wish for each of you. Representative Bernau - I hope your first congregation isn't like the Ways and Means Chairs you were Ranking Member with - and they don't leave you after one term. Representative Churchill - I hope your new boss quickly forgets he had anything to do with the Pomerantz Commission report. Representative Dinkla - I hope you remember me in your new position when PAC funds are distributed. Representative Gries - I hope your second career as a stand-up comic goes well. Representative Koenigs - may you have a 50-mile buffer zone around your residence to keep those hogs away. Representative Meyer - may you achieve your lifelong ambition and get appointed to the board of your local area education agency. Representative Kremer - may your days in retirement keep "going some." Representative Vande Hoef - my wish for you is that you would bring your lovely wife Harriet back next year to sing the Lord's Prayer. Representative Moreland - your wife is expecting, as is mine. My wish for you is heartfelt - the birth of a healthy child. Representatives Lamberti and Veenstra - I hope the frontal lobotomy operation required to serve in the Senate goes well.

Speaker Van Maanen - first a hope for me - then a wish for you. Harold, you are one of the finest human beings I've ever known. I hope my son, Evan, grows up to be as fine of a person as you are and I'll know I did a good job as a father and be happy. My wish for you is that you and Marie hop in that new van and travel to your hearts' content. You both deserve all the happiness in the world.

To the caucus staff, thanks for all that you do. You do a great job and never get thanked enough. To Liz and all of the people who make this place go - many, many thanks. My thanks to the press who have always treated me fairly, and to the third house who bring honor to the term lobbyist.

Representative Schrader, thank you. I believe we have both attempted to be fair and open with each other. David, you are a fine floor leader. You do your job well. Thank you for your help.

To the members of the Minority Caucus - some days you may have talked too long, but I view you all as members who are here to do what is right for Iowa.

To the members of the Republican Leadership - thank you. We had a great session! Harold, Chuck, Donna, Gary, Christopher and Danny, it wouldn't be possible without you.

To the Republican members of our caucus: my job is not the easiest in the world, but you make it worthwhile. Your willingness to listen, work hard and keep your sense of humor makes my job very rewarding. Thank you.

Mr. Speaker - You've heard a lot of compliments and they are well deserved. I could extol your leadership and political skills, but I think two things say it best.

1. I hope we will still be serving together next year.

2. I consider you a close, dear friend.

Susan Severino - what can I say. While you don't totally run this House - you could. You are the best at making this place hum along.

Becky, I'm not sure anyone can be much more disorganized than I am. Thank you for bringing some sanity to my position as Majority Leader. Without your help, I'd truly be lost.

And a special thank you to our Page, Emily Paul. Emily, best wishes in your future. I know you will be successful in life.

Finally, a thanks to all of the elected members of this House. I do not think the people of Iowa comprehend the sacrifices that we make to serve. I'm not complaining, but I just don't think they know how tough it is on all of us.

Three weeks ago yesterday, my wife called to tell me that my son, Evan, had gotten up two days in a row and asked, "Where's Daddy?" She told me that so I would know that he missed me, and I should feel good about that. And I did. But it tore at my heart because it's a fine line between working to make this a better place for my son to live and not being as good of a Dad as I want to be.

So, thank you to each and every one of you for the sacrifice you make to be here. It's important and the people of Iowa appreciate it.

So, it's time to go to Wellman's - I mean home to family and friends. I know I'm ready because it's been a tough year. As usual, my favorite performer can sum it up for me in one of his songs. In the song, Trying to Reason With Hurricane Season, Jimmy Buffett writes, "I must confess, I can use some rest, I can't run at this pace very long. Yes, it's quite insane, I think it hurts the brain."

I think we all need to rest our brain and our bodies and go home to our families. Have a great interim and God bless you all.

REMARKS BY SPEAKER CORBETT

Speaker Corbett offered the following remarks:

Well to paraphrase Ronald Reagan, I had a chance to meet him once in my life when he was in Cedar Rapids. He said "we could be masters of our own destiny or victims of fate." One hundred and one days ago you all had a choice in front of you. Thankfully you chose not to be victims of fate. I do want to take just a moment to maybe view the record, and like you Representative Schrader, I'd like to talk a little bit about the people here.

When you start a session you always have some goals that you want to work toward achieving, and we did. Education reform, tax relief, value-added agriculture, and trying to improve the recreational opportunities for the people of this state. The first issue of education reform, certainly there was a lot of pre-session hype with the Governor's recommendations and the Pomerantz Commission, and then the uncertainty of this last hundred days that the legislative process has had with the education issue. I'm sure when the session closes here in ten minutes we'll have a post session analysis on education on whether we did enough or if we didn't.

The minority party brought a couple issues to the table on education. The issues of class size and of infrastructure. They were very legitimate issues. We chose not to address those issues in the same fashion that you would have wanted the legislature to do. We chose a couple different issues to focus on - early childhood and trying to improve the quality of the teachers in this state. One of the reasons we did that is that not every school district has a class size problem and not every school district has an infrastructure problem. Though we did feel that every school

will have a kindergarten class next year or a first grade class next year. And every school district needs teachers. This whole focus that we had on early childhood is the beginning of a five-year commitment and 25 or 30 million dollars in this year's appropriation. It's not just money, but looking at this system that takes parents and people in education and people that provide children's services, and collaborating and working together. You know I have four young children. My oldest son just started kindergarten this year. And I was able to attend one of the parent-teacher conferences, I missed a couple of them, from being down here. But up on the wall in the kindergarten classroom are little book worms and there's a scale from 1 to 100. Every time a child in the class had a book read by the parents the worm would move up to 100. As I talked to the teacher about a month ago, all the kids that are at 100 are reading. The ones that are still at 25 or 30 aren't. That proves to me how important parents are in the whole process. Next year when my son starts first grade and he reads, he and the other kids that can read are going to be better off than those that can't. So we just started this early childhood program this year and put a major focus on it. Then when you piggy-back that with K through 3 grants to extend that to those critical early years. And then to top it off, this health insurance program for the uninsured kids in this state. That issue, those three things, didn't receive a lot of publicity this year. Maybe it didn't because there was agreement between us all. It was bipartisan or non-partisan so it didn't make the front pages like some of the other issues that we discussed in the last one hundred and one days. But I think that what we have done in that area will have the most long-lasting effect of this legislative session.

We looked at trying to improve the quality of teachers. Representative Mascher, you may think I sit up here and never listen to what some of the members say, but I remember on one of the debates you said this more than once. A teacher has a calling, as a profession, and they are people who care about the kids. But the salaries aren't working. We raise the salaries and provide them some merit pay and some national board incentives, and internships and mentorships. So, if I take a point of personal privilege now to the governor, Governor, I've been one of your quarterbacks up here for the last six years. In the last six years and the last ten years before that... sixteen years, you've called a lot of plays, called most of the plays. But once in awhile the legislature has to call an audible. This is a good bill. We did a good job on education reform. And I encourage you to sign the bill. We oftentimes get criticized that the legislature panders to the voters. But if you look at the impact they had on that issue, those people that have benefited, those little rug rats, can't even vote. So I hope that dispels some of the myth out there in some people's minds that the only thing legislators do is pass legislation that gets them votes.

Education wasn't the only issue. Tax cuts and the budget for this biennium two years in a row now. That makes it four years in a row. And as I told my caucus Monday, out of the thousands of people that have served in the legislature, the only ones I can say that cut taxes four years in a row are sitting at the chairs in this chamber right now. That's a nice compliment given all the years the legislature has met.

We've heard this word legacy a lot this year. I don't really care about legacies.

I personally think this chamber... This chamber does have a legacy. It is the way that you've handled the fiscal affairs of this state. Our number one job is to be good stewards of the tax dollars. And you deserve a pat on the back because you've done exactly that. You've been great stewards of the taxpayers' dollars.

I come from an urban area. As I said in my opening day speech I've passed a lot of industries that have taken raw materials that our farmers produce and add value to it. And although we've done a good job in agriculture, I've always believed you're as strong as your weakest link. And agriculture is still our base in the state. I'm glad that we put some focus on that. There's a reason that Monsanto purchased Holden Seeds out of Williamsburg, Iowa. There's a reason that DuPont is purchasing Pioneer. There's going to be a great future in bio-technology, and I hope that Iowa's going to be there to take advantage of that. I think with some of the things that we've done this year in education, we are going to be able to do that.

But enough about the accomplishments of this legislature. It is a great job to be Speaker of the House. It is truly an honor and privilege. I wish that you all have this experience. It is a great job. I seriously can't think of a better job. And that includes lieutenant governor.

This is an awesome chamber and decor, curtains and chandelier. Just the atmosphere and the debate that we have in here. But that's not what makes this place great. What makes this place great is the people. And if I had one regret this last year, these last four years, is that I needed to spend more time getting to know some of you better. As Speaker you're spending time trying to make sure committees are meeting and bills are coming out of committee, and the agreements came through that were negotiated with the Senate and all this, and you're so focused on the legislative part you don't, it seems like I didn't have time to get to know some of you better. Representative Dotzler I don't know you very well, but people say we look alike- if I would grow a mustache or you would shave yours but we do have one thing in common. I don't have siding on my house, either. I did have an opportunity to visit with some of you in a personal way, and I would like you to know that those conversations have had a big impact on me. I think when we learn more about each other we grow to certainly respect and appreciate. I think that helps us through our discourse here. I learned about another member's bout with alcoholism and what that alcoholism did to that person, his family and the kids, and their struggle. And then I learned about how that person moved through that crisis in their life, and learned the meaning of the value of giving someone a second chance. I learned about another member's bout with breast cancer and the trials and fears associated with that life-threatening disease, and how making it through that has made that individual stronger and more understanding. I learned about one member, it was Christmas time, and they were very poor. They didn't have money to buy any Christmas presents for the kids so that member went out and gave blood so they could make a few bucks to buy their kids some presents for Christmas. It's been one hundred and one days, and I wish sometimes the paper would take every one of you and feature you on the front page of the paper and talk about your lives and what's made you and some of your trials and tribulations. Some people will look at these trials and tribulations that we all go through as negative. I think it may even scare some people off from running for political office.

After all, there's only one hundred and sixty people out of 2.9 million that want to sit in these chairs next year. And so I want to congratulate you for being willing to put your name on the ballot, going through the scrutiny, and you're going to have things in your personal life that come up for the campaign. You deserve another pat on the back for that.

It's time for the gavel to fall. One of the roles of the Speaker is that he is the Administrator of the House. Frankly I don't spend a lot of time on that. I really delegate all that stuff to Liz, Alyce, the bill room crew, and everybody over here who takes care of things - the doormen, the pages, and staff who make sure everybody's paid. I want to thank you Liz and the full operation here in the House, and my staff for keeping me on the straight and narrow.

Representative Schrader, when Representative Bernau was trying to think of something to say about me he wanted to make sure that it would stay out of a brochure. And so I thought what can I say about Representative Schrader that he won't put in his brochure? And I thought, what brochure? We can't find anybody to run against this guy anyway. Dave my thoughts of the minority are ones that keep the majority on their toes. You kept us on our toes.

Brent, Representative Siegrist, the longest serving Republican majority leader in the history of this state. My friend, we hit another home run. You're the Mark McGuire of the Iowa House. Time for you to go home and spend some time with Valerie. Time to spend some time with Evan.

As for me, I'm going to take that same advice. I'm going to go home and take a few days off and spend some time with my wife and four kids. I want to thank you for giving me the great privilege of standing up here and being Speaker. I wish you all the best, to those of you retiring and those of you that are coming back. Have a great summer. God bless you all.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 1998, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 122, a concurrent resolution to provide for adjournment sine die.

MARY PAT GUNDERSON, Secretary

ADOPTION OF SENATE CONCURRENT RESOLUTION 122

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 122, a concurrent resolution to provide for adjournment sine die, as follows and moved its adoption:

- 1 SENATE CONCURRENT RESOLUTION 122
- 2 By: Committee on Rules and Administration
- 3 a Senate concurrent resolution to provide for
- 4 adjournment sine die.
- 5 *Be It Resolved by the Senate, the House Concurring,*
- 6 That when adjournment is had on Wednesday, April 22,
- 7 1998, it be the final adjournment of the 1998 Regular
- 8 Session of the Seventy-seventh General Assembly.

The motion prevailed and the resolution was adopted.

FINAL DISPOSITION OF MOTIONS TO RECONSIDER

Pursuant to House Rule 73.g, the following motions to reconsider which remained on the House Calendar upon adjournment of the 1998 Regular Session of the Seventy-seventh General Assembly will be considered to have failed:

By Houser of Pottawattamie to House File 8, a bill for an act relating to the funding of state mandates, filed on April 20, 1998.

By Schrader of Marion to House File 8, a bill for an act relating to the funding of state mandates, filed on April 20, 1998.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 22, 1998, he approved and transmitted to the Secretary of State the following bills:

House File 2175, an act relating to the creation of, and annexation of property to, a sanitary sewer district.

House File 2262, an act to permit out-of-state peace officers to act within this state pursuant to agreements with state or local authorities.

House File 2275, an act relating to health care providers including the application of records checks to additional providers and the recording and availability of the records of the facility inspections and providing for a repeal.

House File 2400, an act providing a procedure for the preservation of a mechanic's lien for materials or labor furnished to a subcontractor and providing for related matters.

House File 2424, an act providing for the expansion of the system of issuance of motor vehicle licenses by county treasurers.

House File 2472, an act relating to civil penalties imposed for violations of city or county ordinances or city or county infractions.

House File 2499, an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation and other state agencies, including allocation and use of moneys from the general

fund of the state, road use tax fund, primary road fund, and the motorcycle rider education fund, providing for the nonreversion of certain moneys, and making statutory changes relating to appropriations.

House File 2542, an act regulating bulk dry animal nutrient products, providing for fees and an appropriation, providing penalties, and providing for an effective date.

Senate File 466, an act relating to the theft of video rental property and making penalties applicable.

Senate File 2372, an act relating to the standard uniforms of sheriffs and deputy sheriffs.

Senate File 2391, an act relating to certain drug and alcohol abuse and certain offenses which carry a mandatory minimum sentence, by allowing probation for some operating-while-intoxicated offenders after service of a mandatory minimum sentence, permitting a .15 blood alcohol level to control the penalties applicable to an offender regardless of the margin of error associated with the test device, requiring the imposition of a mandatory minimum penalty for certain methamphetamine offenses, prohibiting the granting of a deferred judgment or sentence or a suspended sentence for certain methamphetamine offenses, providing that persons convicted of certain methamphetamine offenses are ineligible for bail upon appeal, requiring the deletion from motor vehicle records after twelve years of certain youth license revocations for alcohol violations, increasing and adding certain penalties for certain drug offenses, providing for the denial of federal benefits to persons convicted of drug-related offenses, providing for an operating while intoxicated offense for persons driving after taking certain controlled substances, providing privacy and notice in certain drug and alcohol testing situations, making related changes, making penalties applicable, providing effective and retroactive applicability dates.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 22, 1998. Had I been present, I would have voted "aye" on Senate Files 2068, 2225, and amendment H-9114 to Senate Joint Resolution 2004.

CATALDO of Polk

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

One hundred twenty 3rd grade students from Lincoln Elementary School, Clear Lake, accompanied by Mrs. Weigmann, Mrs. Uhlenhopp, Mrs. Allen, Mrs. Tremmel and Mrs. Sorensen. By Blodgett of Cerro Gordo.

Twenty-one students from Woodward-Granger High School, Woodward, accompanied by Mr. Johnston. By Richardson of Warren.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

IOWA WORKFORCE DEVELOPMENT

The 1998 Status Report, pursuant to Chapter 96.35, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1998\519 Alta Wiley, West Union – For celebrating her 100th birthday.
- 1998\520 First Presbyterian Church, Des Moines – For celebrating their 150th anniversary.
- 1998\521 Richard and Lura Miller, Batavia – For celebrating their 50th wedding anniversary.
- 1998\522 Ray Carroll, Indianola – For celebrating his 80th birthday.
- 1998\523 Sophia Tracy, Fairfield – For celebrating her 95th birthday.

RESOLUTION FILED

HCR 122, by Eddie, a concurrent resolution recognizing National Organ and Tissue Donation Awareness Week, designating the month of May as organ Donation Awareness Month in the state of Iowa, and encouraging citizens of the state to complete organ donor cards.

Laid over under **Rule 25**.

The House stood at ease at 9:08 p.m., until the fall of the gavel.

The House resumed session, Speaker Corbett in the chair.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 22nd day of April, 1998: House Files 8, 667, 2119, 2136, 2153,

2164, 2166, 2269, 2272, 2290, 2348, 2374, 2382, 2395, 2471, 2480, 2494, 2496, 2498, 2513, 2514, 2517, 2532, 2533, 2538, 2539, 2545, 2546, 2550, 2553, 2558, and 2560.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF TRANSPORTATION

The Quadrennial Need Study Report on Highways, Roads, and Streets for Study Years 1994-2013, pursuant to Chapter 307A.2(14)(a), Code of Iowa.

RACING AND GAMING COMMISSION

The 1997 Annual Report, pursuant to Chapters 99D and 99F, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1998\524 Jennifer Suzanne Overberg, West Point – For being named as an Iowa High School Speech Association All-State Speaker in two areas-expository address and original oratory.
- 1998\525 Megan Dawn Mohrfeld, Fort Madison – For being named as an Iowa High School Speech Association All-State Speaker-after dinner speaking.
- 1998\526 Arron Michael Ort, Fort Madison – For being named as an Iowa High School Speech Association All-State Speaker-literary program.
- 1998\527 Tiffany Lynn Jean Cartmill, Fort Madison – For being named as an Iowa High School Speech Association All-State Speaker-reviewing.
- 1998\528 Beth Janelle Reid, Fort Madison – For being named as an Iowa High School Speech Association All-State Speaker-storytelling.
- 1998\529 Crystal Marie Reece, Fort Madison – For being named as an Iowa High School Speech Association All-State Speaker-expository address.
- 1998\530 Ben Arunski, Shenandoah – For being named a Southwest Iowa Academic All-State Student.

- 1998\531 Dale and Erma Carr, Corning – For celebrating their 65th wedding anniversary.
- 1998\532 Cheri Blauwet, West Lyon School, Inwood – For being one of ten northwest Iowa students chosen to The Des Moines Register Academic All-State team.
- 1998\533 Eugene and Velda Meyen, Dundee – For their exemplary work to save Backbone Lake.
- 1998\534 Marie Lenth, Postville – For celebrating her 90th birthday.
- 1998\535 Marlyn (Doc) and Katie Henderson, Monona – For celebrating their 50th wedding anniversary.
- 1998\536 Mildred Wellman, Elkader – For celebrating her 80th birthday.
- 1998\537 Rose and John Galitz, DeWitt – For celebrating their 50th wedding anniversary.
- 1998\538 Maud and Leatha James, Clinton – For celebrating their 50th wedding anniversary.
- 1998\539 Frederick and Doris Kube, Elvira – For celebrating their 50th wedding anniversary.
- 1998\540 Mae and Clifford Neubauer, Clinton – For celebrating their 50th wedding anniversary.
- 1998\541 Eric C. Prosis, Davenport – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\542 Clarence Michael, Hazelton – For celebrating his 90th birthday.
- 1998\543 Gladys Richardson, Aurora – For her outstanding involvement and service to the education program at the East Buchanan School District.
- 1998\544 Kaye Frazer, Oelwein – For her 50 years of journalism at the Oelwein Daily Register.
- 1998\545 Berniece Clark, Independence – For celebrating her 90th birthday.
- 1998\546 John and Icil Jensen, Winthrop – For celebrating their 50th wedding anniversary.
- 1998\547 Frank and Eileen Egloff, Lamont – For celebrating their 50th wedding anniversary.
- 1998\548 Dean and Susie Young, Indianola – For celebrating their 50th wedding anniversary.
- 1998\549 Jamie Jo Haidisiak, Mt. Ayr Community High School – For being named F.F.A. South Central District Star Farmer.

- 1998\550 Andy Martin, Lamoni - For being named F.F.A. State Star in Agribusiness.
- 1998\551 Bill and Maxine Noble, Prairie City - For celebrating their 50th wedding anniversary.
- 1998\552 Leo and Norma Brubaker, Prairie City - For celebrating their 60th wedding anniversary.
- 1998\553 Christine Hrnecirik, Hiawatha - For receiving the Girl Scout Gold Award, the highest honor in Girl Scouts.
- 1998\554 Jim and Ruth Kallevang, Cresco - For celebrating their 60th wedding anniversary.
- 1998\555 Bob and Lanore Rodamaker, Ionia - For celebrating their 50th wedding anniversary.
- 1998\556 Edmund and Edith Stika, Cresco - For celebrating their 50th wedding anniversary.
- 1998\557 Dewey Sparrgrove, Cedar Rapids - For celebrating his 80th birthday.
- 1998\558 Elizabeth Anna Oppert, Dubuque - For being named Best Of The Class by the University of Iowa and KWWL.
- 1998\559 Kate Cooper, Dubuque - For being named Best Of The Class by the University of Iowa and KWWL.
- 1998\560 Andy Branan, Villisca - For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\561 Darlene and Leon Nus, Fairbank - For celebrating their 50th wedding anniversary.
- 1998\562 Ernest Kress, Quasqueton - For his 33 years with the Quasqueton Volunteer Fire Department.
- 1998\563 Grace Brown, Lenox - For celebrating her 95th birthday.
- 1998\564 Eric Chase Person, Batavia - For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\565 Phyllis and George Moser, Corydon - for celebrating their 50th wedding anniversary.
- 1998\566 George and Nadine Birlingmair, Humeston - For celebrating their 50th wedding anniversary.
- 1998\567 Wayne and Dorothy Keeler, Weldon - For celebrating their 60th wedding anniversary.
- 1998\568 Betty and Darrell Delong, Osceola - For celebrating their 50th wedding anniversary.

- 1998\569 Marcus and Florence Dittmer, Newton – For celebrating their 50th wedding anniversary.
- 1998\570 Jessica Halvorson, Waterloo – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 1998\571 Cecil Stevens, Hudson – For celebrating her 100th birthday.
- 1998\572 Allan and Irene Campagna, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 1998\573 Eileen Masden, Fairfield – For celebrating her 90th birthday.
- 1998\574 Gladys Soules, Oelwein – For celebrating her 101st birthday.
- 1998\575 Lena Sonnenberg, Oelwein – For celebrating her 101st birthday.
- 1998\576 Ethel Keig, Oelwein – For celebrating her 100th birthday.
- 1998\577 Margaret McSweeny, Oelwein – For celebrating her 100th birthday.
- 1998\578 Kimberly Kane, Oelwein – For “Best of the Class” as outstanding high school senior.
- 1998\579 Adam Oline, Independence – For “Best of Class” as outstanding high school senior.
- 1998\580 Nicole Aarhus, Fairbank – For “Best of Class” as outstanding high school seniors.
- 1998\581 Paul and Wilene Sanders, Osceola – For celebrating their 50th wedding anniversary.
- 1998\582 Wayne and Elsimae Mochal, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 1998\583 James and Marie Cada, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 1998\584 Ruby Fry, Lockridge – For celebrating her 90th birthday.
- 1998\585 Russell Lewis, Dubuque – For being named Best Of The Class by the University of Iowa and KWWL.
- 1998\586 Elizabeth Koch, Dubuque – For being named Best Of The Class by the University of Iowa and KWWL.
- 1998\587 Isa McDonough, Davenport – For celebrating her 90th birthday.
- 1998\588 Velma Matthews, Davenport – For celebrating her 90th birthday.
- 1998\589 Amy Woodsmall, Mt. Pleasant – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.

- 1998\590 Rebecca See, Mt. Pleasant - For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 1998\591 Meredith Morin, Mt. Pleasant - For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 1998\592 Beulah Reimer, Elkader - For celebrating her 90th birthday.
- 1998\593 Maggie Schmelzer, Guttenberg - For celebrating her 88th birthday.
- 1998\594 Leallen Knox, Wadena - For celebrating her 84th birthday.
- 1998\595 Don and Eva Reeder, Elgin - For celebrating their 50th wedding anniversary.
- 1998\596 Carrol and Marilyn Berns, Elkader - For celebrating their 50th wedding anniversary.
- 1998\597 Gene and Mildred Bennington, Fayette - For celebrating their 60th wedding anniversary.
- 1998\598 Eugene and Hida Horstman, Guttenberg - For celebrating their 50th wedding anniversary.
- 1998\599 Arlene Gerlach, Edgewood - For celebrating her 80th birthday.
- 1998\600 Harry and Virginia Hooper, Fairfield - For celebrating their 55th wedding anniversary.
- 1998\601 Leslie Marshall, Harmony High School - For being selected a State of Iowa Scholar.
- 1998\602 Casey Wilmesmeier, Harmony High School - For being selected a State of Iowa Scholar.
- 1998\603 Irene Slach, Lisbon - For celebrating her 80th birthday.
- 1998\604 Don and Mary Davis, Clinton - For celebrating their 50th wedding anniversary.
- 1998\605 Ann and Jim Losinski, Clinton - For celebrating their 50th wedding anniversary.
- 1998\606 Gene and Irma Andersen, Clinton - For celebrating their 50th wedding anniversary.
- 1998\607 Bill and Margaret McDermott, DeWitt - For celebrating their 50th wedding anniversary.
- 1998\608 Laverne and Elizabeth Laschanzky, DeWitt - For celebrating their 50th wedding anniversary.
- 1998\609 Scott M. Ross, Doon - For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 1998\610 Koos Bolkema, Sheldon – For celebrating his 90th birthday.
- 1998\611 Kit Schroeder, Salem – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\612 Maurine Olson, Oelwein – For celebrating her 93rd birthday.
- 1998\613 Richard Brickman, Oelwein – For celebrating his 85th birthday.
- 1998\614 Mildred Lappe-Wiediger, Independence – For celebrating her 80th birthday.
- 1998\615 Donald and Millie Mitchell, Independence – For celebrating their 50th wedding anniversary.
- 1998\616 Fred and Delma Bowden, Lamont – For celebrating their 62nd wedding anniversary.
- 1998\617 Dean and Marie Allen, Fairbank – For celebrating their 50th wedding anniversary.
- 1998\618 Leo and Anna Mae Dolan, Winthrop – For celebrating their 50th wedding anniversary.
- 1998\619 Wesley R. Hepker, Quasqueton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\620 Eric Larimer, Oelwein – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\621 Gerald and Verda Palas, Farmersburg – For celebrating their 50th wedding anniversary.
- 1998\622 Michele Archibald, Van Buren High School – For being selected a State of Iowa Scholar.
- 1998\623 Rose Ceynar, Cedar Rapids – For celebrating her 80th birthday.
- 1998\624 Edna Mae Sila, Cedar Rapids – For celebrating her 96th birthday.
- 1998\625 Everett and Lorraine Spidle, Ely – For celebrating their 50th wedding anniversary.
- 1998\626 Wayne and Eva Kriegermeier, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 1998\627 Joseph and Pauline Novotny, Swisher – For celebrating their 50th wedding anniversary.
- 1998\628 Nikki Nelson, Mt. Vernon – For winning the long jump, 200 and 400 meter run, and anchoring the winning sprint medley relay at the 1998 Class 2-A Girls' State Track Meet; and being the eighth girl in Iowa Girls' Track history to win four-state championship events.

- 1998\629 Louis and Beverly Frahm, Newton – For celebrating their 50th wedding anniversary.
- 1998\630 Oscar and Pat House, Newton – For celebrating their 50th wedding anniversary.
- 1998\631 Brooke Ennen, Muscatine – For being a gold medal winner for discus at the 1998 Girls' State Track.
- 1998\632 Josh McCarty, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1998\633 Nathan Mather, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

COMMITTEE TO NOTIFY THE GOVERNOR

Siegrist of Pottawattamie moved that a committee of two be appointed to notify the Governor that the House was ready to adjourn in accordance with Senate Concurrent Resolution 122, duly adopted.

The motion prevailed and the Speaker appointed as such committee Van Maanen of Marion and Murphy of Dubuque.

COMMITTEE TO NOTIFY THE SENATE

Siegrist of Pottawattamie moved that a committee of two be appointed to notify the Senate that the House was ready to adjourn in accordance with the Senate Concurrent Resolution 122, duly adopted.

The motion prevailed and the Speaker appointed as such committee Millage of Scott and Connors of Polk.

COMMITTEE FROM THE SENATE

The committee from the Senate appeared and notified the House that the Senate was ready to adjourn.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

The committee appointed to notify the Senate that the House was ready to adjourn returned and reported it had performed its duty.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

The committee to notify the Governor that the House was ready to adjourn returned and reported it had performed its duty and that the governor had sent the following message:

COMMUNICATION FROM THE GOVERNOR

The Honorable Ron Corbett
Speaker of the House
State Capitol building
L O C A L

Dear Madam President & Mr. Speaker:

The 1998 session of the Iowa General Assembly took significant steps to improve the lives of Iowans in the areas of tax reduction, value-added agriculture, public safety and victims' rights. However, more work must be done yet this year to move the state's schools from adequacy to excellence and better prepare our children for the demands of the 21st Century.

I am pleased that 1998 is the fourth consecutive year in which substantial tax reductions occurred. Increasing the pension tax exemption to \$5,000 per individual and \$10,000 on a joint return will help Iowa keep more of the retired citizens who contribute significantly to their communities through volunteer, philanthropic and leadership efforts. Eliminating the sales tax on hospital equipment will also benefit our communities. Parents who make the financial sacrifice to send their children to non-public schools will benefit from an increase in the tuition tax credit from 10 percent to 25 percent with the maximum credit per child increasing from \$100 to \$250. This credit was also expanded to fees paid by parents of public schoolchildren.

Eliminating the capital gains tax on the sale of farms and businesses to lineal descendants will encourage the movement of property and assets to the next generation with the energy, incentive and desire to invest in the state's future. Passage of my proposed \$25 million Agrifutures Fund will support the new investments needed to enable Iowa to lead the world in responsible produced food and value-added agricultural products.

We have taken critical steps to deal with sexual predators by strengthening the Sex Offender Registry, permitting involuntary civil commitment for sexually violent predators and authorizing sex drive reduction hormone treatments to deter repeat sexual offenses. Enactment of the graduated driver's license is a landmark measure to make Iowa's streets and highways safer, preventing the loss of lives and many injuries each year. Iowa teens will benefit from a three-tiered approach to ease them into today's challenging traffic environment.

Workplace drug testing, enacted after many attempts over the years, is a turning point in addressing substance abuse in Iowa. While giving private employers greater freedom to test and discipline workers for substance abuse, the legislation also establishes alcohol and drug awareness programs to assist employees in the workplace and protects others who could be injured or killed because of drug-related incidents.

I am pleased with the gains we have made with early childhood education and health insurance for children. In partnership with communities, this effort will deliver the multitude of programs designed to improve the well being of children and families. Healthy and Well Kids in Iowa will extend health insurance coverage to approximately 55,000 children.

The General Assembly also is to be commended for taking the needed first step toward constitutional limits on taxes and spending, leading the way for the next General Assembly to place the amendment on the ballot in the year 2000.

The progress made on these many fronts was tempered by the continued need to reform Iowa's education system. Better teacher preparation, paying good teachers

more for teaching well and requiring all-day, everyday kindergarten in all Iowa school districts are steps that are needed to prepare Iowa's schools for the 21st Century. For the sake of Iowa's children, we must continue to work to achieve an agreement on a stronger education reform initiative this year.

Sincerely,
Terry E. Branstad
Governor

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 122, duly adopted, the day of April 22, 1998 having arrived, the Speaker of the House of Representatives declared the 1998 Regular Session of the Seventy-seventh General Assembly adjourned sine die.

AMENDMENTS FILED

Amendments filed during the Seventy-seventh General Assembly, 1998 Session, not otherwise printed in the House Journal:

H-8004

- 1 Amend House File 2023 as follows:
- 2 1. Page 1, line 12, by striking the words
- 3 "special paper" and inserting the following: "large
- 4 print ballot or a braille".
- 5 2. Page 1, line 32, by striking the words
- 6 "special paper" and inserting the following: "large
- 7 print ballot or a braille".
- 8 3. Page 1, line 33, by striking the word "The".
- 9 4. By striking page 1, line 34, through page 2,
- 10 line 1, and inserting the following: "Large print
- 11 ballots shall be printed in capital letters of uniform
- 12 size in not less than fourteen point type. The
- 13 written request shall specify whether the".
- 14 5. Page 2, by striking line 6, and inserting the
- 15 following: "large print ballot or the braille ballot
- 16 is requested. The ballot".
- 17 6. Page 2, line 18, by striking the words "special
- 18 absentee" and inserting the following: "large print
- 19 ballot or a braille".
- 20 7. Page 2, line 19, by striking the words
- 21 "special absentee".
- 22 8. Page 3, line 1, by striking the word "special"
- 23 and inserting the following: "large print absentee
- 24 ballot or a braille".
- 25 9. Page 3, line 6, by striking the words "special
- 26 absentee".
- 27 10. Page 3, line 13, by striking the words
- 28 "special absentee" and inserting the following:
- 29 "large print ballot or a braille".

CHAPMAN of Linn

H-8006

- 1 Amend the Senate amendment, H-8002, to House File
- 2 8, as amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 16 and 17.

KREIMAN of Davis

H-8007

- 1 Amend House File 2096 as follows:
- 2 1. Page 1, line 32, by inserting before the words
- 3 "A person" the following: "Civil penalties collected

4 pursuant to this subsection shall be deposited into
 5 the anhydrous ammonia equipment security fund created
 6 in section 200.23.”

7 2. Page 2, by inserting after line 2, the
 8 following:

9 “Sec. ____ NEW SECTION. 200.23 ANHYDROUS AMMONIA
 10 EQUIPMENT SECURITY AND SITE CLEANUP FUND.

11 1. As used in this section, “alliance” means the
 12 governor’s alliance on substance abuse.

13 2. An anhydrous ammonia equipment security fund is.
 14 created in the state treasury under the control of the
 15 head of the alliance. The fund is composed of any
 16 moneys appropriated by the general assembly and of any
 17 other moneys available to and obtained or accepted by
 18 the alliance from the federal government or private
 19 sources for placement in the fund. Civil penalties
 20 collected for violations of section 200.14 shall be
 21 deposited into the fund. Proceeds from forfeited
 22 property shall be deposited into the fund as provided
 23 in section 809A.17.

24 3. Moneys in the fund are subject to an annual
 25 audit by the auditor of state. The fund is subject to
 26 warrants written by the director of revenue and
 27 finance, drawn upon the written requisition of the
 28 head of the alliance.

29 4. Section 8.33 shall not apply to moneys in the
 30 fund. Notwithstanding section 12C.7, moneys earned as
 31 income, including as interest, from moneys in the fund
 32 shall remain in the fund until expended as provided in
 33 this section. The alliance shall not in any manner
 34 directly or indirectly pledge the credit of the state.

35 5. Moneys in the fund shall be used for the
 36 following purposes:

37 a. To assist owners of anhydrous ammonia equipment
 38 in purchasing or installing devices necessary to
 39 secure the equipment from intentional tampering,
 40 including locks, lights, or fencing, according to
 41 requirements established by the alliance in
 42 cooperation with the department of public safety.

43 b. To reimburse counties for costs associated with
 44 cleaning up clandestine laboratory sites as defined in
 45 section 124C.1.

46 The moneys in the fund may be used on a cost-share
 47 basis as determined practical by the alliance.

48 Sec. ____ Section 809A.17, subsection 5, Code
 49 1997, is amended by adding the following new
 50 paragraph:

Page 2

1 NEW PARAGRAPH. e. Forfeited property used in
 2 connection with a violation of section 200.14 shall be
 3 deposited with the department of public safety to be

4 disposed of in accordance with the rules of the
 5 department. However, the department shall distribute
 6 not more than one thousand five hundred dollars per
 7 forfeiture to the anhydrous ammonia equipment security
 8 fund created pursuant to section 200.23. The
 9 department may dispose of the property by a
 10 commercially reasonable public sale in order to carry
 11 out this paragraph.”
 12 3. Title page, line 4, by inserting after the
 13 word “ammonia,” the following: “providing for the
 14 allocation of moneys to support security needs and the
 15 cleanup of clandestine laboratory sites,”.

KREIMAN of Davis

H-8009

1 Amend House File 2097 as follows:
 2 1. Page 1, by striking lines 16 through 20 and
 3 inserting the following: “let prior to March 1, 1998
 4 1999. Any balance remaining unobligated or unexpended
 5 on June 30, 1999, shall be transferred to the
 6 agricultural management account of the groundwater
 7 protection fund created in section 455E.11. Moneys
 8 deposited in that account under this section shall be
 9 allocated to the department of agriculture and land
 10 stewardship for cost-share assistance for the
 11 following programs:
 12 To reimburse owners of agricultural drainage wells
 13 and surface water intakes which drain into
 14 agricultural drainage wells for up to seventy-five
 15 percent of the costs incurred after May 29, 1997, to
 16 prevent surface water drainage into agricultural
 17 drainage wells as required pursuant to section 455I.2.
 18 To reimburse individual owners and users of
 19 agricultural drainage wells for up to seventy-five
 20 percent of the costs incurred after May 29, 1997, to
 21 close agricultural drainage wells and to connect
 22 drainage systems which are tributary to the drainage
 23 wells to alternative drainage outlets as required
 24 pursuant to section 455I.3.”
 25 2. By renumbering as necessary.

MERTZ of Kossuth

H-8012

1 Amend House File 517 as follows:
 2 1. Page 1, line 1, by inserting after the word
 3 “Code” the following: “Supplement”.

Committee on Local Government

H-8016

- 1 Amend House File 2096 as follows:
- 2 1. Page 2, by inserting after line 2, the
- 3 following:
- 4 "Sec. ____ Section 809A.14, subsection 7, Code
- 5 1997, is amended by adding the following new paragraph
- 6 and relettering subsequent paragraphs:
- 7 NEW PARAGRAPH. a. Forfeited property used in
- 8 connection with a violation of section 200.14 shall be
- 9 first used to satisfy the civil penalty imposed upon
- 10 the person as provided in section 200.18."
- 11 2. By renumbering as necessary.

KREIMAN of Davis

H-8018

- 1 Amend House File 2107 as follows:
- 2 1. Page 2, line 27, by striking the word "two"
- 3 and inserting the following: "four".

RICHARDSON of Warren

H-8020

- 1 Amend Senate File 2082, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 4, the
- 4 following:
- 5 "Sec. ____ Section 809A.14, subsection 7, Code
- 6 1997, is amended by adding the following new paragraph
- 7 and relettering subsequent paragraphs:
- 8 NEW PARAGRAPH. a. Forfeited property used in
- 9 connection with a violation of section 200.14 shall be
- 10 first used to satisfy the civil penalty imposed upon
- 11 the person as provided in section 200.18."
- 12 2. By renumbering as necessary.

KREIMAN of Davis

H-8022

- 1 Amend House File 358 as follows:
- 2 1. Page 1, line 1, by inserting after the word
- 3 "Code" the following: "Supplement".
- 4 2. Page 1, by striking lines 3 and 4 and
- 5 inserting the following:
- 6 "NEW SUBSECTION. 22. Establish that an individual
- 7 is ineligible to apply for or receive an award of a".
- 8 3. By striking page 1, line 35, through page 2,
- 9 line 2, and inserting the following: "student is
- 10 ineligible to apply for or receive a state-sponsored

- 11 loan, grant, or scholarship until the student submits
 12 a".
- 13 4. Page 2, line 11, by inserting after the word
 14 "Code" the following: "Supplement".
- 15 5. Page 2, by striking lines 13 through 15 and
 16 inserting the following:
 17 "NEW SUBSECTION. 30. Require the institutions of
 18 higher learning under its control to designate an
 19 individual ineligible to apply for or receive a state-
 20 supported".
- 21 6. Page 3, line 11, by striking the word
 22 "institution".
- 23 7. By striking page 3, lines 12 through 14 and
 24 inserting the following: "student is ineligible to
 25 apply for or receive a state-supported loan, grant, or
 26 scholarship until the student submits a statement
 27 certifying that".
- 28 8. Title page, line 2, by striking the words "for
 29 enrollment, and".
- 30 9. Title page, line 3, by striking the word
 31 "aid," and inserting the following: "aid".

Committee on Education

H-8023

- 1 Amend House File 2024 as follows:
- 2 1. Page 1, line 14, by striking the words
 3 "computer systems analyst" and inserting the
 4 following: "instructional technology network
 5 specialist, and the individual employed in the
 6 position has experience with network topology and the
 7 capability to design, implement, or maintain a wide
 8 area network or local area network and otherwise
 9 integrate technologies into the classroom".
- 10 2. Title page, line 2, by striking the words
 11 "computer systems analyst" and inserting the
 12 following: "instructional technology network
 13 specialist".

Committee on Education

H-8024

- 1 Amend House File 2167 as follows:
- 2 1. Page 1, line 21, by inserting after the word
 3 "chapter." the following: "The corporation shall only
 4 perform functions authorized by the general assembly
 5 by law."
- 6 2. Page 2, by striking lines 21 through 22 and
 7 inserting the following: "and provisions of this
 8 Act."

WEIGEL of Chickasaw

H-8025

- 1 Amend Senate File 492, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "imposed." the following: "The representative, in
- 5 ascertaining any relevant information concerning the
- 6 claims, shall obtain and make available to all parties
- 7 all relevant information from the employer that the
- 8 claimant indicates is necessary to meet the claimant's
- 9 burden as required under this subsection."

TAYLOR of Linn

H-8026

- 1 Amend House File 2125 as follows:
- 2 1. Page 1, by inserting after line 20 the
- 3 following:
- 4 "d. The qualified event is conducted within the
- 5 area of responsibility that is specified in the motor
- 6 vehicle dealer's contract with the manufacturer or
- 7 distributor."

WARNSTADT of Woodbury
 WELTER of Jones
 CHIODO of Polk
 RANTS of Woodbury

H-8037

- 1 Amend House File 2130 as follows:
- 2 1. Page 1, line 25, by striking the word "six"
- 3 and inserting the following: "four".

Committee on Education

H-8039

- 1 Amend Senate File 492, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "imposed." the following: "The employer shall obtain
- 5 and make available to the claimant all relevant
- 6 information from the employer that the claimant
- 7 indicates is necessary to meet the claimant's burden
- 8 as required under this subsection."

DOTZLER of Black Hawk

H-8042

- 1 Amend House File 2039 as follows:
- 2 1. Page 1, by inserting after line 10 the

3 following:

4 "Sec. ____ Section 403A.10, Code 1997, is amended.
5 to read as follows:

6 **403A.10 TAX EXEMPTION AND PAYMENTS IN LIEU OF**
7 **TAXES.**

8 The property acquired or held pursuant to this
9 chapter is declared to be public property used
10 exclusively for essential city, or municipal public
11 and governmental purposes and ~~such~~ this property is
12 ~~hereby declared to be exempt from all taxes and~~
13 special assessments of the state or of any state
14 public body. In lieu of taxes on ~~such~~ this property a
15 municipality together with any cooperating
16 municipality or nonprofit housing corporation may
17 agree to make payments to the state or a state public
18 body, (including itself) the municipality, as it finds
19 consistent with the maintenance of the low-rent
20 character of housing projects and the achievement of
21 the purposes of this chapter.

22 Sec. ____ Section 403A.27, Code 1997, is amended
23 to read as follows:

24 **403A.27 PERCENTAGE OF RENT AS TAXES.**

25 ~~Any provision of this chapter notwithstanding, no~~
26 Except as to projects where the municipality, or the
27 municipality and any cooperating municipality or
28 nonprofit housing corporation, as entered into an
29 agreement in lieu of taxes as provided in section
30 403A.10, and except as to the use of dwelling units in
31 existing structures leased from private owners, a
32 housing project shall not be approved unless as a
33 condition at least ~~ten~~ four percent but not more than
34 six percent of all rents and supplemental rental aid
35 shall be paid annually as taxes to the office of the
36 treasurer in the respective county in which ~~said~~ the
37 project is located, ~~except as to the use of dwelling~~
38 ~~units in existing structures leased from private~~
39 ~~owners.~~

40 Sec. ____ Section 427.1, subsection 21, Code
41 Supplement 1997, is amended to read as follows:
42 21. **LOW-RENT HOUSING.** The property owned and
43 operated by a nonprofit organization providing low-
44 rent housing for persons who are elderly, lower-income
45 families as defined in section 403A.2, and persons
46 with physical and mental disabilities. The exemption
47 granted under ~~the provisions of~~ this subsection shall
48 apply only until the terms of the original, refunding
49 or rehabilitation low-rent housing development
50 mortgage, from any source, is paid in full or expires,

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1 subject to the provisions of subsection 14.

2 Sec. ____ This Act, being deemed of immediate

3 importance, takes effect upon enactment.”
4 2. Title page, line 3, by inserting after the
5 word “law” the following: “, property tax exemption
6 and payments in lieu of taxes for low-rent housing
7 projects, and providing an effective date provision”.

CHAPMAN of Linn

H-8044

1 Amend House Concurrent Resolution 106 as follows:
2 1. Page 2, by striking line 10 and inserting the
3 following: “Resolution be sent by the Chief Clerk of
4 the House of Representatives to”.

DODERER of Johnson

H-8049

1 Amend House File 2089 as follows:
2 1. Page 1, by striking lines 3 through 30 and
3 inserting the following:
4 “306.23 NOTICE – PREFERENCE OF SALE.
5 1. The agency in control of a tract, parcel, or
6 piece of land, or part thereof, which is unused right-
7 of-way shall send by certified mail to the last known
8 address of the present owner or owners of adjacent
9 land from which the tract, parcel, piece of land, or
10 part thereof, was originally purchased or condemned
11 for highway purposes, and to the person who owned the
12 land at the time it was purchased or condemned for
13 highway purposes, notice of the agency’s intent to
14 sell the land, the name and address of any other
15 person to whom a notice was sent, and the fair market
16 value of the real property based upon an appraisal by
17 an independent appraiser.
18 2. The notice shall give an opportunity to the
19 present owner of adjacent property and to the person
20 who owned the land at the time it was purchased or
21 condemned for highway purposes to be heard and make
22 offers within sixty days of the date the notice is
23 mailed for the tract, parcel, or piece of land to be
24 sold. As If the person who owned the land at the time
25 it was purchased or condemned for highway purposes
26 makes an offer which equals or exceeds in amount any
27 other offer received and which equals or exceeds the
28 fair market value of the property, the person shall be
29 given preference by the agency in control of the land.
30 If the person who owned the land at the time it was
31 purchased or condemned for highway purposes makes no
32 offer within sixty days or if the offer does not equal
33 or exceed the fair market value of the land, and a
34 present owner of adjacent property makes an offer

35 which equals or exceeds in amount any other offer
 36 received and which equals or exceeds the fair market
 37 value of the property, then the present owner making
 38 the offer shall be given preference by the agency in
 39 control of the land. If no offers are received within
 40 sixty days or if no offer equals or exceeds the fair
 41 market value of the land, the agency shall transfer
 42 the land for a public purpose or proceed with the sale
 43 of the property.

44 3. For the purposes of this section, "public
 45 purpose" means the transfer to a state agency or a
 46 city, county, or other political subdivision for a
 47 public purpose.

48 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
 49 immediate importance, takes effect upon enactment."

50 2. Title page, line 3, by inserting after the

Page 2

1 word "property" the following: "and providing an
 2 effective date".

Committee on Local Government

H-8056

1 Amend House File 424 as follows:

2 1. Page 4, line 4, by striking the figure "1997"
 3 and inserting the following: "1998".

4 2. Page 4, line 5, by striking the figure "1998"
 5 and inserting the following: "1999".

6 3. Page 4, line 10, by striking the figure "1997"
 7 and inserting the following: "1998".

Committee on State Government

H-8057

1 Amend the Committee amendment, H-8031, to Senate
 2 File 316, as passed by the Senate, as follows:

3 1. Page 1, by striking lines 14 and 15 and
 4 inserting the following:

5 "Sec. ____ Section 400.8, subsections 2 and 3,
 6 Code 1997, are amended to read as follows:

7 2. The commission shall establish the guidelines
 8 for conducting the examinations under subsection 1 of
 9 this section. It may prepare and administer the
 10 examinations or may hire persons with expertise to do
 11 so if the commission approves the examinations. It
 12 may also hire persons with expertise to consult in the
 13 preparation of such examinations if the persons so
 14 hired are employed to aid personnel of the commission
 15 in assuring that a fair examination is conducted. A

16 fair examination shall explore the competence of the
 17 applicant in the particular field of examination. A
 18 police patrol officer shall enroll at the Iowa law
 19 enforcement academy or at another approved training
 20 course within twelve months of employment and shall
 21 complete the certifying courses of study within one
 22 hundred eighty days after enrollment." "
 23 2. Page 2, by striking lines 8 through 10 and
 24 inserting the following:
 25 "____. Title page, by striking line 1 and
 26 inserting the following: "An Act relating to the
 27 training and probationary periods for certain law
 28 enforcement officers." "

BRAUNS of Muscatine

H-8058

1 Amend House File 2259 as follows:
 2 1. Page 2, by inserting after line 2 the
 3 following:
 4 "Sec. ____ Section 185C.27, Code 1997, is amended
 5 to read as follows:
 6 185C.27 REFUND OF ASSESSMENT.
 7 A producer who has sold corn and had a state
 8 assessment deducted from the sale price, by
 9 application in writing to the board, may secure a
 10 refund in the amount deducted. The refund shall be
 11 payable only when the application shall have been made
 12 to the board within ~~sixty one~~ one hundred eighty days
 13 after the deduction. Application forms shall be given
 14 by the board to each first purchaser when requested
 15 and the first purchaser shall make the applications
 16 available to any producer. Each application for
 17 refund by a producer shall have attached to the
 18 application proof of the assessment deducted. The
 19 proof of assessment may be in the form of a duplicate
 20 or certified copy of the purchase invoice by the first
 21 purchaser. The board shall have thirty days from the
 22 date the application for refund is received to remit
 23 the refund to the producer. The board may provide for
 24 refunds of a federal assessment as provided by federal
 25 law. Unless inconsistent with federal law, refunds
 26 shall be made under section 185C.26."
 27 2. By renumbering as necessary.

KOENIGS of Mitchell
 DREES of Carroll

H-8059

1 Amend House File 2212 as follows:
 2 1. Page 1, by striking lines 10 through 19 and

- 3 inserting the following: "fund for ~~the purposes of~~
4 funding the following:
5 a. Providers of emergency shelter services and
6 support services to victims of domestic abuse or
7 sexual assault pursuant to section 236.15 and for the
8 award of funds to programs.
9 b. Programs that provide services and support to
10 victims of domestic abuse or sexual assault as
11 provided in chapter 236.
12 c. Programs of local anticrime organizations, as
13 defined in section 910.1, to the extent that funds are
14 available from federal defendants ordered to pay
15 restitution under 18 U.S.C. § 3663(c)."
16 2. By renumbering as necessary.

CHAPMAN of Linn

H-8066

- 1 Amend House File 2268 as follows:
2 1. Page 1, by inserting after line 19, the
3 following:
4 "aa. "Pharmaceutical care" means a comprehensive,
5 patient-centered, outcomes-oriented pharmacy practice
6 that requires the pharmacist to accept responsibility
7 for assisting the patient in managing the patient's
8 drug therapy plan. "Pharmaceutical care includes all
9 of the following:
10 (1) The pharmacist working in concert with the
11 patient and the patient's other health care providers
12 to promote health, to prevent disease, and to assess,
13 monitor, implement, and modify medication use to
14 ensure that drug therapy regimens are safe and
15 effective.
16 (2) The pharmacist identifying, resolving, and
17 preventing potential drug therapy problems.
18 (3) The pharmacist accessing and evaluating
19 patient specific information and utilizing that
20 information in a plan of therapy that is understood by
21 and acceptable to the patient or, when applicable, the
22 patient's caregiver.
23 (4) The pharmacist, in concert with the patient
24 and the patient's other healthcare providers,
25 reviewing, monitoring, and modifying the drug therapy
26 plan as necessary.
27 2. Page 1, line 28, by inserting after the word
28 "health" the following: ", and reasonable
29 compensation for pharmaceutical care services".
30 3. Page 3, by inserting after line 10, the
31 following:
32 "i. A provision to ensure that eligible persons
33 have pharmaceutical care services, when appropriate."
34 4. By renumbering as necessary.

OSTERHAUS of Jackson

H-8067

1 Amend Senate File 429, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 25 the
4 following:

5 "Sec. ____ NEW SECTION. 462A.9A WATERCRAFT
6 SAFETY COURSES - CERTIFICATION REQUIRED.

7 1. The department shall establish a personal
8 watercraft safety course approved by the commission
9 not later than January 15, 1999. The personal
10 watercraft safety course shall be administered by the
11 department and shall be taught in at least twelve
12 counties commencing January 15, 1999. Each person who
13 successfully completes an approved personal watercraft
14 safety course shall be issued a personal watercraft
15 safety certificate.

16 2. Not later than January 15, 2001, the department
17 shall establish a watercraft safety course approved by
18 the commission. The watercraft safety course shall
19 include all watercraft including personal watercraft
20 in its curriculum and shall be taught in at least one-
21 half of the counties of this state. Each person who
22 successfully completes an approved personal watercraft
23 safety course shall be issued a watercraft safety
24 certificate."

25 2. Page 1, line 30, by striking the word
26 "eighteen" and inserting the following: "sixteen".

27 3. Page 2, by striking lines 6 through 17 and
28 inserting the following:

29 "Sec. ____ Section 462A.12, subsection 6, Code
30 1997, is amended by striking the subsection and
31 inserting in lieu thereof the following:

32 6. a. An owner or operator of any vessel
33 propelled by a motor of more than six horsepower shall
34 not permit any person under twelve years of age to
35 operate the vessel unless accompanied by a responsible
36 person of at least eighteen years of age. However,
37 commencing May 18, 2001, a person who is twelve years
38 of age or older but less than sixteen years of age
39 shall not operate any vessel propelled by a motor of
40 more than six horsepower unless accompanied by a
41 responsible person of at least eighteen years of age
42 or unless the person under sixteen years of age has
43 successfully completed an approved watercraft safety
44 course.

45 b. After May 18, 1999, an owner or operator of a
46 personal watercraft shall not permit any person who is
47 under sixteen years of age to operate a personal
48 watercraft unless accompanied by a responsible person
49 of at least eighteen years of age or unless the person
50 under sixteen years of age has successfully completed

Page 2

- 1 an approved personal watercraft safety course.”
 2 4. Page 2, line 26, by striking the word “eight”
 3 and inserting the following: “seven”.
 4 5. Page 3, by striking lines 18 through 23 and
 5 inserting the following: “subparagraph (2), Code
 6 1997, is amended by striking the subparagraph and
 7 inserting in lieu thereof the following:
 8 (2) Motorboats or personal watercraft shall
 9 maintain a minimum passing or meeting distance of
 10 fifty feet when both vessels are traveling at speeds
 11 greater than five miles per hour in rivers or streams
 12 of this state except the Mississippi and Missouri
 13 rivers. The minimum passing or meeting distance of
 14 one hundred feet shall be maintained by vessels
 15 traveling at speeds over five miles per hour on the
 16 Mississippi or Missouri rivers and other waters of the
 17 state.”

Committee on Natural Resources

H-8068

- 1 Amend House File 2026 as follows:
 2 1. Page 1, line 21, by inserting after the word
 3 “pain,” the following: “are at-risk of becoming a
 4 substance abuser or have been identified as a
 5 substance abuser.”
 6 2. Page 1, by inserting after line 33 the
 7 following:
 8 “c. Preparation for accelerating the achievement
 9 growth of students through the use of learning
 10 techniques that shall include, but are not limited to,
 11 reading instruction in phonics.”
 12 3. By renumbering as necessary.

Committee on Education

H-8072

- 1 Amend House File 2282 as follows:
 2 1. Page 8, by inserting after line 20 the
 3 following:
 4 “Sec. ____ NEW SECTION. 422E.6 STATE MATCHING
 5 FUND.
 6 1. There is appropriated from the rebuild Iowa
 7 infrastructure fund created in section 8.57,
 8 subsection 5, to the department of revenue and
 9 finance, an amount sufficient to match with one dollar
 10 of state funding each dollar of local option sales tax
 11 for school infrastructure purposes collected in a
 12 county which has imposed the tax pursuant to section

13 422E.2. The appropriated funds shall be allocated to
 14 a school district, or school districts, within a
 15 county having imposed the tax with an actual
 16 enrollment count per school district of less than, or
 17 equal to, two thousand pupils. School districts with
 18 an actual enrollment of greater than two thousand
 19 pupils shall not be eligible for receipt of state
 20 matching funds. The funds shall be allocated by the
 21 director of revenue and finance in the same manner
 22 that the local option sales tax for school
 23 infrastructure receipts are allocated pursuant to
 24 section 422E.3, subsection 5, and shall be deposited
 25 into the account within the county's local sales and
 26 services tax fund maintained in the name of the school
 27 district or school districts, as provided in section
 28 422E.3, subsection 4.

29 2. The state match shall continue for the school
 30 district or school districts within a county until the
 31 repeal of the local option sales tax for school
 32 infrastructure purposes for that county. The funds
 33 shall be utilized solely for school infrastructure
 34 purposes as defined in section 422E.1, subsection 3."

35 2. Title page, line 4, by inserting after the
 36 word "providing" the following: "an appropriation
 37 and".

38 3. By renumbering as necessary.

FALCK of Fayette

H-8073

1 Amend House File 2282 as follows:

2 1. Page 8, by inserting after line 20 the
 3 following:

4 "Sec. . NEW SECTION. 422E.6 STATE MATCHING
 5 FUND.

6 1. There is appropriated from the rebuild Iowa
 7 infrastructure fund created in section 8.57,
 8 subsection 5, to the department of revenue and
 9 finance, an amount sufficient to match with one dollar
 10 of state funding each dollar of local option sales tax
 11 for school infrastructure purposes collected in a
 12 county which has imposed the tax pursuant to section
 13 422E.2. The appropriated funds shall be allocated to
 14 a school district, or school districts, within a
 15 county having imposed the tax by the director of
 16 revenue and finance in the same manner that the local
 17 option sales tax for school infrastructure receipts
 18 are allocated pursuant to section 422E.3, subsection
 19 5, and shall be deposited into the account within the
 20 county's local sales and services tax fund maintained
 21 in the name of the school district or school
 22 districts, as provided in section 422E.3, subsection

23 4.

24 2. The state match shall continue for the school
 25 district or school districts within a county until the
 26 repeal of the local option sales tax for school
 27 infrastructure purposes for that county. The funds
 28 shall be utilized solely for school infrastructure
 29 purposes as defined in section 422E.1, subsection 3."

30 2. Title page, line 4, by inserting after the
 31 word "providing" the following: "an appropriation
 32 and".

33 3. By renumbering as necessary.

FALCK of Fayette

H-8074

1 Amend House File 2339 as follows:

2 1. Page 2, line 24, by inserting after the word
 3 "release." the following: "Any owner or operator with
 4 less than one thousand storage tanks or with a net
 5 worth of less than twenty million dollars shall not
 6 pay a copayment of more than fourteen thousand four
 7 hundred dollars."

FALLON of Polk
SHOULTZ of Black Hawk

H-8077

1 Amend the amendment, H-8022, to House File 358, as
 2 follows:

3 1. Page 1, line 7, by striking the words "apply
 4 for or".

5 2. Page 1, by striking lines 8 through 12 and
 6 inserting the following:

7 "____. By striking page 1, line 9 through page 2,
 8 line 10, and inserting the following: "U.S.C. App.
 9 453, as amended.

10 Sec. ____ Section 261.2, Code 1997, is amended by
 11 adding the following new subsection:

12 NEW SUBSECTION. 15. Adopt rules specifying that
 13 an individual is ineligible to receive a state-
 14 sponsored loan, grant, or scholarship if the
 15 individual is between the ages of eighteen and twenty-
 16 six years of age and has not registered with the
 17 federal selective service system in accordance with
 18 the federal Military Selective Service Act, 50 U.S.C.
 19 App. 453, as amended."

20 3. Page 1, line 19, by striking the words "apply
 21 for or".

22 4. Page 1, by striking lines 21 through 27 and
 23 inserting the following:

24 "____. By striking page 2, line 20, through page

- 25 3, line 22, and inserting the following: "453, as
 26 amended."
 27 ____ Page 3, line 25, by striking the word
 28 "admission" and inserting the following: "state-
 29 sponsored financial aid."
 30 5. Page 1, by striking lines 28 through 31 and
 31 inserting the following:
 32 "____ Title page, by striking lines 2 through 6
 33 and inserting the following: "individuals a
 34 prerequisite for the receipt of state-sponsored,
 35 postsecondary financial aid and providing effective
 36 and applicability dates."
 37 6. By renumbering as necessary.

DOLECHECK of Ringgold
 LORD of Dallas
 FALCK of Fayette

H-8078

- 1 Amend House File 223 as follows:
 2 1. Page 1, by inserting after line 15 the
 3 following:
 4 "Sec. ____ 1998 LANDOWNER - TENANT ANTLERLESS
 5 DEER HUNTING LICENSES. For the 1998 deer hunting
 6 seasons including any late deer hunting season which
 7 extends into January 1999, all free deer hunting
 8 licenses issued pursuant to section 483A.24,
 9 subsection 2, shall be for antlerless deer only."

DOTZLER of Black Hawk

H-8081

- 1 Amend the Committee amendment, H-8067, to Senate
 2 File 429, as amended, passed, and reprinted by the
 3 Senate, as follows:
 4 1. Page 1, line 34, by striking the word "twelve"
 5 and inserting the following: "fourteen".
 6 2. Page 1, line 37, by striking the word "twelve"
 7 and inserting the following: "fourteen".

MUNDIE of Webster

H-8084

- 1 Amend House File 2025 as follows:
 2 1. Page 3, line 24, by inserting after the word
 3 "property." the following: "This section shall apply
 4 to mediation conducted before the industrial
 5 commissioner and mediation conducted pursuant to
 6 chapter 216."
 7 2. Page 3, by striking lines 26 through 28 and

8 inserting the following: "Mediation conducted
9 pursuant to sections 20.20 and 20.31 shall not be
10 subject to this chapter. Except as provided in
11 section 679C.4, mediation conducted before the
12 industrial commissioner shall not be subject to this
13 chapter. Except as provided in section 679C.4 and
14 except for mediation conducted pursuant to chapter
15 216.15B, mediation conducted pursuant to chapter 216
16 shall not be subject to this chapter."

17 3. Page 5, by striking lines 16 through 18 and
18 inserting the following: "governing body. However,
19 confidentiality of mediation documents resulting from
20 mediation conducted pursuant to chapter 216 shall be
21 governed by chapter 216."

CHAPMAN of Linn

H-8085

1 Amend House File 2338 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 101. Section 2B.5, subsection 2, Code
5 1997, is amended to read as follows:

6 2. Cause the Iowa court rules to be published, as
7 directed by the supreme court after consultation with
8 the legislative council. The Iowa court rules shall
9 consist of all rules prescribed by the supreme court.
10 The court rules shall be published in loose-leaf form,
11 ~~appropriately indexed~~, and supplements shall be
12 prepared and distributed as directed by the supreme
13 court. The Iowa court rules and supplements to the
14 court rules shall be priced as provided in section
15 7A.22.

16 Sec. 102. Section 2B.10, subsection 3, Code 1997,
17 is amended by striking the subsection."

18 2. Page 2, by inserting after line 30 the
19 following:

20 "Sec. 103. Section 602.4102, subsections 3 and 5,
21 Code 1997, are amended to read as follows:

22 3. The supreme court shall prescribe rules for the
23 transfer of matters to the court of appeals. These
24 rules may provide for the selective transfer of
25 individual cases and may provide for the transfer of
26 cases according to subject matter or other general
27 criteria. ~~Rules relating to the transfer of cases are~~
28 ~~subject to section 602.4202.~~ A rule shall not provide
29 for the transfer of a matter other than by an order of
30 transfer under subsection 2.

31 5. The supreme court shall prescribe rules of
32 appellate procedure which shall govern further review
33 by the supreme court of decisions of the court of
34 appeals. These rules shall contain, but need not be

35 limited to, a specification of the grounds upon which
 36 further review may, in the discretion of the supreme
 37 court, be granted. ~~These rules are subject to section~~
 38 ~~602.4202.~~

39 Sec. 104. Section 602.4201, Code 1997, is amended
 40 to read as follows:

41 602.4201 RULES GOVERNING ACTIONS AND PROCEEDINGS.

42 1. The supreme court may prescribe all rules of
 43 pleading, practice, evidence, and procedure, and the
 44 forms of process, writs, and notices, for all
 45 proceedings in all courts of this state, for the
 46 purposes of simplifying the proceedings and promoting
 47 the speedy determination of litigation upon its
 48 merits. ~~Rules are subject to section 602.4202.~~

49 2. Rules of appellate procedure relating to
 50 appeals to and review by the supreme court,

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1 discretionary review by the courts of small claims
 2 actions, review by the supreme court by writ of
 3 certiorari to inferior courts, appeal to or review by
 4 the court of appeals of a matter transferred to that
 5 court by the supreme court, and further review by the
 6 supreme court of decisions of the court of appeals,
 7 shall be known as "Rules of Appellate Procedure", and
 8 shall be published as provided in section 2B.5.

9 3. The following rules are subject to section
 10 602.4202:

- 11 a. Rules of civil procedure.
- 12 b. Rules of criminal procedure.
- 13 c. Rules of evidence.
- 14 d. Rules of appellate procedure 1 through 9.
- 15 e. Rules of probate procedure.
- 16 f. Juvenile procedure.
- 17 g. Involuntary hospitalization of mentally ill.
- 18 h. Involuntary commitment or treatment of
 19 substance abusers.

20 Sec. 105. Section 602.4202, Code 1997, is amended
 21 to read as follows:

22 602.4202 RULEMAKING PROCEDURE.

23 1. The supreme court shall submit a rule or form
 24 prescribed by the supreme court under section
 25 602.4201, subsection 3, or pursuant to any other
 26 rulemaking authority specifically made subject to this
 27 section to the legislative council and shall at the
 28 same time report the rule or form to the chairpersons
 29 and ranking members of the senate and house committees
 30 on judiciary. The legislative service bureau shall
 31 make recommendations to the supreme court on the
 32 proper style and format of rules and forms required to
 33 be submitted to the legislative council under this
 34 subsection.

35 2. A rule or form submitted as required under
 36 subsection 1 takes effect sixty days after submission
 37 to the legislative council, or at a later date
 38 specified by the supreme court, unless the legislative
 39 council, within sixty days after submission and by a
 40 majority vote of its members, delays the effective
 41 date of the rule or form to a date as provided in
 42 subsection 3.

43 3. The effective date of a rule or form submitted
 44 during the period of time beginning February 15 and
 45 ending February 14 of the next calendar year may be
 46 delayed by the legislative council until May 1 of that
 47 next calendar year.

48 ~~4. A rule or form submitted as required under~~
 49 ~~subsection 1 and effective on or before July 1 shall~~
 50 ~~be bound with the Acts of the general assembly meeting~~

Page 3

1 ~~in regular session in the calendar year in which the~~
 2 ~~July 1 falls.~~

3 ~~5. 4. If the general assembly enacts a bill~~
 4 ~~changing a rule or form, the general assembly's~~
 5 ~~enactment supersedes a conflicting provision in the~~
 6 ~~rule or form as submitted by the supreme court.~~

7 Sec. 106. Section 602.4303, subsection 2, Code
 8 1997, is amended by striking the subsection."

9 3. Page 4, by inserting after line 32 the
 10 following:
 11 "Sec. 107. Section 684A.6, Code 1997, is amended
 12 to read as follows:
 13 684A.6 PROCEDURE.
 14 The supreme court may prescribe rules of procedure
 15 concerning the answering and certification of
 16 questions of law under this chapter, ~~subject to~~
 17 ~~section 602.4202.~~

18 Sec. 108. Section 101 through 108 of this Act,
 19 being deemed of immediate importance, take effect upon
 20 enactment."

LAMBERTI of Polk

H-8091

1 Amend the amendment, H-8054, to House File 681 as
 2 follows:
 3 1. Page 9, by inserting before line 20 the
 4 following:
 5 "Sec. ____ NEW SECTION. 455J.14 EXCLUSION.
 6 A facility or operation which includes an animal
 7 feeding operation structure as defined in section

- 8 455B.161 is not eligible for any privilege or immunity
 9 granted under this chapter."
 10 2. By renumbering as necessary.

JENKINS of Black Hawk
 FALCK of Fayette

H-8097

- 1 Amend the amendment, H-8054, to House File 681 as
 2 follows:
 3 1. Page 4, line 30, by inserting after the word
 4 "purpose." the following: "If a court or presiding
 5 officer determines the privilege has been asserted for
 6 a fraudulent purpose, the court or presiding officer
 7 shall impose a fine not to exceed one thousand
 8 dollars."

SHOULTZ of Black Hawk

H-8120

- 1 Amend House File 223 as follows:
 2 1. Page 1, line 15, by inserting after the word
 3 "unit." the following: "A free deer hunting license
 4 issued pursuant to this subsection shall be valid
 5 during all shotgun deer seasons."

BRAUNS of Muscatine

H-8121

- 1 Amend House File 2416 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 405A.3, subsection 1,
 5 paragraph b, Code 1997, is amended to read as follows:
 6 b. The ratio of the population of each city to the
 7 total population of all cities in the state,
 8 multiplied by twenty-seven million three hundred
 9 thousand dollars. Of the moneys allocated pursuant to
 10 the paragraph, ten million six hundred thousand
 11 dollars represents a portion of the state profits from
 12 the sale of alcoholic liquors and the portion of the
 13 allocation which represents state alcoholic liquor
 14 profits shall be remitted by each city to the
 15 appropriate county board of health which shall
 16 distribute the money in accordance with the needs
 17 identified through a substance abuse needs assessment
 18 for the treatment, rehabilitation, and education for
 19 persons who are substance abusers or at risk for
 20 substance abuse in this state. The population of each
 21 city shall be determined by the latest available

22 federal census. A city may have one special federal
 23 census taken each decade, and the population figure
 24 obtained shall be used in apportioning amounts under
 25 this subsection beginning the calendar year following
 26 the year in which the special census is certified to
 27 the secretary of state. If a city has annexed
 28 territory since the last regular or special federal
 29 census, the mayor and council shall certify to the
 30 treasurer of state the actual population of the
 31 annexed territory as determined by the last certified
 32 federal census of the territory and the apportionment
 33 of funds under this subsection shall be based upon the
 34 population of the city as modified by the
 35 certification of the population of the annexed
 36 territory until the next regular or special federal
 37 census enumeration."

HEATON of Henry

H-8123

1 Amend the amendment, H-8068, to House File 2026, as
 2 follows:
 3 1. By striking page 1, lines 2 through 8 and
 4 inserting the following:
 5 "___ Page 1, by striking lines 17 through 33 and
 6 inserting: "students.
 7 c. Preparation for accelerating the achievement."

RANTS of Woodbury

H-8124

1 Amend House File 2437 as follows:
 2 1. Page 1, line 11, by inserting after the word
 3 "pupil." the following: "However, if the school
 4 district in which a pupil is enrolled provides an
 5 opportunity to enroll in an all-day, everyday
 6 kindergarten program and the parent or guardian of the
 7 pupil chooses to enroll the pupil in kindergarten on a
 8 less than full-time basis, the pupil shall be counted
 9 in accordance with paragraph "a."

RANTS of Woodbury

H-8126

1 Amend Senate File 2052, as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 12 through 22 and
 4 inserting the following:
 5 "5. During the period of January 1 through October
 6 25, five percent of the state ceiling shall be

7 ~~reserved for private activity bonds issued by~~
 8 ~~political subdivisions, the proceeds of which are used~~
 9 ~~by the issuing political subdivisions. Twenty-one~~
 10 ~~percent of the state ceiling shall be allocated to~~
 11 ~~bonds issued by municipalities for purposes of~~
 12 ~~financing projects to support industry or industries~~
 13 ~~for the manufacturing, processing, or assembling of~~
 14 ~~agricultural or manufactured products, as provided in~~
 15 ~~chapter 419.~~

16 6. a. The amount of the state ceiling ~~not~~
 17 ~~allocated reserved~~ under subsections 1 through 4 5,
 18 ~~and after but not allocated by~~ October 25, ~~the amount~~
 19 ~~of the state ceiling reserved under subsection 5 and~~
 20 ~~not allocated~~, shall be allocated to all bonds
 21 requiring an allocation under section 146 of the
 22 Internal Revenue Code without priority for any type of
 23 bond over another, except as otherwise provided in
 24 sections 7C.5 and 7C.11."

25 2. Page 1, line 29, by striking the figure "4"
 26 and inserting the following: "4 5".

RANTS of Woodbury

H-8127

1 Amend House File 2101 as follows:

2 1. Page 1, by inserting before line 1 the
 3 following:

4 "Section 1. Section 99D.8, Code 1997, is amended
 5 by adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. The total number of
 7 licenses issued to conduct pari-mutuel wagering at a
 8 dog or horse racetrack shall not exceed four until
 9 July 1, 2003. However, with approval of the
 10 commission, if a license to conduct pari-mutuel
 11 wagering at a dog or horse racetrack is surrendered,
 12 not renewed, or revoked, a new license may be issued
 13 for operation in the same county.

14 Sec. ____ Section 99F.4A, subsection 2, Code 1997,
 15 is amended to read as follows:

16 2. A license to operate gambling games shall be
 17 issued only to a licensee holding a valid license to
 18 conduct pari-mutuel dog or horse racing pursuant to
 19 chapter 99D ~~on January 1, 1994.~~ However, with
 20 approval of the commission, if a license to conduct
 21 gambling games within a pari-mutuel dog or horse
 22 racetrack enclosure is surrendered, not renewed, or
 23 revoked, a new license may be issued for operation in
 24 the same county.

25 Sec. ____ Section 99F.4A, Code 1997, is amended by
 26 adding the following new subsection:

27 NEW SUBSECTION. 8. a. An official shall not
 28 participate in, or receive directly or indirectly any

29 money or valuable thing from horse racing and pari-
 30 mutuel wagering on public property which has been
 31 approved by the state racing and gaming commission for
 32 gambling activities.

33 b. As used in this subsection, "official" means
 34 one or more of the following:

35 (1) A member of the county board of supervisors of
 36 a county that owns the approved public property.

37 (2) A mayor or a member of a city council or
 38 commission of a city that owns the approved public
 39 property.

40 (3) A member of the board of directors of a
 41 nonprofit corporation having an agreement with a
 42 county board of supervisors or city council or
 43 commission for the use of approved public property
 44 under a license issued by the state racing and gaming
 45 commission.

46 (4) A spouse or child of a person described in
 47 subparagraph (1), (2), or (3).

48 c. An official who knowingly violates the
 49 provisions of paragraph "a" is guilty of a serious
 50 misdemeanor and may be removed from public office or

Page 2

1 as an officer or director of an affected nonprofit
 2 corporation."

3 2. Page 1, by striking lines 18 through 26.

4 3. Title page, lines 1 through 3, by striking the
 5 words "the number and types of gambling games and slot
 6 machines authorized in this state and on".

7 4. Title page, line 4, by inserting after the
 8 word "boats" the following: "and at racetracks, by
 9 removing certain licensee restrictions, prohibiting
 10 certain conflicts of interest."

11 5. By renumbering, relettering, or redesignating
 12 and correcting internal references as necessary.

Committee on State Government

H-8131

1 Amend House File 2395 as follows:

2 1. Page 3, by inserting after line 25 the
 3 following:

4 "Sec. ____ Section 904.805, Code 1997, is amended
 5 by adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. If the state director is
 7 the designee of the director of the Iowa department of
 8 corrections, the appointment of the state director is
 9 subject to confirmation by the senate."

10 2. By renumbering as necessary.

HUSER of Polk

H-8136

- 1 Amend House File 2395 as follows:
- 2 1. Page 2, line 2, by inserting after the word
- 3 "prisoners" the following: ", provided that any lease
- 4 for the building space or contract for use of prisoner
- 5 labor in the building space shall require compliance
- 6 with provisions equivalent to the federal Davis-Bacon
- 7 Act if the Act were applicable to the leases or
- 8 contracts, including but not limited to payment of
- 9 allowances to prisoners in amounts commensurate with
- 10 those wages paid persons in similar jobs outside the
- 11 correctional facilities".

TAYLOR of Linn

H-8137

- 1 Amend House File 2440 as follows:
- 2 1. Page 6, by striking lines 3 through 10.
- 3 2. By renumbering as necessary.

FALLON of Polk

H-8138

- 1 Amend House File 2440 as follows:
- 2 1. Page 6, line 5, by striking the word "annual".
- 3 2. Page 6, line 10, by inserting after the word
- 4 "office." the following:
- 5 "In counties with a population of fifty thousand or
- 6 more, the reports of the treasurer shall be published
- 7 semiannually. In counties with a population of less
- 8 than fifty thousand, the reports of the treasurer
- 9 shall be published annually."

FALLON of Polk

H-8139

- 1 Amend Senate File 2052, as amended, passed, and
- 2 reprinted by the Senate, as follow:
- 3 1. Page 1, by striking lines 12 through 22 and
- 4 inserting the following:
- 5 "5. During the period of January 1 through October
- 6 25, five percent of the state ceiling shall be
- 7 reserved for private activity bonds issued by
- 8 political subdivisions, the proceeds of which are used
- 9 by the issuing political subdivisions. Eighteen
- 10 percent of the state ceiling shall be allocated to a
- 11 qualified industry or industries for the
- 12 manufacturing, processing, or assembling of
- 13 agricultural or manufactured products as defined in

14 section 419.1, subsection 12, paragraph "a",
 15 subparagraph (4).
 16 6. a. The amount of the state ceiling not
 17 allocated under subsections 1 through 4 5, and after
 18 ~~October 25, the amount of the state ceiling reserved~~
 19 ~~under subsection 5 and not allocated,~~ shall be
 20 allocated to all bonds requiring an allocation under
 21 section 146 of the Internal Revenue Code without
 22 priority for any type of bond over another, except as
 23 otherwise provided in ~~sections 7C.5 and section~~
 24 ~~7C.11."~~

RANTS of Woodbury

H-8140

1 Amend House File 2232 as follows:
 2 1. Page 1, by striking lines 4 through 7 and
 3 inserting the following:
 4 "The board of supervisors of a county with less
 5 than eleven thousand five hundred residents but more
 6 than ten thousand five hundred residents, based upon
 7 the 1990 certified federal census, and with a private
 8 lake development, shall designate".

Committee on Local Government

H-8141

1 Amend House File 2386 as follows:
 2 1. Page 1, line 22, by striking the words
 3 "exceeds fifty" and inserting the following: "does
 4 not exceed one hundred fifty".
 5 2. Page 1, by striking lines 24 through 27.

Committee on Local Government

H-8142

1 Amend House File 2395 as follows:
 2 1. Page 2, line 2, by inserting after the word
 3 "prisoners" the following: ", provided that the
 4 person serving as the state director of Iowa state
 5 industries, who shall administer the construction and
 6 operation of the buildings for which moneys are
 7 appropriated in this section, shall be subject to
 8 confirmation by the senate every four years beginning
 9 with the regular session of the general assembly in
 10 progress or convening on or after the effective date
 11 of this Act, whichever is earlier".

WARNSTADT of Woodbury

H-8144

- 1 Amend House File 223 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 481A.93, Code 1997, is amended
- 5 to read as follows:
- 6 481A.93 HUNTING BY ARTIFICIAL LIGHT.
- 7 1. A person shall not throw or cast the rays of a
- 8 spotlight, headlight, or other artificial light on a
- 9 highway, or in a field, woodland, or forest for the
- 10 purpose of spotting, locating, or taking or attempting
- 11 to take or hunt a bird or animal, except raccoons or
- 12 other fur-bearing animals when treed with the aid of
- 13 dogs, while having in possession or control, either
- 14 singly or as one of a group of persons, any firearm,
- 15 bow, or other implement or device whereby a bird or
- 16 animal could be killed or taken.
- 17 2. This section does not apply to deer being taken
- 18 by or under the control of a local governmental body
- 19 within its corporate limits pursuant to an approved
- 20 special deer population control plan."
- 21 2. Title page, line 2, by inserting after the
- 22 word "licenses" the following: "and the taking of
- 23 deer for population control".

MYERS of Johnson

H-8151

- 1 Amend the Committee amendment, H-8127, to House
- 2 File 2101 as follows:
- 3 1. By striking page 1, line 24, through page 2,
- 4 line 2, and inserting the following: "the same
- 5 county."
- 6 2. Page 2, by striking lines 9 and 10 and
- 7 inserting the following: "removing certain licensee
- 8 restrictions,".

O'BRIEN of Boone

H-8152

- 1 Amend House File 2494 as follows:
- 2 1. Page 6, by striking lines 24 through 32 and
- 3 inserting the following:
- 4 " . . . "Animal feeding operation" means the same as
- 5 defined in section 455B.161."
- 6 2. Page 7, line 2, by striking the word
- 7 "agricultural" and inserting the following: "animal
- 8 feeding".

WISE of Lee
 FALCK of Fayette
 MAY of Worth
 O'BRIEN of Boone

BELL of Jasper
 LARKIN of Lee
 MERTZ of Kossuth
 THOMAS of Clayton

H-8155

- 1 Amend the Committee amendment, H-8127, to House
- 2 File 2101 as follows:
- 3 1. Page 1, by inserting after line 24 the
- 4 following:
- 5 "Sec. ____ Section 99F.4A. Code 1997, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 7A. A licensee's expenses for
- 8 marketing, educational, and informational material
- 9 relating to an excursion gambling boat or a pair-
- 10 mutuel racetrack including gambling games shall not
- 11 exceed four million dollars annually. The telephone
- 12 number, 1-800-BETS-OFF, shall be prominently displayed
- 13 at all gambling facilities regulated by the
- 14 commission."
- 15 2. Page 2, line 8, by inserting after the word
- 16 "racetracks," the following: "by restricting
- 17 advertising costs,"
- 18 3. By renumbering as necessary.

CHIODO of Polk

H-8157

- 1 Amend the Committee amendment, H-8127, to House
- 2 File 2101 as follows:
- 3 1. Page 1, line 29, by striking the word "and"
- 4 and inserting the following: "or".

CHIODO of Polk
 VAN FOSSEN of Scott
 CHURCHILL of Polk
 JOCHUM of Dubuque
 CONNORS of Polk
 HANSEN of Pottawattamie
 DRAKE of Pottawattamie
 CATALDO of Polk
 WHITEAD of Woodbury
 TYRRELL of Iowa

JACOBS of Polk
 NELSON of Marshall
 BERNAU of Story
 BURNETT of Story
 LARKIN of Lee
 GIPP of Winnebiek
 TAYLOR of Linn
 BRADLEY of Clinton
 HOLMES of Scott

H-8158

- 1 Amend House File 2413 as follows:
- 2 1. Page 1, line 13, by striking the word "five"
- 3 and inserting the following: "six".
- 4 2. Page 1, line 26, by striking the word "five"
- 5 and inserting the following: "six".
- 6 3. Page 1, line 28, by striking the word "five"
- 7 and inserting the following: "six".
- 8 4. Page 2, line 6, by striking the word "five"
- 9 and inserting the following: "six".

- 10 5. Page 2, line 10, by striking the word "five"
11 and inserting the following: "six".

O'BRIEN of Boone

H-8159

- 1 Amend House File 2440 as follows:
2 1. Page 9, by striking lines 22 through 24 and
3 inserting the following: "taxed, in the manner
4 provided for the service of original notices in R.C.P.
5 56.1, if the person resides in Iowa, or by restricted
6 certified mail to the person's last known address if
7 the person resides in or outside Iowa, or otherwise as
8 provided in section 446.9, subsection 1, a notice".
9 2. Page 9, by striking lines 30 through 33 and
10 inserting the following: "completed service of the
11 notice. Notice by restricted certified mail is deemed
12 completed as of the date of delivery of the restricted
13 certified mail as shown on the return receipt. The
14 ninety-day redemption".

CARROLL of Poweshiek

H-8160

- 1 Amend House File 2440 as follows:
2 1. Page 9, line 31, by inserting before the word
3 "certified" the following: "restricted".
4 2. Page 9, by striking lines 32 and 33 and
5 inserting the following: "notice is deemed completed
6 as of the date of delivery of the restricted certified
7 mail as shown on the return receipt. The ninety-day
8 redemption".

CARROLL of Poweshiek

H-8164

- 1 Amend House File 2504 as follows:
2 1. Page 3, by inserting after line 25 the
3 following:
4 "Sec. __. Section 811.2, subsection 1, Code 1997,
5 is amended by adding the following new unnumbered
6 paragraph:
7 NEW UNNUMBERED PARAGRAPH. Any bailable defendant
8 who is charged with unlawful possession, manufacture,
9 delivery, or distribution of a controlled substance or
10 other drug under chapter 124 or 125 and is ordered
11 released shall be required, as a condition of that
12 release, to submit to a substance abuse evaluation and
13 follow any recommendations proposed in the evaluation
14 for appropriate substance abuse treatment."

- 15 2. Title page, line 1, by inserting after the
16 word "penalties" the following: "and bail
17 requirements".
18 3. Title page, line 2, by inserting after the
19 word "penalties" the following: "and bail
20 conditions".
21 4. By numbering and renumbering as necessary.

KREIMAN of Davis

H-8168

- 1 Amend House File 2501 as follows:
2 1. Page 14, line 12, by striking the word "a" and
3 inserting the following: "a if the teacher has
4 successfully completed a probationary period of
5 employment for another school district located in
6 Iowa, the probationary period in the current district
7 of employment shall not exceed one year. A".
8 2. Page 14, by striking lines 16 through 18 and
9 inserting the following: "the consent of the
10 teacher."

RANTS of Woodbury

H-8169

- 1 Amend House File 2504 as follows:
2 1. Page 2, by inserting after line 22, the
3 following:
4 "Sec. 100. NEW SECTION. 200.23 ANHYDROUS AMMONIA
5 EQUIPMENT SECURITY AND SITE CLEANUP FUND.
6 1. As used in this section, "alliance" means the
7 governor's alliance on substance abuse.
8 2. An anhydrous ammonia equipment security and
9 cleanup fund is created in the state treasury under
10 the control of the head of the alliance. The fund is
11 composed of any moneys appropriated by the general
12 assembly and of any other moneys available to and
13 obtained or accepted by the alliance from the federal
14 government or private sources for placement in the
15 fund. Civil penalties collected for violations of
16 section 200.14 shall be deposited into the fund.
17 Proceeds from forfeited property shall be deposited
18 into the fund as provided in section 809A.17.
19 3. Moneys in the fund are subject to an annual
20 audit by the auditor of state. The fund is subject to
21 warrants written by the director of revenue and
22 finance, drawn upon the written requisition of the
23 head of the alliance.

24. 4. Section 8.33 shall not apply to moneys in the
25 fund. Notwithstanding section 12C.7, moneys earned as
26 income, including as interest, from moneys in the fund
27 shall remain in the fund until expended as provided in
28 this section. The alliance shall not in any manner
29 directly or indirectly pledge the credit of the state.

30 5. Moneys in the fund shall be used for the
31 following purposes:

32 a. To assist owners of anhydrous ammonia equipment
33 in purchasing or installing devices necessary to
34 secure the equipment from intentional tampering,
35 including locks, lights, or fencing, according to
36 requirements established by the alliance in
37 cooperation with the department of public safety.

38 b. To reimburse counties for costs associated with
39 cleaning up clandestine laboratory sites as defined in
40 section 124C.1.

41 The moneys in the fund may be used on a cost-share
42 basis as determined practical by the alliance."

43 2. Page 3, by inserting after line 25 the
44 following:

45 "Sec. 200. Section 809A.17, subsection 5, Code
46 1997, is amended by adding the following new
47 paragraph:

48 NEW PARAGRAPH. e. Forfeited property used in
49 connection with a violation of section 200.14 shall be
50 deposited with the department of public safety to be

Page 2

1 disposed of in accordance with the rules of the
2 department. However, the department shall distribute
3 not more than one thousand five hundred dollars per
4 forfeiture to the anhydrous ammonia equipment security
5 and cleanup fund created pursuant to section 200.23.
6 The department may dispose of the property by a
7 commercially reasonable public sale in order to carry
8 out this paragraph."

9 3. Page 4, by inserting after line 23 the
10 following:

11 "Sec. ____ CONTINGENT APPLICABILITY. The
12 enactment of sections 100 and 200 of this Act shall be
13 contingent upon the enactment of 1997 Iowa Acts,
14 Senate File 2082."

15 4. Title page, line 4, by inserting after the
16 word "custody" the following: ", providing for the
17 allocation of moneys to support security needs and the
18 cleanup of clandestine laboratory sites, and providing
19 a contingent effective date".

H-8171

- 1 Amend House File 2269 as follows:
- 2 1. Page 1, line 24, by inserting after the word
- 3 "contact" the following: "is reasonable and".

KREIMAN of Davis

H-8172

- 1 Amend House File 2272 as follows:
- 2 1. Page 2, line 4, by inserting after the word
- 3 "center" the following: "and by each class within an
- 4 attendance center".

BLODGETT of Cerro Gordo

H-8176

- 1 Amend House File 2470 as follows:
- 2 1. Page 1, by striking lines 4 through 6 and
- 3 inserting the following: "means an employee of the
- 4 state or a political subdivision of the state who is
- 5 any of the following:
- 6 a. A paid fire fighter.
- 7 b. A peace officer as defined in section 801.4.
- 8 c. An attorney general as defined in section
- 9 801.4.
- 10 d. A county attorney as defined in section 801.4.
- 11 e. A magistrate as defined in section 801.4.
- 12 f. A prosecuting attorney as defined in section
- 13 801.4.
- 14 g. A judicial officer as defined in section
- 15 602.1101.
- 16 h. An emergency medical care provider as defined
- 17 in section 147A.1."
- 18 2. Page 1, by striking lines 14 through 17 and
- 19 inserting the following: "shall provide for drug or
- 20 alcohol testing only if the employer has probable
- 21 cause to believe that the public safety employee's
- 22 faculties are impaired on the job."

MURPHY of Dubuque

H-8180

- 1 Amend House File 2504 as follows:
- 2 1. Page 3, by inserting after line 25, the
- 3 following:
- 4 "Sec. ____ NEW SECTION. 804.7B
- 5 MULTIJURISDICTIONAL CONTROLLED SUBSTANCES LAW
- 6 ENFORCEMENT AGREEMENTS - CONTIGUOUS COUNTIES.
- 7 1. A county which borders another state and any
- 8 political subdivision within that county may enter
- 9 into an agreement with a contiguous county, or a

10 political subdivision within that county, in that
11 other state for purposes of joint enforcement of the
12 drug and controlled substance laws in this state and
13 the contiguous state.

14 2. A law enforcement officer in a contiguous state
15 who meets the training and certification requirements
16 for peace officer status in that state shall be
17 authorized to make arrests and conduct other law
18 enforcement activities pursuant to an agreement
19 entered into under subsection 1, in the same manner as
20 a peace officer in this state. A law enforcement
21 officer who acts in accordance with an agreement
22 entered into pursuant to this section and in
23 conformance with the requirements of applicable Iowa
24 law shall have the same immunity from suit in this
25 state as a peace officer, as defined in section 801.4.
26 A law enforcement officer in a contiguous state, who
27 is acting pursuant to an agreement under subsection 1,
28 is not an agent or employee of the state of Iowa or
29 any political subdivision of the state, and the agency
30 or authority in the other state shall be liable for
31 any unlawful acts or omissions which arise out of the
32 arrests or law enforcement activities of that law
33 enforcement officer.

34 3. The provisions of subsections 1 and 2 shall not
35 apply unless the contiguous state has provided legal
36 authority for the political subdivisions in that state
37 to enter into agreements with other states, or
38 political subdivisions of other states, for purposes
39 of joint enforcement of the drug and controlled
40 substance laws in that state and other states. Any
41 agreements made under this section shall not exceed
42 any other jurisdictional limitations to which this
43 state, political subdivisions of this state, the
44 contiguous state, and political subdivision of the
45 contiguous state are subject."

46 2. Title page, line 2, by inserting after the
47 word "penalties" the following: "and providing for
48 multijurisdictional enforcement agreements".

49 3. By renumbering as necessary.

LAMBERTI of Polk
WISE of Lee
MORELAND of Wapello

H-8181

- 1 Amend House File 2514 as follows:
2 1. Page 4, by striking lines 11 through 26.
3 2. By renumbering as necessary.

HUSER of Polk
NELSON of Marshall
CORMACK of Webster
CHIODO of Polk

H-8192

- 1 Amend the Senate amendment, H-8119, to House File
- 2 299, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 11, by inserting after line 21 the
- 5 following:
- 6 "i. If an employee is under eighteen years of age,
- 7 in order to conduct drug or alcohol testing under this
- 8 section, the employer shall, prior to conducting a
- 9 test, notify the employee's parent or grandparent that
- 10 a test shall be conducted and the basis for the test.
- 11 For purposes of this paragraph, "parent" means one
- 12 parent or a legal guardian or custodian of the
- 13 employee."
- 14 2. By renumbering as necessary.

HUSER of Polk

H-8195

- 1 Amend the Senate amendment, H-8119, to House File
- 2 299, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 15, by striking lines 34 through 37 and
- 5 inserting the following: "authorized in subsection 8
- 6 and the type of drug or drugs which were found in the
- 7 positive drug tests."

MURPHY of Dubuque

H-8198

- 1 Amend the Senate amendment, H-8119, to House File
- 2 299, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 9, line 49, by striking the figure ".04"
- 5 and inserting the following: ".06".
- 6 2. Page 10, by striking lines 15 through 17 and
- 7 inserting the following: "employer pursuant to this
- 8 section, and if the".

DOTZLER of Black Hawk

H-8206

- 1 Amend the Senate amendment, H-8119, to House File
- 2 299, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 15, by striking lines 38 and 39.
- 5 2. By renumbering as necessary.

MUNDIE of Webster

H-8210

- 1 Amend House File 2504, as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "service" the following: "and shall be imprisoned in
- 4 the county jail for not less than seven days".
- 5 2. Page 1, line 13, by inserting after the word
- 6 "dollars" the following: ", imprisonment for not less
- 7 than thirty days."
- 8 3. Page 1, line 24, by inserting after the word
- 9 "offense" the following: ", shall be imprisoned in
- 10 the county jail for not less than forty-eight hours".
- 11 4. Page 1, line 28, by inserting after the word
- 12 "misdemeanor" the following: ", shall be imprisoned
- 13 in the county jail for not less than seven days".
- 14 5. Page 1, line 32, by inserting after the word
- 15 "felony" the following: ", shall be imprisoned for
- 16 not less than thirty days."
- 17 6. Page 2, line 3, by inserting after the word
- 18 "offense" the following: ", shall be imprisoned in
- 19 the county jail for not less than forty-eight hours".
- 20 7. Page 2, line 9, by inserting after the word
- 21 "b" the following: ", except that the person shall
- 22 be imprisoned in the county jail for not less than
- 23 forty-eight hours".
- 24 8. Page 2, line 14, by inserting after the word
- 25 "misdemeanor" the following: ", shall be imprisoned
- 26 in the county jail for not less than seven days".
- 27 9. Page 2, line 17, by inserting after the word
- 28 "requirements" the following: "or any mandatory
- 29 minimum term of imprisonment".

KREIMAN of Davis

H-8211

- 1 Amend House File 2513 as follows:
- 2 1. Page 3, line 28, by striking the word "twenty-
- 3 five" and inserting the following: "twenty".

JENKINS of Black Hawk
GREIG of Emmet

H-8219

- 1 Amend House File 2491 as follows:
- 2 1. Page 1, by striking lines 32 and 33 and
- 3 inserting the following: "ride pursuant to section
- 4 88A.16, subsection 2, is subject to a civil penalty of
- 5 one hundred dollars."
- 6 2. Page 4, line 27, by striking the words "or
- 7 imprisonment".

LAMBERTI of Polk

H-8221

1 Amend House File 2494 as follows:

2 1. Page 1, line 35, by inserting after the figure
3 "204.3A." the following: "permit application fees
4 paid to the department before obtaining a permit to
5 construct an animal feeding operation structure which
6 is part of a confinement feeding operation as provided
7 in section 455B.200A."

8 2. Page 4, by striking lines 1 through 28 and
9 inserting the following:

10 "1. If the confinement feeding operation has ~~an~~
11 ~~animal weight capacity of less than six hundred~~
12 ~~twenty-five thousand pounds, the following shall~~
13 ~~apply:~~

14 a. ~~For all animals other than keeps~~ poultry, the
15 amount of the fee shall be ~~five~~ ten cents per animal
16 unit of capacity for ~~the~~ confinement feeding
17 operations ~~operation~~.

18 b. ~~For poultry, the amount of the fee shall be two~~
19 ~~cents per animal unit of capacity for confinement~~
20 ~~feeding operations.~~

21 2. If the confinement feeding operation has ~~an~~
22 ~~animal weight capacity of six hundred twenty-five~~
23 ~~thousand or more pounds but less than one million two~~
24 ~~hundred fifty thousand pounds, the following shall~~
25 ~~apply:~~

26 a. ~~For all keeps~~ animals other than poultry, the
27 amount of the fee shall be ~~seven and one-half~~ twenty-
28 five cents per animal unit of capacity for ~~the~~
29 confinement feeding operations ~~operation~~.

30 b. ~~For poultry, the amount of the fee shall be~~
31 ~~three cents per animal unit of capacity for~~
32 ~~confinement feeding operations.~~

33 3. If the confinement feeding operation has ~~an~~
34 ~~animal weight capacity of one million two hundred~~
35 ~~fifty thousand or more pounds, the following shall~~
36 ~~apply:~~

37 a. ~~For all animals other than poultry, the amount~~
38 ~~of the fee shall be ten cents per animal unit of~~
39 ~~capacity for confinement feeding operations.~~

40 b. ~~For poultry, the amount of the fee shall be~~
41 ~~four cents per animal unit of capacity for confinement~~
42 ~~feeding operations."~~

43 3. Page 20, by inserting after line 7 the
44 following:

45 "____. A permit application fee of fifty dollars
46 which the department shall deposit into the manure
47 storage indemnity fund created in section 204.2."

48 4. By renumbering as necessary.

H-8222

1 Amend House File 2494 as follows:

2 1. Page 6, line 21, by striking the words

3 "LIMITATIONS ON".

4 2. Page 6, line 22, by inserting after the word

5 "LEGISLATION" the following: "~~-~~CONFINEMENT FEEDING
6 OPERATIONS".

7 3. By striking page 6, line 24, through page 7,
8 line 6, and inserting the following:

9 "a. "Animal feeding operation structure" means the
10 same as defined in section 455B.161.

11 b. "Confinement feeding operation" means the same
12 as defined in section 455B.161.

13 c. "Small animal feeding operation" means the same
14 as defined in section 455B.161.

15 2. a. Notwithstanding section 335.2, a county may
16 adopt a confinement feeding operations siting
17 ordinance, pursuant to section 331.302. The purpose
18 of the ordinance shall be to allow approval of the
19 siting of a confinement feeding operation regardless
20 of whether the county has adopted an ordinance under
21 chapter 335. The ordinance shall authorize a county
22 to approve the site of the construction or expansion
23 of a confinement feeding operation, including
24 confinement feeding operation buildings and related
25 animal feeding operation structures in order to
26 preserve and protect natural resources, including
27 water sources and fragile environmental locations;
28 lessen congestion and overcrowding of confinement
29 feeding operations, especially near cities; and to
30 protect the health and welfare of the public.

31 b. The ordinance shall provide for methods and
32 procedures required for submission of proposals,
33 review of proposals, and approval of a site. In
34 administering the ordinance, the county shall
35 establish a confinement feeding operations siting
36 commission which shall review each proposal for the
37 construction or expansion of a confinement feeding
38 operation, and recommend to the county board of
39 supervisors that the board approve or disapprove the
40 proposal. The board shall appoint five members of the
41 commission. Four members shall not reside in a city,
42 and one member shall reside in a city. At least three
43 of the members shall be persons who are or were
44 actively engaged in animal agriculture. The
45 commission shall make its recommendation to the board
46 within forty-five days after the date that the board
47 received a complete proposal. The board shall approve
48 or disapprove a proposal within forty-five days after
49 the date that the board receives the commission's
50 recommendation.

Page 2

- 1 c. A confinement feeding operations siting
 2 ordinance shall not apply to a proposed confinement
 3 feeding operation or to the proposed expansion of a
 4 confinement feeding operation, if the confinement
 5 feeding operation is part of a family farm operation
 6 as provided in this section.
- 7 3. The county board of supervisors shall determine
 8 if the confinement feeding operation qualifies as a
 9 family farm operation. In making this determination
 10 the board shall review facts relating to the
 11 confinement feeding operation and the person owning or
 12 leasing the land where the confinement feeding
 13 operation is located, including the extent to which
 14 the person:
- 15 a. Has held an interest in the land.
 16 b. Is actively engaged in farming the land.
 17 c. Produces different species of livestock on the
 18 land.
 19 d. Produces crops on the land. If crops are
 20 produced on the land, the board shall consider the
 21 extent to which the crops are used to feed livestock
 22 produced on the land.
 23 e. Owns and operates machinery for the following:
 24 (1) The planting and harvesting of grain on the
 25 land.
 26 (2) The application of manure on the land.
 27 f. Owns and uses facilities for the storage of
 28 grain produced on the land.”
- 29 2. Page 21, line 20, by inserting after the word
 30 “located.” the following: “All of the following shall
 31 apply, unless the county has adopted a confinement
 32 feeding operation siting ordinance as provided in
 33 section 331.304A.”

FREVERT of Palo Alto

H-8223

- 1 Amend House File 2494 as follows:
- 2 1. Page 15, line 15, by striking the word and
 3 figures “July 1, 1998,” and inserting the following:
 4 “the effective date of this Act.”
- 5 2. Page 15, line 26, by striking the word and
 6 figures “July 1, 1998,” and inserting the following:
 7 “the effective date of this Act.”
- 8 3. Page 41, by striking lines 14 and 15 and
 9 inserting the following:
 10 “Sec. ____ EFFECTIVE DATE. This Act, being deemed
 11 of immediate importance, takes effect upon enactment.”

KOENIGS of Mitchell

H-8225

1 Amend House File 2510 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 461D.1 DEFINITIONS.

5 As used in this chapter, unless the context
6 otherwise requires:

7 1. "Commission" means the natural resource
8 commission.

9 2. "Conservation easement" means an easement as
10 defined in section 457A.2.

11 3. "Department" means the department of natural
12 resources.

13 4. "Loess hills area" means a tract of hills,
14 bluffs, and accompanying lands located adjacent to the
15 Missouri river in the western part of this state
16 consisting primarily of loess soil deposits.

17 5. "Management plan" means a document that
18 includes the goals and objectives of a specific
19 protected Loess Hills area which has been proposed for
20 designation, the specific description of the area to
21 be protected, land use agreements with property
22 owners, the specific management programming
23 considerations for the area, the in-depth project
24 evaluations, analysis, justifications, and cost
25 estimates, the proposed acquisition of fee title and
26 conservation easements and other agreements, and the
27 specific design and layout of facilities.

28 6. "Prospective protected Loess Hills area" means
29 a Loess Hills area designated by the commission which
30 possesses outstanding cultural and natural values,
31 such as scenic, forest, prairie, mineral, geological,
32 historic, archaeological, recreational, educational,
33 water quality, or flood protection values, and for
34 which an in-depth study for permanent designation as
35 an element of the protected Loess Hills area system is
36 conducted.

37 7. "Protected Loess Hills area" means a Loess
38 Hills area permanently designated by the commission
39 for inclusion in the protected Loess Hills area
40 system.

41 8. "Protected Loess Hills area system" means a
42 comprehensive program to protect Loess Hills areas
43 that includes the goals and objectives, the state
44 plan, the individual management plans, the prospective
45 protected Loess Hills areas, the protected Loess Hills
46 areas, the acquisition of fee title and conservation
47 easements and other agreements, and the administration
48 and management of the areas.

49 9. "State plan" means a comprehensive document
50 that states the long-range goals and objectives of the

Page 2

1 protected Loess Hills area system, establishes the
2 procedure and criteria for prospective protected Loess
3 Hill area designation, provides the format for
4 prospective area analysis, establishes a priority
5 system for prospective area study, recommends
6 potential areas for inclusion into the system,
7 institutes interagency and intergovernmental
8 coordination, and outlines general administrative and
9 management needs to develop and administer the system.

10 Sec. 2. NEW SECTION. 461D.2 STATE PLAN.

11 The commission shall maintain a state plan for the
12 design and establishment of an administrative
13 framework of a protected Loess Hills area system and
14 those adjacent lands needed to protect the integrity
15 of that system.

16 Sec. 3. NEW SECTION. 461D.3 NOMINATION OF
17 PROSPECTIVE PROTECTED LOESS HILLS AREAS.

18 After basic resource and user data are gathered by
19 or provided to the commission and the commission deems
20 an area has merit for inclusion in a protected Loess
21 Hills area system, the commission may nominate the
22 area for prospective protected Loess Hills area
23 designation. Governmental subdivisions, public
24 agencies, interest groups, or citizens may also
25 recommend nomination of Loess Hills areas for
26 inclusion in the protected Loess Hills area system by
27 submitting to the commission a statement which
28 includes at minimum a general description of the area
29 being recommended for nomination, the resources
30 needing protection, and the benefits to be derived
31 from protecting the resources and a list of the
32 individuals, organizations, and public agencies
33 supporting the nomination.

34 Sec. 4. NEW SECTION. 461D.4 PROSPECTIVE
35 DESIGNATION.

36 The commission may designate all or part of any
37 Loess Hills area having any or all of the resource
38 values cited in section 461D.1, subsection 6, as a
39 prospective protected Loess Hills area. The
40 prospective designation shall be in effect for a
41 period not to exceed two years during which a
42 management plan is prepared for the protection and
43 enhancement of those values cited in section 461D.1,
44 subsection 6.

45 Sec. 5. NEW SECTION. 461D.5 PROSPECTIVE
46 DESIGNATION PUBLIC HEARINGS.

47 After the nomination of prospective protected Loess
48 Hills areas by the commission and prior to the
49 designation as a prospective protected Loess Hills
50 area, the commission shall conduct a public hearing in

Page 3

1 the vicinity of the Loess Hills area. Notice of the
2 hearing shall be published at least twice, not less
3 than seven days prior to the hearing, in a newspaper
4 having general circulation in each county in which the
5 proposed Loess Hills area is located.

6 Sec. 6. NEW SECTION. 461D.6 MANAGEMENT PLAN.

7 The commission shall prepare and maintain a
8 management plan containing the recommendations for the
9 establishment, development, management, use, and
10 administration of each prospective protected Loess
11 Hills area designated by the commission. The
12 management plan shall be completed during the two-year
13 prospective designation period.

14 Sec. 7. NEW SECTION. 461D.7 MANAGEMENT PLAN
15 PUBLIC HEARING.

16 The commission shall hold a final public hearing on
17 the completed management plan in the vicinity of the
18 Loess Hills area at least thirty days before permanent
19 designation by the commission. Notice of the hearing
20 shall be published at least twice, not less than seven
21 days prior to the hearing, in a newspaper having
22 general circulation in each county in which the Loess
23 Hills area is located.

24 Sec. 8. NEW SECTION. 461D.8 DESIGNATION.

25 The commission may adopt the management plan and
26 may permanently designate the area as part of the
27 protected Loess Hills area system. Upon the
28 commission's adoption of the management plan and
29 permanent designation of the area as a protected Loess
30 Hills area, the commission may submit the management
31 plan to the general assembly for funding
32 consideration.

33 Sec. 9. NEW SECTION. 461D.9 PROTECTION METHODS.

34 The commission may use any one or a combination of
35 the available methods, except eminent domain, for
36 managing and preserving a protected Loess Hills area,
37 including but not limited to fee and less than fee
38 title acquisition techniques such as easements,
39 leasing agreements, covenants, and existing tax
40 incentive programs.

41 Sec. 10. NEW SECTION. 461D.10 LANDOWNER
42 COOPERATION.

43 Recognizing that most of the protected Loess Hills
44 areas may be within privately owned lands, the
45 commission shall cooperate with the landowners within
46 the designated areas in achieving the purposes of this
47 chapter. The landowners within the designated areas
48 are encouraged to cooperate with the commission.
49 Commission staff shall meet separately or in small
50 groups with landowners within prospective protected

Page 4

1 Loess Hills areas during the preparation of the master
2 plan to establish workable and acceptable agreements
3 for the protection of the area and its accompanying
4 resources in a manner consistent with the purposes of
5 this chapter and the interest and concerns of the
6 landowners.

7 Sec. 11. NEW SECTION. 461D.11 JUDICIAL REVIEW.

8 Judicial review of action of the commission may be
9 sought in accordance with chapter 17A.
10 Notwithstanding chapter 17A, petitions for judicial
11 review may be filed in the district court of Polk
12 county or of any county in which the property affected
13 is located.

14 Sec. 12. NEW SECTION. 461D.12 LOCAL TAX
15 REIMBURSEMENT.

16 The state, subject to appropriation by the general
17 assembly, shall reimburse from the general fund of the
18 state any political subdivision the amount of tax
19 moneys lost due to any lower assessments of property
20 resulting from lease agreements, and the acquisition
21 of public lands and conservation easements stemming
22 from designation of a protected Loess Hills area.

23 Sec. 13. NEW SECTION. 461D.13 INTERAGENCY
24 COOPERATION.

25 All state agencies and governing bodies of cities
26 and counties and county conservation boards which are
27 participating in the process for designation of a
28 protected Loess Hills area under this chapter shall
29 cooperate with the commission and coordinate their
30 authorities, responsibilities, and program
31 administration in a manner which will aid in the
32 integrity of the protected Loess Hills area system as
33 outlined in the state plan, individual management
34 plans, and commission administrative rules.

35 Sec. 14. NEW SECTION. 461D.14 MANAGEMENT
36 COOPERATION WITH LOCAL GOVERNMENT SUBDIVISIONS.

37 The commission may enter into written cooperative
38 agreements with governing bodies of cities and
39 counties and county conservation boards for the
40 management of a protected Loess Hills area.

41 Sec. 15. NEW SECTION. 461D.15 PART OF A NATIONAL
42 PARK SYSTEM.

43 This chapter does not preclude a component of the
44 protected Loess Hills area system from being a part of
45 a national park system.

46 Sec. 16. NEW SECTION. 461D.16 DEPARTMENTAL
47 RULES.

48 The commission shall adopt under chapter 17A and
49 enforce the administrative rules it deems necessary to
50 administer this chapter."

Page 5

- 1 2. Title page, by striking lines 1 and 2 and
- 2 inserting the following: "An Act relating to the
- 3 designation and protection of tracts of deep loess
- 4 soil deposits and formation of this state."

JOCHUM of Dubuque
 COHOON of Des Moines
 DREES of Carroll
 O'BRIEN of Boone
 MUNDIE of Webster

BELL of Jasper
 DOTZLER of Black Hawk
 FREVERT of Palo Alto
 MERTZ of Kossuth

H-8235

- 1 Amend House File 2521 as follows:
- 2 1. Page 1, line 7, by striking the words "dual-
- 3 bulb," and inserting the following: "warning light
- 4 or".
- 5 2. Page 1, lines 8 and 9, by striking the words
- 6 "mounted on the top of the vehicle".
- 7 3. Page 1, line 11, by inserting after the words
- 8 "activate the" the following: "warning light or".

RICHARDSON of Warren

H-8241

- 1 Amend House File 2475, as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section 692.2, subsection 1, paragraph
- 5 b. Code 1997, is amended by adding the following new
- 6 subparagraph:
- 7 NEW SUBPARAGRAPH. (6) Records of acquittals or
- 8 dismissals by reason of insanity and records of
- 9 adjudications of mental incompetence to stand trial in
- 10 cases in which physical or mental injury or an attempt
- 11 to commit physical or mental injury to another was
- 12 alleged shall not be disseminated to persons or
- 13 agencies other than criminal or juvenile justice
- 14 agencies or persons employed in or by those agencies."
- 15 2. Page 2, lines 8 and 9, by striking the words
- 16 "an assault or a violation of this section" and
- 17 inserting the following: "a public offense".
- 18 3. Page 2, line 13, by inserting after the word
- 19 "magistrate" the following: "for initial appearance
- 20 under section 804.21, 804.22, or 804.24".
- 21 4. Page 2, line 32, by inserting after the word
- 22 "relatives." the following: "The order shall state
- 23 whether a person is to be taken into custody by a
- 24 peace officer for a violation of the terms stated in
- 25 the order."

26 5. Page 3, by inserting after line 26, the
 27 following:
 28 "___ If a peace officer has probable cause to
 29 believe that a person has violated a no-contact order
 30 issued under this section, the peace officer shall
 31 take the person into custody and shall take the person
 32 without unnecessary delay before the nearest or most
 33 accessible magistrate in the judicial district in
 34 which the person was taken into custody."
 35 6. By renumbering as necessary.

WITT of Black Hawk
GREINER of Washington

H-8242

1 Amend House File 2499 as follows:
 2 1. Page 5, by inserting after line 19 the
 3 following:
 4 "Sec. ___. There is appropriated from the
 5 underground storage tanks marketability fund created
 6 in section 455G.21, to the department of education for
 7 the fiscal year beginning July 1, 1998, and ending
 8 June 30, 1999, the following amount, or so much
 9 thereof as is necessary, to be used for the purpose
 10 designated:
 11 For reimbursement of an amount equal to one hundred
 12 dollars for each student in the state who successfully
 13 completes a driver's education course during the 1998-
 14 1999 school year:
 15 \$ 3,700,000
 16 The department of education shall adopt rules
 17 providing for reimbursement to each school district
 18 for driver's education instruction in the amount of
 19 one hundred dollars for each student who successfully
 20 completes driver's education in the district.
 21 Notwithstanding section 8.33, the unencumbered or
 22 unobligated moneys remaining on June 30 of the fiscal
 23 year from the moneys appropriated in this section
 24 shall not revert to any fund but shall remain
 25 available to be expended during the following fiscal
 26 year for the purpose designated in this section."
 27 2. By renumbering as necessary.

SHOULTZ of Black Hawk

H-8245

1 Amend House File 2386 as follows:
 2 1. Page 1, line 11, by striking the word "five"
 3 and inserting the following: "ten".

WHITEAD of Woodbury

H-8250

1 Amend House File 2494 as follows:

2 1. Page 35, by inserting after line 24 the
3 following:

4 "Sec. NEW SECTION. 455B.205A ENVIRONMENTAL
5 HEALTH SPECIALISTS.

6 1. The department shall contract with local boards
7 of health serving a county or district as provided in
8 chapter 137 in order to carry out this section. The
9 department shall enter into a contract with a local
10 board of health, if the agreement for the services is
11 cost-effective and the quality of the services
12 provided ensures compliance with requirements of this
13 chapter, including rules adopted by the department.
14 If a local board of health is acting in a manner that
15 is inconsistent with the provisions of this chapter or
16 the contract, the department may revoke the contract.

17 2. A local board of health which is a party to a
18 contract with the department shall designate
19 environmental health specialists who shall monitor
20 confinement feeding operations and the application of
21 manure on land within the board's jurisdiction,
22 according to procedures consistent with departmental
23 requirements. In conducting monitoring operations,
24 the environmental health specialists shall do all of
25 the following:

26 a. Ensure compliance with manure management plans
27 as provided in section 455B.203.

28 b. Inspect unformed manure storage structures. An
29 inspection shall include a visual determination
30 regarding a structure's freeboard level, seepage of
31 manure from the structure, erosion, adequate
32 vegetation cover, and the presence of an opening
33 allowing manure to drain from the structure.

34 c. Test drinking water wells which may be
35 contaminated by animal feeding operation structures.

36 3. An environmental health specialist shall be
37 deemed to be an agent of the department for the
38 purpose of carrying out duties under the contract,
39 including the inspection of premises. An
40 environmental health specialist shall have the same
41 authority under this chapter provided to the
42 department, unless the contract specifies otherwise.
43 In order to conduct monitoring, the environmental
44 health specialist must comply with standard
45 biosecurity requirements customarily required by the
46 confinement feeding operation."

47 2. By renumbering as necessary.

H-8255

- 1 Amend House File 2494 as follows:
- 2 1. Page 7, by striking lines 2 and 3 and
- 3 inserting the following: "regulating an agricultural
- 4 operation. County legislation adopted in".
- 5 2. Page 7, by inserting after line 6 the
- 6 following:
- 7 "___ This section shall not apply to county
- 8 legislation which regulates an agricultural operation,
- 9 if the regulation is expressly authorized by state
- 10 law. However, regardless of whether the regulation is
- 11 expressly authorized by state law, this section shall
- 12 not apply to a county's jurisdiction and control over
- 13 secondary roads, or the assessment or collection of
- 14 moneys for costs associated with increased maintenance
- 15 of the roads due to the use of the road by persons
- 16 associated with animal feeding operations."

KREIMAN of Davis

H-8257

- 1 Amend the amendment, H-8217, to House File 2424, as
- 2 follows:
- 3 1. Page 1, by inserting before line 28 the
- 4 following:
- 5 "Sec. ___ EFFECTIVE DATE. This Act, being deemed
- 6 of immediate importance, takes effect upon enactment."
- 7 2. By renumbering as necessary.

VANDE HOEF of Osceola

H-8260

- 1 Amend House File 2494 as follows:
- 2 1. Page 24, by inserting before line 5, the
- 3 following:
- 4 "Sec. ___ NEW SECTION. 455B.200C LEGAL ACTIONS.
- 5 1. Section 657.11 shall not apply to a person
- 6 receiving a permit for the construction of a
- 7 confinement feeding operation or a related animal
- 8 feeding operation structure under section 455B.200A.
- 9 2. In any nuisance action or proceeding against a
- 10 confinement feeding operation described in subsection
- 11 .1, by or on behalf of a person whose date of ownership
- 12 of realty is subsequent to the established date of
- 13 operation of that confinement feeding operation, there
- 14 shall be an absolute defense to the claim of nuisance.
- 15 However, this subsection shall not apply to any of the
- 16 following:
- 17 a. A nuisance caused by a failure to comply with a
- 18 federal statute or regulation or a state statute or

19 rule which applies to the confinement feeding
 20 operation, including requirements established in this
 21 part.

22 b. Any period that the confinement feeding
 23 operation or a person holding a controlling interest
 24 in the confinement feeding operation is classified as
 25 a chronic violator as defined in section 455B.202.
 26 c. Notwithstanding section 335.2, the failure of a
 27 confinement feeding operation to comply with zoning
 28 requirements adopted by the county where the
 29 confinement feeding operation is located. A zoning
 30 requirement shall apply to a confinement feeding
 31 operation with an established date of operation
 32 subsequent to the effective date of the zoning
 33 requirement."

34 2. By renumbering as necessary.

KOENIGS of Mitchell

H-8261

1 Amend House File 2494 as follows:

2 1. Page 40, line 16, by striking the word "The".

3 2. Page 40, line 17, by inserting before the word
 4 "members" the following:

5 "1. The".

6 3. Page 40, by inserting after line 21, the
 7 following:

8 "2. Four members of the general assembly shall
 9 serve as ex officio, nonvoting members of the animal
 10 agriculture consulting organization. The legislative
 11 members shall be appointed by the majority leader of
 12 the senate, by the minority leader of the senate, by
 13 the speaker of the house, and by the minority leader
 14 of the house of representatives. Appointments under
 15 this subsection shall comply with sections 69.16 and
 16 69.16A. Vacancies shall be filled by the original
 17 appointing authority and in the manner of the original
 18 appointments. Legislative members shall serve terms
 19 of two years and shall receive compensation pursuant
 20 to section 2.12."

MUNDIE of Webster

H-8263

1 Amend House File 2494 as follows:

2 1. Page 20, by inserting after line 21 the
 3 following:

4 " —. The department shall not issue a permit for
 5 the construction of an animal feeding operation
 6 structure which is part of a confinement feeding
 7 operation, unless the structure complies with a model

- 8 for the siting of animal feeding structures which
 9 shall be developed by Iowa state university in
 10 cooperation with the department."

MUNDIE of Webster

H-8266

1 Amend House File 2504, as follows:

- 2 1. Page 1, line 8, by inserting after the word
 3 "service" the following: "and shall be imprisoned in
 4 the county jail for not less than seven days".
 5 2. Page 1, line 13, by inserting after the word
 6 "dollars" the following: ", imprisonment for not less
 7 than thirty days".
 8 3. Page 1, line 24, by inserting after the word
 9 "offense" the following: ", shall be imprisoned in
 10 the county jail for not less than forty-eight hours".
 11 4. Page 1, line 28, by inserting after the word
 12 "misdemeanor" the following: ", shall be imprisoned
 13 in the county jail for not less than seven days".
 14 5. Page 1, line 32, by inserting after the word
 15 "felony" the following: ", shall be imprisoned for
 16 not less than thirty days".
 17 6. Page 2, line 3, by inserting after the word
 18 "offense" the following: ", shall be imprisoned in
 19 the county jail for not less than forty-eight hours".
 20 7. Page 2, line 9, by inserting after the word
 21 "b" the following: ", except that the person shall
 22 be imprisoned in the county jail for not less than
 23 forty-eight hours".
 24 8. Page 2, line 14, by inserting after the word
 25 "misdemeanor" the following: ", shall be imprisoned
 26 in the county jail for not less than seven days".
 27 9. Page 2, line 17, by inserting after the word
 28 "requirements" the following: "or any mandatory
 29 minimum term of imprisonment".

KREIMAN of Davis

H-8274

- 1 Amend Senate File 2366, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 11, line 3, by inserting after the figure
 4 "2." the following: "The board of directors may
 5 contract with a public or private postsecondary
 6 institution with an approved practitioner preparation
 7 program, or with a member of the instructional staff
 8 of an approved practitioner preparation program, to
 9 perform the duties of the district facilitator in
 10 accordance with this chapter."

RICHARDSON of Warren

H-8275

- 1 Amend House File 2251 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "health." the following: "For the purposes of this
- 4 section, "body piercing" means the piercing of the
- 5 human body, other than the ear lobe, for purposes of
- 6 ornamentation or pursuant to religious or cultural
- 7 tradition."
- 8 2. Page 1, line 10, by striking the word "minor."
- 9 and inserting the following: "minor, without the
- 10 consent of a parent or guardian."
- 11 3. Page 1, line 17, by striking the words
- 12 "establish and" and inserting the following:
- 13 "establish,".
- 14 4. Page 1, line 18, by inserting after the word
- 15 "collect" the following: ", and retain".
- 16 5. Page 1, by inserting after line 22 the
- 17 following:
- 18 "c. Establish minimum standards for individuals
- 19 performing body piercing."
- 20 6. Page 1, line 26, by striking the word "may"
- 21 and inserting the following: "shall have the
- 22 authority to".

BERNAU of Story
 CARROLL of Poweshiek

H-8277

- 1 Amend House File 382 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 216.2, Code 1997, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 12A. "Sexual orientation" means
- 7 actual or perceived heterosexuality, homosexuality, or
- 8 bisexuality. "Sexual orientation" does not include
- 9 participation in acts which are prohibited by law.
- 10 Sec. 2. Section 216.5, subsections 6 and 8, Code
- 11 1997, are amended to read as follows:
- 12 6. To issue such publications and reports of
- 13 investigations and research as in the judgment of the
- 14 commission shall tend to promote good will among the
- 15 various racial, religious, and ethnic groups of the
- 16 state and which shall tend to minimize or eliminate
- 17 discrimination in public accommodations, employment,
- 18 apprenticeship and on-the-job training programs,
- 19 vocational schools, or housing because of race, creed,
- 20 color, sex, sexual orientation, national origin,
- 21 religion, ancestry, or disability.
- 22 8. To make recommendations to the general assembly

23 for such further legislation concerning discrimination
24 because of race, creed, color, sex, sexual
25 orientation, national origin, religion, ancestry, or
26 disability as it may deem necessary and desirable.
27 Sec. 3. Section 216.6, subsection 1, paragraphs a,
28 b, and c, Code 1997, are amended to read as follows:
29 a. Person to refuse to hire, accept, register,
30 classify, or refer for employment, to discharge any
31 employee, or to otherwise discriminate in employment
32 against any applicant for employment or any employee
33 because of the age, race, creed, color, sex, sexual
34 orientation, national origin, religion, or disability
35 of such applicant or employee, unless based upon the
36 nature of the occupation. If a person with a
37 disability is qualified to perform a particular
38 occupation, by reason of training or experience, the
39 nature of that occupation shall not be the basis for
40 exception to the unfair or discriminating practices
41 prohibited by this subsection.
42 b. Labor organization or the employees, agents, or
43 members thereof to refuse to admit to membership any
44 applicant, to expel any member, or to otherwise
45 discriminate against any applicant for membership or
46 any member in the privileges, rights, or benefits of
47 such membership because of the age, race, creed,
48 color, sex, sexual orientation, national origin,
49 religion, or disability of such applicant or member.
50 c. Employer, employment agency, labor

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1 organization, or the employees, agents, or members
2 thereof to directly or indirectly advertise or in any
3 other manner indicate or publicize that individuals of
4 any particular age, race, creed, color, sex, sexual
5 orientation, national origin, religion, or disability
6 are unwelcome, objectionable, not acceptable, or not
7 solicited for employment or membership unless based on
8 the nature of the occupation. If a person with a
9 disability is qualified to perform a particular
10 occupation by reason of training or experience, the
11 nature of that occupation shall not be the basis for
12 exception to the unfair or discriminating practices
13 prohibited by this subsection.
14 An employer, employment agency, or their employees,
15 servants, or agents may offer employment or advertise
16 for employment to only persons with disabilities, when
17 other applicants have available to them other
18 employment compatible with their ability which would
19 not be available to persons with disabilities because
20 of their disabilities. Any such employment or offer
21 of employment shall not discriminate among persons
22 with disabilities on the basis of race, color, creed,

23 sex, sexual orientation, or national origin.
24 Sec. 4. Section 216.6, subsection 6, paragraph d,
25 Code 1997, is amended to read as follows:
26 d. Any bona fide religious institution or its
27 educational facility, association, corporation, or
28 society with respect to any qualifications for
29 employment based on religion or sexual orientation
30 when such qualifications are related to a bona fide
31 religious purpose. A religious qualification for
32 instructional personnel or an administrative officer,
33 serving in a supervisory capacity of a bona fide
34 religious educational facility or religious
35 institution, shall be presumed to be a bona fide
36 occupational qualification.

37 Sec. 5. Section 216.7, subsection 1, paragraphs a
38 and b, Code 1997, are amended to read as follows:
39 a. To refuse or deny to any person because of
40 race, creed, color, sex, sexual orientation, national
41 origin, religion, or disability the accommodations,
42 advantages, facilities, services, or privileges
43 thereof, or otherwise to discriminate against any
44 person because of race, creed, color, sex, sexual
45 orientation, national origin, religion, or disability
46 in the furnishing of such accommodations, advantages,
47 facilities, services, or privileges.

48 b. To directly or indirectly advertise or in any
49 other manner indicate or publicize that the patronage
50 of persons of any particular race, creed, color, sex,

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1 sexual orientation, national origin, religion, or
2 disability is unwelcome, objectionable, not
3 acceptable, or not solicited.

4 Sec. 6. Section 216.7, subsection 2, paragraph a,
5 Code 1997, is amended to read as follows:
6 a. Any bona fide religious institution with
7 respect to any qualifications the institution may
8 impose based on religion or sexual orientation when
9 such qualifications are related to a bona fide
10 religious purpose.

11 Sec. 7. Section 216.8, subsections 1 through 4,
12 Code 1997, are amended to read as follows:
13 1. To refuse to sell, rent, lease, assign,
14 sublease, refuse to negotiate, or to otherwise make
15 unavailable, or deny any real property or housing
16 accommodation or part, portion or interest therein, to
17 any person because of the race, color, creed, sex,
18 sexual orientation, religion, national origin,
19 disability, or familial status of such person.

20 2. To discriminate against any person because of
21 the person's race, color, creed, sex, sexual
22 orientation, religion, national origin, disability, or

23 familial status, in the terms, conditions or
 24 privileges of the sale, rental, lease assignment or
 25 sublease of any real property or housing accommodation
 26 or any part, portion or interest in the real property
 27 or housing accommodation or in the provision of
 28 services or facilities in connection with the real
 29 property or housing accommodation.

30 For purposes of this section, "person" means one or
 31 more individuals, corporations, partnerships,
 32 associations, labor organizations, legal
 33 representatives, mutual companies, joint stock
 34 companies, trusts, unincorporated organizations,
 35 trustees, trustees in cases under Title 11 of the
 36 United States Code, receivers, and fiduciaries.

37 3. To directly or indirectly advertise, or in any
 38 other manner indicate or publicize that the purchase,
 39 rental, lease, assignment, or sublease of any real
 40 property or housing accommodation or any part, portion
 41 or interest therein, by persons of any particular
 42 race, color, creed, sex, sexual orientation, religion,
 43 national origin, disability, or familial status is
 44 unwelcome, objectionable, not acceptable or not
 45 solicited.

46 4. To discriminate against the lessee or purchaser
 47 of any real property or housing accommodation or part,
 48 portion or interest of the real property or housing
 49 accommodation, or against any prospective lessee or
 50 purchaser of the property or accommodation, because of

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1 the race, color, creed, religion, sex, sexual
 2 orientation, disability, age, or national origin of
 3 persons who may from time to time be present in or on
 4 the lessee's or owner's premises for lawful purposes
 5 at the invitation of the lessee or owner as friends,
 6 guests, visitors, relatives or in any similar
 7 capacity.

8 Sec. 8. Section 216.8A, subsections 1 and 2, Code
 9 1997, are amended to read as follows:

10 1. A person shall not induce or attempt to induce
 11 another person to sell or rent a dwelling by
 12 representations regarding the entry or prospective
 13 entry into a neighborhood of a person of a particular
 14 race, color, creed, sex, sexual orientation, religion,
 15 national origin, disability, or familial status.

16 2. A person shall not represent to a person of a
 17 particular race, color, creed, sex, sexual
 18 orientation, religion, national origin, disability, or
 19 familial status that a dwelling is not available for
 20 inspection, sale, or rental when the dwelling is
 21 available for inspection, sale, or rental.

22 Sec. 9. Section 216.8A, subsection 4, paragraph a,

23 Code 1997, is amended to read as follows:

24 a. A person whose business includes engaging in
25 residential real estate related transactions shall not
26 discriminate against a person in making a residential
27 real estate related transaction available or in terms
28 or conditions of a residential real estate related
29 transaction because of race, color, creed, sex, sexual
30 orientation, religion, national origin, disability, or
31 familial status.

32 Sec. 10. Section 216.8A, subsection 5, Code 1997,
33 is amended to read as follows:

34 5. A person shall not deny another person access
35 to, or membership or participation in, a multiple-
36 listing service, real estate brokers' organization or
37 other service, organization, or facility relating to
38 the business of selling or renting dwellings, or
39 discriminate against a person in terms or conditions
40 of access, membership, or participation in such
41 organization because of race, color, creed, sex,
42 sexual orientation, religion, national origin,
43 disability, or familial status.

44 Sec. 11. Section 216.9, unnumbered paragraph 1,
45 Code 1997, is amended to read as follows:

46 It is an unfair or discriminatory practice for any
47 educational institution to discriminate on the basis
48 of race, creed, color, sex, sexual orientation,
49 national origin, religion, or disability in any
50 program or activity. Such discriminatory practices

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1 shall include but not be limited to the following
2 practices:

3 Sec. 12. Section 216.9, subsection 4, unnumbered
4 paragraph 2, Code 1997, is amended to read as follows:

5 For the purpose of this section "educational
6 institution" includes any preschool, elementary,
7 secondary, or community college, area education
8 agency, or postsecondary college or university and
9 their governing boards. This section does not
10 prohibit an educational institution from maintaining
11 separate toilet facilities, locker rooms or living
12 facilities for the different sexes so long as
13 comparable facilities are provided. Nothing in this
14 section shall be construed as prohibiting any bona
15 fide religious institution from imposing
16 qualifications based on religion or sexual orientation
17 when such qualifications are related to a bona fide
18 religious purpose or any institution from admitting
19 students of only one sex.

20 Sec. 13. Section 216.10, Code 1997, is amended to
21 read as follows:

22 216.10 UNFAIR CREDIT PRACTICES.

23 It shall be an unfair or discriminatory practice
24 for any:

25 1. Creditor to refuse to enter into a consumer
26 credit transaction or impose finance charges or other
27 terms or conditions more onerous than those regularly
28 extended by that creditor to consumers of similar
29 economic backgrounds because of age, color, creed,
30 national origin, race, religion, marital status, sex,
31 sexual orientation, physical disability, or familial
32 status.

33 2. Person authorized or licensed to do business in
34 this state pursuant to chapter 524, 533, 534, 536, or
35 536A to refuse to loan or extend credit or to impose
36 terms or conditions more onerous than those regularly
37 extended to persons of similar economic backgrounds
38 because of age, color, creed, national origin, race,
39 religion, marital status, sex, sexual orientation,
40 physical disability, or familial status.

41 3. Creditor to refuse to offer credit life or
42 health and accident insurance because of color, creed,
43 national origin, race, religion, marital status, age,
44 physical disability, sex, sexual orientation, or
45 familial status. Refusal by a creditor to offer
46 credit life or health and accident insurance based
47 upon the age or physical disability of the consumer
48 shall not be an unfair or discriminatory practice if
49 such denial is based solely upon bona fide
50 underwriting considerations not prohibited by title

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1 XIII, subtitle 1.

2 The provisions of this section shall not be
3 construed by negative implication or otherwise to
4 narrow or restrict any other provisions of this
5 chapter.

6 Sec. 14. Section 216.12, subsection 1, Code 1997,
7 is amended to read as follows:

8 1. Any bona fide religious institution with
9 respect to any qualifications it may impose based on
10 religion or sexual orientation, when the
11 qualifications are related to a bona fide religious
12 purpose unless the religious institution owns or
13 operates property for a commercial purpose or
14 membership in the religion is restricted on account of
15 race, color, or national origin.

16 Sec. 15. Section 216.12A, Code 1997, is amended to
17 read as follows:

18 216.12A ADDITIONAL HOUSING EXCEPTION.

19 Sections 216.8 and 216.8A do not prohibit a person
20 engaged in the business of furnishing appraisals of
21 real estate from taking into consideration factors
22 other than race, color, creed, sex, sexual

- 23 orientation, religion, national origin, disability, or
- 24 familial status in appraising real estate.”
- 25 2. Title page, by striking line 1 and inserting
- 26 the following: “An Act prohibiting discriminatory
- 27 practices base upon a person’s sexual orientation”.

DODERER of Johnson
 MASCHER of Johnson
 MYERS of Johnson

H-8280

- 1 Amend House File 2413 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 “batteries,” the following: “windshields, windows, a
- 4 sound system.”

CHIODO of Polk

H-8284

- 1 Amend Senate File 2366 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 8 the
- 4 following:
- 5 “Of the funds appropriated in this subsection,
- 6 \$300,000 shall be used to provide grants in the amount
- 7 of \$50,000 each to six school districts for extended
- 8 year school pilot projects, and the department of
- 9 education shall expend up to \$60,000 to conduct a
- 10 study of the effectiveness of extended school years on
- 11 student achievement.”
- 12 2. Page 3, by inserting after line 10 the
- 13 following:
- 14 “ . School districts shall expend funds received
- 15 for an extended school year pursuant to this section
- 16 to, at a minimum, install air conditioning in
- 17 attendance centers or finance other infrastructure
- 18 needs of the school district related to an extended
- 19 school year calendar, and to implement a calendar that
- 20 may include, but is not limited to, modification of
- 21 the current one-hundred-eighty-day calendar required
- 22 pursuant to section 279.10, subsection 1. The
- 23 modified calendar shall include a rotation of nine
- 24 weeks of attendance and three weeks of nonattendance
- 25 until the one-hundred-eighty-day calendar year
- 26 requirement is met.”
- 27 3. By renumbering as necessary.

RICHARDSON of Warren

H-8285

- 1 Amend Senate File 2366, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 12, line 21, by inserting after the word
- 4 "plan," the following: "to provide for a stipend for
- 5 the district facilitator,".

RICHARDSON of Warren

H-8286

- 1 Amend House File 2501 as follows:
- 2 1. Page 5, line 32, by inserting after the word
- 3 "plan," the following: "to provide for a stipend for
- 4 the district facilitator,".

RICHARDSON of Warren

H-8287

- 1 Amend House File 2501 as follows:
- 2 1. Page 4, line 14, by inserting after the figure
- 3 "2." the following: "The board of directors may
- 4 contract with a public or private postsecondary
- 5 institution with an approved practitioner preparation
- 6 program, or with a member of the instructional staff
- 7 of an approved practitioner preparation program, to
- 8 perform the duties of the district facilitator in
- 9 accordance with this chapter."

RICHARDSON of Warren

H-8289

- 1 Amend House File 2335 as follows:
- 2 1. Page 2, line 14, by striking the word
- 3 "seventy" and inserting the following: "one hundred".
- 4 2. Page 2, line 16, by striking the word
- 5 "seventy" and inserting the following: "one hundred".
- 6 3. Page 2, line 24, by striking the word
- 7 "seventy" and inserting the following: "one hundred".
- 8 4. Page 2, line 26, by striking the word
- 9 "seventy" and inserting the following: "one hundred".

WEIGEL of Chickasaw

H-8290

- 1 Amend House File 2335 as follows:
- 2 1. Page 8, by inserting after line 23 the
- 3 following:
- 4 "Sec. . NEW SECTION. 10.8A DISSENTING MEMBERS
- 5 AND SHAREHOLDERS.
- 6 If a farmers cooperative association is acquiring
- 7 agricultural land or acquiring an interest in a
- 8 farmers entity, a member or shareholder of the farmers

9 cooperative association may dissent, by filing a
 10 demand within twenty days after the farmers
 11 cooperative association acquires the agricultural land
 12 or the interest in the farmers entity. The farmers
 13 cooperative association shall pay to the member or
 14 shareholder, upon surrender of that person's
 15 certificate of membership or shares of stock, the fair
 16 value of that member's or shareholder's interest as
 17 provided in section 499.66 as if a member were
 18 dissenting to a merger or consolidation. A member or
 19 shareholder who fails to make demand within the
 20 twenty-day period is conclusively presumed to have
 21 consented to the acquisition."

KOENIGS of Mitchell

H-8301

- 1 Amend House File 2517 as follows:
- 2 1. Page 13, by inserting after line 26 the
- 3 following:
- 4 "Sec. **NEW SECTION. 514I.10 FAMILY COVERAGE.**
- 5 The state child health plan submitted to the
- 6 secretary of the United States department of health
- 7 and human services for approval shall include a
- 8 request for a waiver for the purchase of family
- 9 coverage under a group health plan or health insurance
- 10 coverage that includes coverage of eligible children
- 11 in accordance with the requirements of Title XXI of
- 12 the federal Social Security Act. As required by the
- 13 federal Social Security Act, the state plan shall
- 14 provide that the purchase of the coverage is cost-
- 15 effective relative to the amounts that the state would
- 16 have paid to obtain comparable coverage only of the
- 17 eligible children involved, and that the coverage
- 18 shall not be provided if the coverage would otherwise
- 19 substitute for health insurance coverage that would be
- 20 provided to eligible children but for the purchase of
- 21 family coverage."
- 22 2. By renumbering as necessary.

JOCHUM of Dubuque

H-8302

- 1 Amend House File 2335 as follows:
- 2 1. Page 3, by striking lines 2 through 4, and
- 3 inserting the following: "the animals raised on the
- 4 land, provided that all of the following apply:
- 5 a. The person is a natural person or a general
- 6 partnership as provided in chapter 486 in which all
- 7 persons are natural persons.

- 8 b. The person or a general partner in the general
9 partnership was actively engaged in farming the land.”

WEIGEL of Chickasaw

H-8308

- 1 Amend House File 2517 as follows:
2 1. Page 13, line 21, by striking the word
3 “coinsurance” and inserting the following: “a
4 copayment”.
5 2. Page 13, line 24, by striking the word
6 “coinsurance” and inserting the following:
7 “copayment”.

HANSEN of Pottawattamie

H-8311

- 1 Amend House File 2517 as follows:
2 1. Page 3, line 15, by striking the word “nine”
3 and inserting the following: “ten”.
4 2. Page 3, by inserting after line 22 the
5 following:
6 “___ The consumer advocate on insurance, if House
7 File 476 is enacted by the Seventy-seventh General
8 Assembly, 1998 Session.”
9 3. By relettering as necessary.

JOCHUM of Dubuque

H-8316

- 1 Amend House File 2517 as follows:
2 1. Page 5, line 26, by inserting after the word
3 “program” the following: “, including but not limited
4 to a provision to coordinate eligibility between the
5 medical assistance program and the private program
6 which establishes medical assistance eligibility up to
7 one hundred fifty percent of the poverty level.”

JOCHUM of Dubuque

H-8318

- 1 Amend House File 2517 as follows:
2 1. Page 13, by inserting after line 26 the
3 following:
4 “Sec. ____ NEW SECTION. 514J.1 TITLE.
5 This chapter shall be known and may be cited as
6 “Third-party Payor Liability Act”.
7 Sec. ____ NEW SECTION. 514J.2 DEFINITIONS.
8 As used in this chapter, unless the context

9 otherwise requires:

10 1. "Appropriate and medically necessary" means the
11 standard for health care services as determined by a
12 physician or health care provider consistent with
13 accepted practices and standards of care provided by
14 the medical profession in the community.

15 2. "Enrollee" means an individual who is enrolled
16 in a health care plan, including covered dependents.

17 3. "Health care plan" means a plan under which a
18 person undertakes to provide, arrange for, pay for, or
19 reimburse any part of the cost of any health care
20 services.

21 4. "Health care provider" means a person licensed
22 or certified under chapter 147, 148, 148A, 148C, 149,
23 150, 150A, 151, 152, 153, 154, 154B, or 155A to
24 provide in this state professional health care service
25 to an individual during that individual's medical
26 care, treatment, or confinement.

27 5. "Health care treatment decision" means a
28 determination made when medical services are actually
29 provided by the health care plan and a decision which
30 affects the quality of the diagnosis, care, or
31 treatment provided to the plan's insureds or
32 enrollees.

33 6. "Health insurance carrier" means an entity
34 subject to the insurance laws and regulations of this
35 state, or subject to the jurisdiction of the
36 commissioner of insurance, that contracts or offers to
37 contract, or that subcontracts or offers to
38 subcontract, to provide, deliver, arrange for, pay
39 for, or reimburse any of the costs of health care
40 services, including an insurance company offering
41 sickness and accident plans, a health maintenance
42 organization, a nonprofit health service corporation,
43 or any other entity providing a plan of health
44 insurance, health benefits, or health services.

45 7. "Health maintenance organization" means a
46 health maintenance organization as defined in section
47 514B.1.

48 8. "Insured" means an individual who is covered by
49 a health care plan provided by a health insurance
50 carrier.

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1 9. "Managed care entity" means an entity that
2 provides a health care plan that selects and contracts
3 with health care providers; manages and coordinates
4 health care delivery; monitors necessity,
5 appropriateness, and quality of health care delivered
6 by health care providers; and performs utilization
7 review and cost control.

8 10. "Ordinary care" means, in the case of a third-

9 party payor, that degree of care that a third-party of
 10 ordinary prudence would provide under the same or
 11 similar circumstances. In the case of a person who is
 12 an employee, agent, or representative of a third-party
 13 payor, "ordinary care" means that degree of care that
 14 a person of ordinary prudence in the same profession,
 15 specialty, or area of practice as such person would
 16 use in the same or similar circumstances.

17 11. "Organized delivery system" means an organized
 18 delivery system as licensed by the director of public
 19 health.

20 12. "Physician" means an individual licensed under
 21 the provisions of chapter 148, 150, or 150A to
 22 practice medicine and surgery, osteopathy, or
 23 osteopathic medicine and surgery.

24 13. "Third-party payor" means a health insurance
 25 carrier, health maintenance organization, managed care
 26 entity, or organized delivery system.

27 Sec. . NEW SECTION. 514J.3 THIRD-PARTY PAYOR
 28 LIABILITY.

29 1. A third-party payor has the duty to exercise
 30 ordinary care when making health care treatment
 31 decisions and is liable for damages for harm to an
 32 insured or enrollee proximately caused by the third-
 33 party payor's failure to exercise such ordinary care.

34 2. A third-party payor is also liable for damages
 35 for harm to an insured or enrollee proximately caused
 36 by the health care treatment decisions made by an
 37 employee, agent, or representative of the third-party
 38 payor who is acting on behalf of the third-party payor
 39 and over whom the third-party payor has the right to
 40 exercise influence or control or has actually
 41 exercised influence or control if such decision
 42 results in the failure to exercise ordinary care.

43 3. It is a defense in an action brought pursuant
 44 to this section against a third-party payor that
 45 neither the third-party payor, nor an employee, agent,
 46 or representative of the third-party payor controlled,
 47 influenced, or participated in the health care
 48 treatment decision; or that the third-party payor did
 49 not deny or delay payment for any treatment prescribed
 50 or recommended by a health care provider to the

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1 insured or enrollee.

2 4. Subsections 1 and 2 do not create an obligation
 3 on the part of the third-party payor to provide
 4 treatment to an insured or enrollee which is not
 5 covered by the health care plan offered by the third-
 6 party payor.

7 5. This chapter does not create any liability on
8 the part of an employer, or an employer group
9 purchasing organization that purchases coverage or
10 assumes risk on behalf of its employees.

11 6. A third-party payor shall not remove a
12 physician or health care provider from its plan or
13 refuse to renew the physician or health care provider
14 under its plan for advocating appropriate and
15 medically necessary health care for the insured or
16 enrollee.

17 7. A third-party payor shall not enter into a
18 contract with a physician, hospital, or other health
19 care provider or pharmaceutical company which includes
20 an indemnification or hold harmless clause for the
21 acts or conduct of the third-party payor. Any such
22 indemnification or hold harmless clause in an existing
23 contract is void.

24 8. A provision under state law prohibiting a
25 third-party payor from practicing medicine or being
26 licensed to practice medicine shall not be asserted as
27 a defense by such third-party payor in an action
28 brought against it pursuant to this section or any
29 other applicable law.

30 9. In an action against a third-party payor, a
31 finding that a physician or other health care provider
32 is an employee, agent, or representative of such
33 third-party payor shall not be based solely on proof
34 that such person's name appears in a listing of
35 approved physicians or health care providers made
36 available to an insured or enrollee under a health
37 care plan.

38 10. This chapter does not apply to workers'
39 compensation coverage."

40 2. Title page, line 1, by inserting after the
41 word "Act" the following: "relating to insurance and
42 consumers of insurance including the duties of certain
43 insurers to consumers and including".

JOCHUM of Dubuque

H-8320

1 Amend House File 2517 as follows:

2 1. By striking page 12, line 29, through page 13,
3 line 5, and inserting the following:

4 "1. The benefits provided under the program shall
5 be those benefits provided under the Iowa medical
6 assistance program.

7 2. The HAWK-I board shall".

JOCHUM of Dubuque

H-8323

1 Amend the amendment, H-8294, to House File 2517 as
2 follows:

3 1. 'Page 1, by inserting after line 1 the
4 following:

5 "___ Page 1, by inserting before line 1 the
6 following:

7 "Section 1. NEW SECTION. 507F.1 CONSUMER
8 ADVOCATE ON INSURANCE - APPOINTMENT - POLITICAL
9 ACTIVITY - REMOVAL.

10 1. The attorney general shall appoint a competent
11 attorney to the office of consumer advocate on
12 insurance. The appointment is subject to senate
13 confirmation, in accordance with section 2.32. The
14 advocate's term of office is for four years. The term
15 begins and ends as set forth in section 69.19.

16 2. If a vacancy occurs in the office of consumer
17 advocate on insurance, the vacancy shall be filled for
18 the unexpired term in the same manner as an original
19 appointment.

20 3. The consumer advocate on insurance shall devote
21 the advocate's entire time to the duties of the
22 office. During the consumer advocate's term of office
23 the advocate shall not be a member of a political
24 committee, shall not contribute to a political
25 campaign fund other than through the income tax
26 checkoff for contributions to the Iowa election
27 campaign fund and the presidential election campaign
28 fund, and shall not take part in political campaigns
29 or be a candidate for a political office.

30 4. The attorney general may remove the consumer
31 advocate for malfeasance or nonfeasance in office, or
32 for any cause which renders the advocate ineligible
33 for appointment, or if incapable or unfit to discharge
34 the duties of the advocate's office. The consumer
35 advocate's removal, when so made, is final.

36 Sec. ___ NEW SECTION. 507F.2 DUTIES.

37 The office of the consumer advocate on insurance
38 shall:

39 1. Adopt rules pursuant to chapter 17A and perform
40 other duties necessary to the administration of this
41 chapter.

42 2. Investigate the legality of all rates, charges,
43 rules, regulations, and practices of all persons under
44 the jurisdiction of the insurance division, and
45 institute civil proceedings before the division of
46 insurance or any court to correct any illegality on
47 the part of any such person. In any investigation,
48 the person acting for the office of the consumer
49 advocate on insurance shall have the power to ask the
50 commissioner of insurance to issue subpoenas, compel

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1 the attendance and testimony of witnesses, and the
2 production of papers, books, and documents.
3 3. Make recommendations to the general assembly
4 regarding insurance regulation.
5 4. Make recommendations to the insurance division
6 or any other governmental agency which has an impact
7 on insurance regulation in the state through
8 rulemaking, and shall review and, if the advocate
9 deems it to be in the public interest, appeal the
10 rulemaking or contested case decisions of the
11 insurance division or any other governmental agency
12 which has an impact on insurance regulation in the
13 state.

14 5. Represent the interests of the public relating
15 to insurance reform, coverage, and rates where action
16 is necessary for the protection of public rights.

17 6. Institute judicial review of final or
18 interlocutory actions of the insurance division if the
19 review is deemed to be in the public interest.

20 7. Act as attorney for and represent all consumers
21 generally and the public generally in all proceedings
22 before the insurance division, federal and state
23 agencies, and related judicial review proceedings and
24 appeals.

25 8. Appear for all consumers generally and the
26 public generally in all actions instituted in any
27 state or federal court which involve the validity of a
28 rule, regulation, or order of the insurance division.

29 9. Appear and participate as a party in the name
30 of the office of consumer advocate on insurance in the
31 performance of the duties of the office.

32 Sec. . NEW SECTION. 507F.3 OFFICE -
33 EMPLOYEES - EXPENSES.

34 1. The office of the consumer advocate on
35 insurance shall be located within the office of the
36 attorney general. Administrative support services
37 shall be provided to the consumer advocate by the
38 office of the attorney general.

39 2. The consumer advocate on insurance may employ
40 attorneys, legal assistants, secretaries, clerks, and
41 other employees the consumer advocate finds necessary
42 for the full and efficient discharge of the duties and
43 responsibilities of the office. The consumer advocate
44 on insurance may employ consultants as expert
45 witnesses or technical advisors pursuant to contract
46 as the consumer advocate finds necessary for the full
47 and efficient discharge of the duties of the office.

48 Employees of the consumer advocate, other than the
49 consumer advocate, are subject to merit employment,
50 except as provided in section 19A.3.

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1 3. The salary of the consumer advocate on
2 insurance shall be fixed by the attorney general
3 within the salary range set by the general assembly.
4 The salaries of employees of the consumer advocate on
5 insurance is as provided by law. The appropriation
6 for the office of consumer advocate on insurance shall
7 be a separate line item contained in the appropriation
8 from the general fund of the state to the department
9 of justice.

10 Sec. ____ NEW SECTION. 507F.4 INSURANCE DIVISION
11 RECORDS.

12 The consumer advocate on insurance has free access
13 to all the files, records, and documents in the office
14 of the insurance division except:

- 15 1. Personal information in confidential personnel
16 records of the insurance division.
- 17 2. Records which represent and constitute the work
18 product of the general counsel of the insurance
19 division where the records relate to a proceeding
20 before the division in which the consumer advocate is
21 a party or a proceeding in any state or federal court
22 in which both the division and the consumer advocate
23 are parties.
- 24 3. Insurer information of a confidential nature
25 which could jeopardize an insurer's competitive status
26 and is provided by an insurer to the division.
27 However, such information shall be provided to the
28 consumer advocate by the insurance division, if the
29 division determines it to be in the public interest.

30 Sec. ____ NEW SECTION. 507F.5 SERVICE.

31 The consumer advocate on insurance is entitled to
32 service of all documents required by statute or rule
33 to be served on parties in proceedings before the
34 insurance division and all notices, petitions,
35 applications, complaints, answers, motions, and other
36 pleadings filed pursuant to statute or rule with the
37 division.

38 Sec. ____ NEW SECTION. 507F.6 CONSUMER ADVOCATE
39 ON INSURANCE ADVISORY COMMITTEE.

40 The attorney general shall appoint seven members to
41 a consumer advocate on insurance advisory committee to
42 meet at the request of the consumer advocate for
43 consultation regarding the protection of public rights
44 in insurance regulation. A member shall be appointed
45 from each congressional district with the appointee
46 residing within the district at the time of the
47 appointment. The remaining appointees shall be
48 members at large. Members shall be appointed which
49 represent the various sectors of the population and
50 appointments shall be made in compliance with section

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1 69.16 and 69.16A. The members shall serve four-year
 2 terms and their appointments are not subject to
 3 confirmation by the senate. A vacancy shall be filled
 4 in the same manner as the original appointment for the
 5 unexpired portion of the member's term. Members of
 6 the committee shall serve without compensation, but
 7 shall be reimbursed for actual expenses from funds
 8 appropriated to the office of the consumer advocate on
 9 insurance." "

10 2. Page 1, by inserting after line 6 the
 11 following:

12 " ___. Page 3, line 15, by striking the word
 13 "nine" and inserting the following: "ten"."

14 3. Page 1, by striking lines 7 and 8 and
 15 inserting the following:

16 " ___. Page 3, by inserting after line 22 the
 17 following:

18 " ___. The consumer advocate on insurance.""

19 4. Page 1, by inserting after line 41 the
 20 following:

21 " " ___. Title page, line 1, by inserting after the
 22 word "Act" the following: "relating to insurance and
 23 insurance consumers, including appointing a consumer
 24 advocate on insurance and"."

25 5. By renumbering as necessary.

JOCHUM of Dubuque

H-8324

1 Amend House File 2394 as follows:

2 1. Page 4, by inserting after line 16 the
 3 following:

4 "Sec. ___. Section 902.12, Code 1997, is amended
 5 by adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. Except as otherwise
 7 provided in section 903A.2, a person serving a
 8 sentence for conviction under section 707.6A,
 9 subsection 1, shall serve one hundred percent of the
 10 maximum term of the person's sentence and shall not be
 11 released on parole or work release, if the person was
 12 also convicted under section 321.261, subsection 3,
 13 based on the same facts or event that resulted in the
 14 conviction under section 707.6A, subsection 1."

15 2. Title page, line 1, by inserting after the
 16 words "providing for" the following: "service of one
 17 hundred percent of the maximum sentence by and".

CHIODO of Polk

H-8325

1 Amend House File 2494 as follows:

- 2 1. Page 15, line 15, by striking the word and
- 3 figures "July 1, 1998," and inserting the following:
- 4 "the effective date of this Act."
- 5 2. Page 15, line 26, by striking the word and
- 6 figures "July 1, 1998," and inserting the following:
- 7 "the effective date of this Act."
- 8 3. Page 35, line 28, by striking the word and
- 9 figures "July 1, 1998" and inserting the following:
- 10 "the effective date of this Act".
- 11 4. Page 41, by striking lines 14 and 15 and
- 12 inserting the following:
- 13 "Sec. ____ EFFECTIVE DATE. This Act, being deemed
- 14 of immediate importance, takes effect upon enactment."

KOENIGS of Mitchell

H-8327

1 Amend House File 2498 as follows:

- 2 1. Page 12, by inserting after line 8 the
- 3 following:
- 4 "It is intent of the general assembly that the
- 5 chairperson of a board of directors of a nonprofit
- 6 corporation having an agreement with a county board of
- 7 supervisors for the use of approved public property
- 8 under a license issued by the state racing and gaming
- 9 commission shall not participate in, or receive
- 10 directly or indirectly any money or valuable thing
- 11 from, horse racing or pari-mutuel wagering on public
- 12 property which has been approved by the state racing
- 13 and gaming commission for gambling activities. A
- 14 person who knowingly violates the provisions of this
- 15 paragraph shall forfeit the office of chairperson of
- 16 the board of directors of the affected nonprofit
- 17 corporation."

CHIODO of Polk

H-8328

1 Amend House File 2520 as follows:

- 2 1. Page 1, line 7, by striking the figure "1."
- 3 2. Page 1, line 8, by striking the words and
- 4 figures "prior to July 1, 1996".
- 5 3. Page 1, by striking lines 22 through 35.
- 6 4. Page 2, by striking lines 7 and 8 and
- 7 inserting the following: "~~two alternative forms~~
- 8 ~~prescribed by this chapter. The two alternative forms~~
- 9 ~~are following alternative forms:~~"
- 10 5. Page 2, line 17, by inserting after the word

11 "established" the following: "prior to July 1,
 12 1998."

13 6. Page 2, lines 26 and 27, by striking the words
 14 and figures "subsection 2 or 3," and inserting the
 15 following: "subsection 2,"

16 7. Page 3, by striking lines 14 through 18 and
 17 inserting the following:

18 "NEW SUBSECTION. 15. Establish appropriate
 19 reimbursement rates for community mental health
 20 centers that are accredited by the mental health and
 21 mental retardation commission. The reimbursement
 22 rates shall be phased-in over the three-year period
 23 beginning July 1, 1998, and ending June 30, 2001.

24 Sec. ____ Section 230A.3, subsection 3, as enacted
 25 by this Act, is repealed on July 1, 2001."

26 8. By striking page 3, line 29, through page 4,
 27 line 25.

28 9. Page 10, line 8, by inserting after the word
 29 "subsection" the following: "and inserting in lieu
 30 thereof the following:

31 8. A county's management plans submitted under
 32 this section shall provide for services to children
 33 from community mental health centers and other mental
 34 health service providers accredited under chapter
 35 225C."

HOUSER of Pottawattamie

H-8329

1 Amend House File 2520 as follows:

2 1. Page 7, by inserting after line 20 the
 3 following:

4 "c. If approved by the federal government, adult
 5 residential environments licensed as an intermediate
 6 care facility for persons with mental retardation
 7 using a campus or village setting approach in not more
 8 than three counties may convert to a residential
 9 program under the provisions of a medical assistance
 10 home and community-based services waiver for persons
 11 with mental retardation provided the adult residential
 12 environments meet all of the following requirements:

13 (1) The intermediate care facility for persons
 14 with mental retardation license is surrendered.
 15 (2) The environment's bed capacity is reduced by
 16 at least twenty-five percent to a maximum capacity of
 17 no more than twelve beds.

18 (3) The environment submits a five-year plan for
 19 further bed capacity reduction to the department of
 20 human services and the plan is acceptable to the
 21 department of human services.

22 The director of human services may authorize
 23 reimbursement of the costs of environments converted

24 in accordance with this lettered paragraph from moneys
 25 appropriated for state supplementary assistance at a
 26 rate which does not exceed the maximum allowed for a
 27 residential program under the medical assistance home
 28 and community-based services waiver. The departments
 29 of human services and inspections and appeals shall
 30 develop standards and a monitoring process for
 31 environments converted under this lettered paragraph."

BLODGETT of Cerro Gordo

H-8331

1 Amend the amendment, H-8294, to House File 2517 as
 2 follows:
 3 1. Page 1, by inserting after line 6 the
 4 following:
 5 "____. Page 3, line 15, by striking the word
 6 "nine" and inserting the following: "seven"."
 7 2. Page 1, by inserting after line 11 the
 8 following:
 9 "____. Page 3, line 30, by inserting after the
 10 word "education." the following: "One public member
 11 shall be the consumer advocate on insurance, if House
 12 File 476 is enacted by the Seventy-seventh General
 13 Assembly, 1998 Session."
 14 3. By renumbering as necessary.

JOCHUM of Dubuque

H-8335

1 Amend the amendment, H-8302, to House File 2335, as
 2 follows:
 3 1. Page 1, by inserting after line 9 the
 4 following:
 5 "____. A natural person who leases agricultural
 6 land, if the person is actively engaged in farming the
 7 agricultural land."

WEIGEL of Chickasaw

H-8336

1 Amend the amendment, H-8289, to House File 2335, as
 2 follows:
 3 1. Page 1, by inserting after line 9 the
 4 following:
 5 "____. Page 3, by inserting after line 5 the
 6 following:
 7 "____. A natural person who leases agricultural
 8 land, if the person is actively engaged in farming the
 9 agricultural land."

WEIGEL of Chickasaw

H-8339

- 1 Amend House File 2494 as follows:
2 1. Page 6, line 26, by striking the words "but
3 not limited to".
4 2. Page 6, line 29, by striking the words "or
5 transportation".

ARNOLD of Lucas

H-8340

- 1 Amend House File 2494 as follows:
2 1. Page 7, by striking lines 2 and 3 and
3 inserting the following: "regulating an agricultural
4 operation. County legislation adopted in".
5 2. Page 7, by inserting after line 6 the
6 following:
7 " _____. This section shall not apply to county
8 legislation which regulates an agricultural operation,
9 if the regulation is expressly authorized by state
10 law. However, regardless of whether the regulation is
11 expressly authorized by state law, this section shall
12 not apply to a county's jurisdiction and control over
13 secondary roads, or the assessment or collection of
14 moneys for costs associated with increased maintenance
15 of the roads due to the use of the roads by an animal
16 feeding operation."

KREIMAN of Davis

H-8347

- 1 Amend House File 2101 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 99F.4A, Code 1997, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 8. If a license issued pursuant
7 to this chapter or chapter 99D is transferred, an
8 existing collective bargaining agreement or the impact
9 of an employee representation election shall transfer
10 to the new licensee."

TAYLOR of Linn

H-8350

- 1 Amend House File 2494 as follows:
2 1. Page 35, line 28, by striking the word and
3 figures "July 1, 1998" and inserting the following:
4 "the effective date of this Act".
5 2. Page 41, by striking lines 14 and 15 and

- 6 inserting the following:
 7 "Sec. ____ EFFECTIVE DATE. This Act, being deemed
 8 of immediate importance, takes effect upon enactment."

KOENIGS of Mitchell

H-8351

- 1 Amend House File 2494 as follows:
 2 1. Page 40, line 16, by striking the word "The".
 3 2. Page 40, line 17, by inserting before the word
 4 "members" the following:
 5 "1. The".
 6 3. Page 40, by inserting after line 21, the
 7 following:
 8 "2. Representatives of the following organizations
 9 shall also be appointed as part of the animal
 10 agriculture consulting organization: one member
 11 appointed by the Iowa association of county
 12 conservation boards, one member appointed by the Iowa
 13 environmental health association, and one member
 14 appointed jointly by prairie fire, the Iowa farmers
 15 union, and the national farmers organization."

MUNDIE of Webster

H-8353

- 1 Amend House File 2335 as follows:
 2 1. Page 8, by inserting after line 23 the
 3 following:
 4 "Sec. ____ NEW SECTION. 10.8A DISSENTING MEMBERS
 5 AND SHAREHOLDERS.
 6 If a farmers cooperative association is acquiring
 7 agricultural land or acquiring an interest in a
 8 farmers entity, the farmers cooperative association
 9 shall notify its members and shareholders of the
 10 acquisition. The notice shall be delivered to each
 11 member and shareholder in person or by mail directed
 12 to each member's or shareholder's address as shown on
 13 the books of the association. A member or shareholder
 14 of the farmers cooperative association may dissent, by
 15 filing a demand within twenty days after the farmers
 16 cooperative association receives the notice. The
 17 farmers cooperative association shall pay to the
 18 member or shareholder, upon surrender of that person's
 19 certificate of membership or shares of stock, the fair
 20 value of that member's or shareholder's interest as
 21 provided in section 499.66 as if a member were
 22 dissenting to a merger or consolidation. A member or
 23 shareholder who fails to make demand within the
 24 twenty-day period is conclusively presumed to have
 25 consented to the acquisition."

KOENIGS of Mitchell

H-8356

- 1 Amend Senate File 58, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 11, by striking the words "make
4 every effort to provide" and inserting the following:
5 "encourage the provision of".
- 6 2. Page 2, by striking lines 3 and 4 and
7 inserting the following: "the divisions may find
8 necessary to utilize in order to effectively
9 communicate with".
- 10 3. Page 2, by inserting after line 5 the
11 following:
12 "10. To signs posted by a city or county in a
13 public place, relating to public welfare and safety in
14 the vicinity of the sign."

Committee on State Government

H-8359

- 1 Amend the amendment, H-8177, to House File 2494 as
2 follows:
- 3 1. Page 2, by striking lines 21 through 39 and
4 inserting the following:
5 "Sec. ____ Section 657.11, subsection 4, Code
6 1997, is amended by striking the subsection.
7 Sec. ____ NEW SECTION. 657.11A CHRONIC
8 VIOLATORS.
- 9 1. As used in this section, unless the context
10 otherwise requires:
- 11 a. "Commission" means the environmental protection
12 commission created in section 455A.6.
- 13 b. "Confinement feeding operation" means the same
14 as defined in section 455B.161.
- 15 c. "Department" means the department of natural
16 resources.
- 17 d. "Suspect transaction" means a transaction in
18 which a person classified as a chronic violator under
19 this section does any of the following:
- 20 (1) Transfers a controlling interest in a
21 confinement feeding operation to any of the following:
- 22 (a) An employee of the chronic violator or
23 business in which the person holds a controlling
24 interest.
- 25 (b) A person who holds an interest in a business,
26 including a confinement feeding operation, in which
27 the chronic violator holds a controlling interest.
- 28 (c) A person related to the chronic violator as
29 spouse, parent, grandparent, lineal ascendant of a
30 grandparent or spouse and any other lineal descendant
31 of the grandparent or spouse, or a person acting in a
32 fiduciary capacity for a related person.

33 (2) Provides financing for the construction or
34 operation of a confinement feeding operation to any
35 person, including by providing a contribution, loan to
36 the person, or providing collateral for a contribution
37 or loan made by a third person.

38 2. The rebuttable presumption provided in section
39 657.11 does not apply to a person during any period
40 that the person is classified as a chronic violator
41 under this section as to any confinement feeding
42 operation in which the person holds a controlling
43 interest, as defined by rules adopted by the
44 department of natural resources. The rebuttable
45 presumption shall apply to the person on and after the
46 date that the person is removed from the
47 classification of chronic violator.

48 3. A person shall be classified as a chronic
49 violator if the person has committed three or more
50 violations as described in this subsection prior to,

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1 on, or after July 1, 1996. In addition, in relation
2 to each violation, the person must have been subject
3 to either of the following:

4 a. The assessment of a civil penalty by the
5 department or the commission in an amount equal to
6 three thousand dollars or more.

7 b. A court order or judgment for a legal action
8 brought by the attorney general after referral by the
9 department or commission.

10 4. Each violation must have occurred within five
11 years prior to the date of the latest violation,
12 counting any violation committed by a confinement
13 feeding operation in which the person holds a
14 controlling interest. A violation occurs on the date
15 the department issues an administrative order to the
16 person assessing a civil penalty of three thousand
17 dollars or more, or on the date the department
18 notifies a person in writing that the department will
19 recommend that the commission refer, or the commission
20 refers the case to the attorney general for legal
21 action, or the date of entry of the court order or
22 judgment, whichever occurs first. A violation under
23 this subsection shall not be counted if the civil
24 penalty ultimately imposed is less than three thousand
25 dollars, the department or commission does not refer
26 the action to the attorney general, the attorney
27 general does not take legal action, or a court order
28 or judgment is not entered against the person. A
29 person shall be removed from the classification of
30 chronic violator on the date on which the person and
31 all confinement feeding operations in which the person
32 holds a controlling interest have committed less than

33 three violations described in this subsection for the
34 prior five years.

35 5. For purposes of counting violations, a
36 continuing and uninterrupted violation shall be
37 considered as one violation. Different types of
38 violations shall be counted as separate violations
39 regardless of whether the violations were committed
40 during the same period. The violation must be a
41 violation of a state statute, or a rule adopted by the
42 department, which applies to a confinement feeding
43 operation and any related animal feeding operation
44 structure, including an anaerobic lagoon, earthen
45 manure storage basin, formed manure storage structure,
46 or egg washwater storage structure, or any related
47 pollution control device or practice. The structure,
48 device, or practice must be part of the confinement
49 feeding operation. The violation must be one of the
50 following:

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- 1 a. Constructing or operating a related animal
2 feeding operation structure or installing or using a
3 related pollution control device or practice, for
4 which the person must obtain a permit, in violation of
5 statute or rules adopted by the department, including
6 the terms or conditions of the permit.
- 7 b. Intentionally making a false statement or
8 misrepresenting information to the department as part
9 of an application for a construction permit for the
10 related animal feeding operation structure, or the
11 installation of the related pollution control device
12 or practice, for which the person must obtain a
13 construction permit from the department.
- 14 c. Failing to obtain a permit or approval by the
15 department for a permit to construct or operate a
16 confinement feeding operation or use a related animal
17 feeding operation structure or pollution control
18 device or practice, for which the person must obtain a
19 permit from the department.
- 20 d. Operating a confinement feeding operation,
21 including a related animal feeding operation structure
22 or pollution control device or practice, which causes
23 pollution to the waters of the state, if the pollution
24 was caused intentionally, or caused by a failure to
25 take measures required to abate the pollution which
26 resulted from an act of God.
- 27 e. Failing to submit a manure management plan as
28 required, or operating a confinement feeding operation
29 required to have a manure management plan without
30 having submitted the manure management plan.
- 31 6. A suspect transaction shall be presumed to be
32 made in order to avoid a cause of action for nuisance

33 brought against the person classified as a chronic
 34 violator. The person receiving control of the
 35 operation pursuant to the suspect transaction shall be
 36 deemed to be an agent of the chronic violator, unless
 37 the chronic violator and the person receiving the
 38 controlling interest in the confinement feeding
 39 operation because of the suspect transaction, prove by
 40 clear and convincing evidence all of the following:
 41 a. That the suspect transaction was for a
 42 legitimate business purpose made by parties exercising
 43 independent and reasonable judgment.
 44 b. That the chronic violator does not exercise a
 45 controlling influence over the business affairs of the
 46 confinement feeding operation.”
 47 2. By renumbering as necessary.

WISE of Lee

H-8360

1 Amend Senate File 2052, as amended, passed, and
 2 reprinted by the Senate, as follow:
 3 1. Page 1, by striking lines 12 through 22 and
 4 inserting the following:
 5 “5. ~~During the period of January 1 through October~~
 6 ~~25, five percent of the state ceiling shall be~~
 7 ~~reserved for private activity bonds issued by~~
 8 ~~political subdivisions, the proceeds of which are used~~
 9 ~~by the issuing political subdivisions. Eighteen~~
 10 ~~percent of the state ceiling shall be allocated to a~~
 11 ~~qualified industry or industries for the~~
 12 ~~manufacturing, processing, or assembling of~~
 13 ~~agricultural or manufactured products as defined in~~
 14 ~~section 419.1, subsection 12, paragraph “a”,~~
 15 ~~subparagraph (4).~~
 16 6. a. The amount of the state ceiling not
 17 allocated under subsections 1 through 4 ~~5, and after~~
 18 ~~October 25, the amount of the state ceiling reserved~~
 19 ~~under subsection 5 and not allocated, shall be~~
 20 allocated to all bonds requiring an allocation under
 21 section 146 of the Internal Revenue Code without
 22 priority for any type of bond over another, except as
 23 otherwise provided in ~~sections 7C.5 and section~~
 24 ~~7C.11.”~~

Committee on Agriculture

H-8361

1 Amend the amendment, H-8152, to House File 2494 as
 2 follows:
 3 1. Page 1, by inserting after line 8 the
 4 following:

- 5 " Page 7, by inserting after line 6 the
 6 following:
 7 " Regardless of whether the regulation is
 8 expressly authorized by state law, this section shall
 9 not apply to a county's jurisdiction and control over
 10 secondary roads, or the assessment or collection of
 11 moneys for costs associated with increased maintenance
 12 of the roads due to the use of the roads by an animal
 13 feeding operation."
 14 2. By renumbering as necessary.

KREIMAN of Davis

H-8362

- 1 Amend House File 2470 as follows:
 2 1. Page 1, by striking lines 4 through 6 and
 3 inserting the following: "means an employee of the
 4 state or a political subdivision of the state who is
 5 any of the following:
 6 a. A paid fire fighter.
 7 b. A peace officer as defined in section 801.4.
 8 c. An attorney general as defined in section
 9 801.4.
 10 d. A county attorney as defined in section 801.4.
 11 e. A magistrate as defined in section 801.4.
 12 f. A prosecuting attorney as defined in section
 13 801.4.
 14 g. A judicial officer as defined in section
 15 602.1101.
 16 h. An emergency medical care provider as defined
 17 in section 147A.1."
 18 2. Page 1, by striking lines 14 through 17 and
 19 inserting the following: "shall provide for drug or
 20 alcohol testing only if the employer has probable
 21 cause to believe that the public safety employee's
 22 faculties are impaired on the job. For purposes of
 23 this subsection, an employer has probable cause to
 24 believe that a public safety employee's faculties are
 25 impaired on the job if the employer is investigating
 26 an accident in the workplace and all of the following
 27 conditions are met:
 28 a. The employer has reasonable grounds to believe
 29 that the public safety employee proposed to be tested
 30 either directly caused or directly contributed to the
 31 accident.
 32 b. The employer has reasonable grounds to believe
 33 that the public safety employee's faculties were
 34 impaired and that the impairment was likely a
 35 substantial factor in causing the accident.
 36 c. The accident results in a personal injury which
 37 requires medical treatment away from the workplace or
 38 damage to property, including equipment, in an amount

39 reasonably estimated to exceed three thousand dollars
 40 at the time of the accident.
 41 d. Prior to the accident, the employer has
 42 provided the employee to be tested with written notice
 43 of the employer's rules or policies regarding alcohol
 44 and controlled substances and testing when a workplace
 45 accident or injury occurs."

MURPHY of Dubuque

H-8370

1 Amend the amendment, H-8350, to House File 2494 as
 2 follows:
 3 1. Page 1, line 7, by striking the word "This"
 4 and inserting the following: "Section 455B.206, as
 5 enacted in this".

KOENIGS of Mitchell

H-8372

1 Amend Senate File 2316, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, by striking lines 7 through 9 and
 4 inserting the following:
 5 "NEW PARAGRAPH. d. "Human remains" means a
 6 deceased human being for which a death certificate or
 7 fetal death certificate is required and includes
 8 cremated remains."
 9 2. Page 5, by striking lines 11 through 22.
 10 3. Page 7, by striking lines 11 and 12 and
 11 inserting the following:
 12 "c. The offer or sale of a business opportunity
 13 for which the cash payment made by a purchaser does
 14 not exceed five hundred dollars and the payment is
 15 made for the not-for-profit sale of sales
 16 demonstration equipment, material, or samples, or the
 17 payment is made for product inventory sold to the
 18 purchaser at a bona fide wholesale price."
 19 4. Page 13, by striking lines 21 through 26.
 20 5. By renumbering as necessary.

Committee on Commerce and Regulation

H-8375

1 Amend House File 2513 as follows:
 2 1. Page 5, by inserting after line 9 the
 3 following:
 4 "However, the hospital shall pay the tax and any
 5 local option tax at the time of the sale or rental of
 6 the tangible personal property or at the time the

7 services are performed, rendered, or furnished and
8 shall then file for a refund of only the state taxes
9 paid on forms provided by the department. Claims for
10 refunds shall be filed no later than June 30 of the
11 state fiscal year following the state fiscal year in
12 which the taxes were paid.”

OSTERHAUS of Jackson

H-8376

1 Amend House File 2513 as follows:

2 1. Page 5, line 9, by inserting after the word
3 “hospital.” the following: “This exemption does not
4 apply to a local option sales and services tax imposed
5 under chapter 422B or under the provisions of any
6 other chapter.”

7 2. Page 5, by inserting after line 9 the
8 following:

9 “Sec. ____ Section 422B.8, unnumbered paragraph 1,
10 Code 1997, is amended to read as follows:

11 A local sales and services tax at the rate of not
12 more than one percent may be imposed by a county on
13 the gross receipts taxed by the state under chapter
14 422, division IV. A local sales and services tax
15 shall be imposed on the same basis as the state sales
16 and services tax and may not be imposed on the sale of
17 any property or on any service not taxed by the state,
18 except the exemption for certain nonprofit hospitals
19 in section 422.45, subsection 52, does not apply and
20 except the tax shall not be imposed on the gross
21 receipts from the sale of motor fuel or special fuel
22 as defined in chapter 452A, on the gross receipts from
23 the rental of rooms, apartments, or sleeping quarters
24 which are taxed under chapter 422A during the period
25 the hotel and motel tax is imposed, on the gross
26 receipts from the sale of natural gas or electric
27 energy in a city or county where the gross receipts
28 are subject to a franchise fee or user fee during the
29 period the franchise or user fee is imposed, on the
30 gross receipts from the sale of equipment by the state
31 department of transportation, and on the gross
32 receipts from the sale of a lottery ticket or share in
33 a lottery game conducted pursuant to chapter 99E. A
34 local sales and services tax is applicable to
35 transactions within those incorporated and
36 unincorporated areas of the county where it is imposed
37 and shall be collected by all persons required to
38 collect state gross receipts taxes. All cities
39 contiguous to each other shall be treated as part of
40 one incorporated area and the tax would be imposed in
41 each of those contiguous cities only if the majority
42 of those voting in the total area covered by the

- 43 contiguous cities favor its imposition."
 44 3. By renumbering as necessary.

OSTERHAUS of Jackson

H-8390

- 1 Amend House File 2514 as follows:
 2 1. Page 5, by inserting after line 7 the
 3 following:
 4 "Sec. ____ Section 455B.392, subsection 1, Code
 5 1997, is amended by adding the following new
 6 unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. A person having control
 8 over a hazardous substance shall not be held strictly
 9 liable to the state or its political subdivisions
 10 unless the cleanup costs are first approved by the
 11 state fire marshal."
 12 2. Page 5, by striking lines 8 through 19.
 13 3. By renumbering as necessary.

MURPHY of Dubuque
 DOTZLER of Black Hawk
 LAMBERTI of Polk
 CONNORS of Polk
 CHIODO of Polk
 JACOBS of Polk

GRUNDBERG of Polk
 HUSER of Polk
 CHURCHILL of Polk
 METCALF of Polk
 FORD of Polk

H-8393

- 1 Amend House File 2498 as follows:
 2 1. Page 19, by inserting after line 31 the
 3 following:
 4 "It is the intent of the general assembly that
 5 lottery advertising shall not focus on children, shall
 6 inform the public on the uses of lottery proceeds, and
 7 shall focus on the lottery as entertainment in lieu of
 8 potential winnings."

MURPHY of Dubuque

H-8397

- 1 Amend House File 2513 as follows:
 2 1. Page 9, by inserting after line 35 the
 3 following:
 4 "DIVISION ____
 5 INSTRUCTIONAL SUPPORT STATE AID
 6 Sec. ____ Section 257.20, subsection 2, paragraphs
 7 a and b, Code 1997, are amended by striking the
 8 paragraphs."
 9 2. Title page, line 11, by inserting after the

10 word "paid," the following: "fully funding state aid
11 under the school instructional support program,".

RICHARDSON of Warren

H-8398

1 Amend House File 2520 as follows:

2 1. Page 1, line 7, by striking the figure "1."

3 2. Page 1, line 8, by striking the words and
4 figures "prior to July 1, 1996".

5 3. Page 1, by striking lines 22 through 35.

6 4. Page 2, by striking lines 7 and 8 and

7 inserting the following: "two alternative forms
8 ~~prescribed by this chapter. The two alternative forms~~
9 are following alternative forms."

10 5. Page 2, line 17, by inserting after the word
11 "established" the following: "prior to July 1,
12 1998."

13 6. Page 2, lines 26 and 27, by striking the words
14 and figures "subsection 2 or 3," and inserting the
15 following: "subsection 2,"

16 7. Page 3, by striking lines 14 through 18 and
17 inserting the following:

18 "NEW SUBSECTION. 15. Establish appropriate
19 reimbursement rates for community mental health
20 centers that are accredited by the mental health and
21 mental retardation commission. The reimbursement
22 rates shall be phased-in over the three-year period
23 beginning July 1, 1998, and ending June 30, 2001.

24 Sec. ____ Section 230A.3, subsection 3, as enacted
25 by this Act, is repealed on July 1, 2001."

26 8. Page 3, line 24, by striking the word "; or"
27 and inserting the following: "; ~~or~~".

28 9. By striking page 3, line 29, through page 4,
29 line 25.

30 10. Page 10, line 8, by inserting after the word
31 "subsection" the following: "and inserting in lieu
32 thereof the following:

33 8. A county's management plans submitted under
34 this section shall provide for services to children
35 from community mental health centers and other mental
36 health service providers accredited under chapter
37 225C."

HOUSER of Pottawattamie

H-8401

1 Amend House File 2496 as follows:

2 1. Page 18, by inserting after line 31 the
3 following:

4 "Sec. ____ Section 97B.48A, Code 1997, is amended

5 by adding the following new subsection:
 6 NEW SUBSECTION. 5. Notwithstanding any provision
 7 of this chapter to the contrary, if a retired member
 8 returns to employment that would otherwise be covered
 9 under this chapter, the member shall be covered under
 10 this chapter unless the member files an application
 11 with appropriate documentation to the department
 12 within sixty days of reemployment in the position to
 13 affirmatively elect out of coverage. A decision to
 14 elect out of coverage under this chapter is
 15 irrevocable upon approval from the department.”
 16 2. By renumbering as necessary.

MASCHER of Johnson

H-8402

1 Amend House File 2522 as follows:
 2 1. Page 1, line 7, by inserting after the word
 3 “test.” the following: “The Iowa department of public
 4 health, in consultation with the department of human
 5 services and the council on chemically exposed infants
 6 and children created in chapter 235C, shall adopt
 7 rules specifying minimum standards for reliable
 8 results of medically relevant tests and for risk-based
 9 assessments performed under section 232.77, subsection
 10 2. The rules shall include but not be limited to
 11 standards which minimize the incidence of false
 12 positive test results. The Iowa department of public
 13 health shall maintain a list of laboratories which are
 14 approved to perform medically relevant tests in
 15 accordance with the standards adopted in
 16 administrative rules.”

MURPHY of Dubuque

H-8403

1 Amend House File 2520 as follows:
 2 1. Page 7, by inserting after line 20 the
 3 following:
 4 “c. If approved by the federal government, adult
 5 residential environments licensed as intermediate or
 6 residential care facilities for persons with mental
 7 retardation using a campus or village setting approach
 8 in not more than three counties may convert to a
 9 residential program under the provisions of a medical
 10 assistance home and community-based services waiver
 11 for persons with mental retardation provided the adult
 12 residential environments meet all of the following
 13 requirements:
 14 (1) The intermediate or residential care facility
 15 for persons with mental retardation license is

16 surrendered.

17 (2) The environment's bed capacity is reduced by
18 at least twenty-five percent to a maximum capacity of
19 no more than twelve beds.

20 (3) The environment submits a five-year plan for
21 further bed capacity reduction to the department of
22 human services and the plan is acceptable to the
23 department of human services.

24 The director of human services may authorize
25 reimbursement of the costs of environments converted
26 in accordance with this lettered paragraph from moneys
27 appropriated for state supplementary assistance at a
28 rate which does not exceed the maximum allowed for a
29 residential program under the medical assistance home
30 and community-based services waiver. The departments
31 of human services and inspections and appeals shall
32 develop standards and a monitoring process for
33 environments converted under this lettered paragraph."

BLODGETT of Cerro Gordo

H-8404

1 Amend House File 2514 as follows:

2 1. Page 4, by inserting after line 26 the
3 following:

4 "Sec. ____ Section 321J.22, Code Supplement 1997,
5 is amended by adding the following new subsections:

6 NEW SUBSECTION. 2A. The course provided according
7 to this section may also be offered by a substance
8 abuse agency licensed pursuant to chapter 125.

9 a. Enrollment in the course is not limited to
10 persons required to enroll, attend, and successfully
11 complete a course for drinking drivers pursuant to
12 this chapter.

13 b. The course provided according to this
14 subsection shall be taught by qualified staff of the
15 licensed substance abuse agency who are trained in the
16 state-approved curriculum.

17 c. The division of substance abuse of the
18 department of public health may establish reasonable
19 fees to defray the expenses associated with offering
20 the course.

21 NEW SUBSECTION. 6. a. Licensed substance abuse
22 agencies offering courses pursuant to this section
23 shall prepare a list of the locations of the courses,
24 the dates and times for the courses, the procedure for
25 enrollment, and the schedule of course fees. The list
26 shall be updated periodically, and a copy of each
27 updated list shall be sent to the district courts in
28 the area which the substance abuse agency serves.

29 b. Each licensed substance abuse agency offering
30 courses under this section shall maintain attendance,

31 successful and unsuccessful completion data on the
 32 persons ordered to enroll, attend, and successfully
 33 complete a course for drinking drivers. This data
 34 shall be forwarded to the appropriate district court."
 35 2. By renumbering as necessary.

THOMSON of Linn

H-8405

1 Amend House File 2167 as follows:
 2 1. Page 1, line 5, by inserting after the word
 3 "~~incorporated~~" the following: "1."
 4 2. Page 1, line 8, by inserting after the word
 5 "~~Act.~~" the following: "The corporation may engage in
 6 activities authorized in this section; however, the
 7 corporation shall not request or seek any direct
 8 appropriation from the general assembly to support its
 9 operation."
 10 3. Page 1, by inserting after line 21 the
 11 following:
 12 "2. The corporation is authorized to exercise any
 13 power granted under chapter 504A and may engage in any
 14 activity intended to accomplish any of the following
 15 goals:
 16 . a. Development and promotion of the economy of the
 17 state.
 18 b. Creation of high quality jobs and a high
 19 quality of life.
 20 c. Enhancement of the skills of the workforce in
 21 the state.
 22 d. The building of capacity in communities of the
 23 state for economic growth.
 24 e. Improvement of the quality and efficiency of
 25 government services.
 26 3. The department of economic development and the
 27 corporation shall jointly submit an annual report to
 28 the general assembly concerning the activities of the
 29 corporation."
 30 4. Page 2, by striking lines 21 and 22 and
 31 inserting the following: "and provisions of this
 32 Act."
 33 5. By renumbering as necessary.

TEIG of Hamilton

H-8406

1 Amend House File 2447 as follows:
 2 1. Page 2, line 4, by inserting after the word
 3 "space." the following: "The hookups are subject to
 4 inspection and approval by local building code

5 officials and the mobile home dealer shall pay the
6 inspection fee, if any."

RICHARDSON of Warren

H-8413

1 Amend House File 2528 as follows:
2 1. By striking page 9, line 27, through page 10,
3 line 8.

RICHARDSON of Warren

H-8414

1 Amend House File 2528 as follows:
2 1. Page 13, line 15, by striking the words and
3 figures "6 a.m. to 10 p.m." and inserting the
4 following: "five a.m. to twelve-thirty a.m."

RICHARDSON of Warren

H-8417

1 Amend House File 2528 as follows:
2 1. Page 10, by striking lines 9 through 29.

LAMBERTI of Polk
WEIDMAN of Cass

H-8418

1 Amend House File 2537 as follows:
2 1. Page 9, by striking lines 25 through 28 and
3 inserting the following: "transportation services to
4 students as provided in this section and sections
5 285.6 and 285.17."
6 2. Page 20, by inserting after line 11 the
7 following:
8 "Sec. ____ NEW SECTION. 285.17 TRANSPORTATION
9 ASSISTANCE AID TO DISTRICTS.
10 1. The department shall pay transportation
11 assistance aid to a school district from funds
12 appropriated in this section to school districts whose
13 average transportation costs per pupil exceed one
14 hundred twenty-five percent of the state average
15 transportation costs per pupil determined under
16 subsection 2.
17 2. A district's average transportation costs per
18 pupil shall be determined by dividing the district's
19 actual cost for all children transported in all school
20 buses for a school year pursuant to section 285.8, by
21 the district's actual enrollment for the school year,

- 22 as defined in section 257.6. The state average
 23 transportation costs per pupil shall be determined by
 24 dividing the total actual costs for all children
 25 transported in all districts for a school year, by the
 26 total of all districts' actual enrollments for the
 27 school year.
- 28 3. A school district shall annually certify its
 29 actual cost for all children transported in all school
 30 buses by July 15 after each school year on forms
 31 prescribed by the department of education.
- 32 4. If a school district's average transportation
 33 costs per pupil are greater than one hundred twenty-
 34 five percent of the state average transportation costs
 35 per pupil, the department of education shall pay
 36 transportation assistance aid equal to the amount of
 37 the difference multiplied by the district's actual
 38 enrollment for the school year.
- 39 5. Transportation assistance aid received by a
 40 school district pursuant to this section is
 41 miscellaneous income for purposes of chapter 257."
- 42 3. By renumbering as necessary.

WEIGEL of Chickasaw
 KOENIGS of Mitchell
 MAY of Worth
 OSTERHAUS of Jackson
 FOEGE of Linn
 BRAND of Tama
 LARKIN of Lee

MERTZ of Kossuth
 DREES of Carroll
 SCHERRMAN of Dubuque
 THOMAS of Clayton
 WISE of Lee
 O'BRIEN of Boone

H-8422

- 1 Amend Senate File 2192 as amended, passed, and
 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 13, by striking the word "five"
 4 and inserting the following: "six".
- 5 2. Page 1, line 26, by striking the word "five"
 6 and inserting the following: "six".
- 7 3. Page 1, line 28, by striking the word "five"
 8 and inserting the following: "six".
- 9 4. Page 2, line 10, by striking the word "five"
 10 and inserting the following: "six".
- 11 5. Page 2, line 14, by striking the word "five"
 12 and inserting the following: "six".

O'BRIEN of Boone

H-8426

- 1 Amend House File 2506 as follows:
- 2 1. Page 1, line 32, by inserting after the figure
 3 "2003." the following: "Notwithstanding section
 4 482.12A, if the data in the report supports a closed

5 season for washboard mussels, the natural resource
6 commission may consider closing the season for
7 washboard mussels."

DOTZLER of Black Hawk

H-8427

1 Amend House File 2506 as follows:
2 1. Page 1, by inserting after line 28 the
3 following:
4 "The department may also consider establishing
5 refuge areas for mussels at various locations along
6 the Mississippi river in cooperation with the
7 departments of natural resources of the states of
8 Wisconsin and Illinois."

DOTZLER of Black Hawk

H-8428

1 Amend House File 2506 as follows:
2 1. Page 1, line 32, by striking the figure "2003"
3 and inserting the following: "2000".

DOTZLER of Black Hawk

H-8429

1 Amend House File 2506 as follows:
2 1. Page 1, by striking lines 9 and 10.
3 2. Page 2, by inserting after line 1 the
4 following:
5 "Sec. . NEW SECTION. 482.12C SCIENTIFIC STUDY
6 OF MUSSEL POPULATIONS - INLAND WATERS - REPORT.
7 The department of natural resources shall conduct a
8 study of the populations of various mussel species in
9 the inland waters of the state with emphasis on the
10 sublegal population of washboard mussels. The
11 department shall conduct independent field
12 investigations of the various mussel beds in inland
13 waters of this state. The department shall fund up to
14 fifty percent of the cost of the field investigations
15 with the commercial mussel industry contributing the
16 remainder. The department shall contract with a
17 malacologist who is acceptable to the commercial
18 mussel industry and the department to conduct the
19 study and investigation. The department shall review
20 current scientific studies conducted by other state
21 natural resource agencies, federal wildlife and
22 natural resource agencies, and private parties
23 including commercial fishers, shell buyers, and shell
24 exporters.

25 The department shall report its findings to the
 26 chairpersons and ranking members of the house
 27 committee on natural resources and the senate
 28 committee on natural resources and environment not
 29 later than January 15, 2000."

DOTZLER of Black Hawk

H-8430

1 Amend House File 2506 as follows:
 2 1. Page 1, line 32, by striking the figure
 3 "2003." and inserting the following: "2000. The
 4 department shall submit a second report not later than
 5 January 15, 2003. At each reporting date,
 6 notwithstanding section 482.12A, if the data supports
 7 a closed season for washboard mussels, the natural
 8 resource commission may consider closing the washboard
 9 mussel season."

DOTZLER of Black Hawk

H-8431

1 Amend the amendment, H-8403, to House File 2520, as
 2 follows:
 3 1. Page 1, by striking lines 29 and 30 and
 4 inserting the following: "residential program under
 5 state supplementary assistance requirements. The
 6 departments".

BLODGETT of Cerro Gordo

H-8434

1 Amend the amendment, H-8398, to House File 2520, as
 2 follows:
 3 1. Page 1, by inserting after line 37 the
 4 following:
 5 "___ Title page, lines 2 and 3, by striking the
 6 words "providing a penalty,"."

HOUSER of Pottawattamie

H-8438

1 Amend House File 2005 as follows:
 2 1. Page 1, line 16, by inserting after the word
 3 "persons" the following: "owning land and".

GRUNDBERG of Polk
 MARTIN of Scott
 JACOBS of Polk

H-8439

1 Amend Senate File 2335, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 14 the
4 following:

5 "For purposes of this subsection, a "juvenile
6 placement facility" means any of the following:

7 a. A child foster care facility licensed under
8 section 237.4.

9 b. Institutions controlled by the department of
10 human services listed in section 218.1.

11 c. Juvenile detention and juvenile shelter care
12 homes approved under section 232.142.

13 d. Psychiatric medical institutions for children
14 licensed under chapter 135H.

15 e. Substance abuse facilities as defined in
16 section 125.2."

GRUNDBERG of Polk

H-8443

1 Amend House File 2528 as follows:

2 1. Page 10, line 7, by inserting after the word
3 "driver." the following: "However, a licensee may
4 operate a vehicle without an accompanying driver
5 between the hours of twelve-thirty a.m. and five a.m.
6 if such licensee possesses a waiver signed by a parent
7 or guardian on a form to be provided by the
8 department."

KREIMAN of Davis

H-8444

1 Amend the amendment, H-8381, to House File 2498, as
2 follows:

3 1. Page 1, by striking lines 11 and 12, and
4 inserting the following: "be transferred to the Iowa
5 resources enhancement and protection fund on July 1,
6 1998, and shall be allocated as provided in section
7 455A.19."

THOMAS of Clayton

H-8445

1 Amend House File 2352 as follows:

2 1. Page 1, by inserting after line 14 the
3 following:

4 "For purposes of this subsection, a "juvenile
5 placement facility" means any of the following:

- 6 a. A child foster care facility licensed under
 7 section 237.4.
 8 b. Institutions controlled by the department of
 9 human services listed in section 218.1.
 10 c. Juvenile detention and juvenile shelter care
 11 homes approved under section 232.142.
 12 d. Psychiatric medical institutions for children
 13 licensed under chapter 135H.
 14 e. Substance abuse facilities as defined in
 15 section 125.2."

GRUNDBERG of Polk

H-8447

- 1 Amend Senate File 2320, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 12 the
 4 following:
 5 "Sec. ____ Section 99F.4A, Code 1997, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 7A. A licensee's expenses for
 8 marketing, educational, and informational material
 9 relating to an excursion gambling boat or a pair-
 10 mutuel racetrack including gambling games shall not
 11 exceed four million dollars annually. The telephone
 12 number, 1-800-BETS-OFF, shall be prominently displayed
 13 at all gambling facilities regulated by the
 14 commission."
 15 2. Title page, line 4, by inserting after the
 16 word "boats," the following: "by restricting
 17 advertising costs,".
 18 3. By renumbering as necessary.

CHIODO of Polk

H-8449

- 1 Amend House File 2447 as follows:
 2 1. By striking page 1, line 32, through page 2,
 3 line 4.
 4 2. By renumbering as necessary.

HUSER of Polk
MORELAND of Wapello

H-8450

- 1 Amend House File 2447 as follows:
 2 1. Page 2, line 2, by inserting after the word
 3 "license" the following: "unless a political
 4 subdivision has established a license requirement".

HUSER of Polk
MORELAND of Wapello

H-8453

1 Amend House File 2005 as follows:

2 1. Page 1, line 19, by inserting after the word
3 "it" the following: "However, if the territory to be
4 annexed is subdivided, the proposal is authorized if a
5 majority of the total number of persons voting in the
6 territory and the city approves it."

CHIODO of Polk

H-8457

1 Amend Senate File 2366, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. DEPARTMENT OF EDUCATION. There is
6 appropriated from the general fund of the state to the
7 department of education for the fiscal year beginning
8 July 1, 1998, and ending June 30, 1999, the following
9 amount, or so much thereof as is necessary, to be used
10 for the purposes designated:

11 1. For frontier school or extended school year
12 grants:
13 \$ 500,000

14 By September 1, 1998, the department shall
15 establish criteria and a process for the awarding of
16 grants for planning or implementation purposes.
17 Grants shall be equitably distributed geographically
18 among rural and urban areas. Notwithstanding section
19 8.33, unencumbered or unobligated funds remaining on
20 June 30 of the fiscal year for which the funds were
21 appropriated shall not revert but shall be available
22 for expenditure for the following fiscal year for the
23 purposes of this subsection.

24 2. To the board of educational examiners, for
25 purposes of developing and implementing a multi-level
26 voluntary para-educator licensing system in accordance
27 with section 272.12, if enacted:
28 \$ 75,000

29 3. For deposit in the Iowa empowerment fund if
30 legislation providing for the creation of an Iowa
31 empowerment board, an Iowa empowerment fund, and for
32 the appropriation of moneys to be administered by a
33 community empowerment area, is enacted by the Seventy-
34 seventh General Assembly, 1998 Session:
35 \$ 5,200,000

36 Sec. 2. NEW SECTION. 256.44 NATIONAL BOARD
37 CERTIFICATION AWARD - APPROPRIATION.

38 1. A teacher, as defined in section 272.1, who
39 registers for a national board for professional
40 teaching standards certificate and is employed by a

41 school district in Iowa shall be eligible for a
42 registration award as provided in subsection 2, and
43 upon achievement of a national board for professional
44 teaching standards certificate, is eligible for an
45 annual award of ten thousand dollars for each year the
46 certificate is valid as provided in this section.
47 2. To receive a partial registration award in the
48 amount of one-half of the registration fee charged by
49 the national board for professional teaching
50 standards, the teacher shall apply to the department

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1 of education within one year of registration,
2 submitting to the department any documentation the
3 department requires. A teacher shall receive a final
4 registration award in the amount of the remaining
5 registration fee charged by the national board if the
6 teacher notifies the department of the teacher's
7 certification achievement and submits any
8 documentation requested by the department.

9 3. To receive a five-year annual award for
10 achieving certification by the national board of
11 professional teaching standards, a teacher shall apply
12 to the department within one year of eligibility.
13 Payment for awards shall be made only upon
14 departmental approval of an application or
15 recertification of eligibility. A nonrenewable term
16 of eligibility shall be for five years or for the
17 years the certificate is valid, whichever time period
18 is shorter. In order to continue receipt of payments,
19 a recipient shall annually recertify eligibility.

20 4. A national board for professional teaching
21 standards certification fund is established in the
22 office of treasurer of state to be administered by the
23 department. Moneys appropriated by the general
24 assembly for deposit in the fund shall be paid as
25 follows:

26 a. Upon receipt of award documentation as provided
27 in subsection 2.

28 b. On January 15 to teachers whose applications
29 and recertifications for annual awards as provided in
30 subsection 3 are approved by the department. The
31 treasurer of state shall act as custodian of the fund
32 and may invest the moneys deposited in the fund. The
33 income from any investment shall be credited to and
34 deposited in the fund. The director of revenue and
35 finance shall issue warrants upon the fund pursuant to
36 the order of the department and such warrants shall be
37 paid from the fund by the treasurer of state.
38 Notwithstanding section 8.33, unencumbered or
39 unobligated moneys remaining in the fund on June 30 of
40 the fiscal year for which the funds were appropriated

41 shall not revert but shall be available for subsequent
42 fiscal years for the purposes of this section.

43 5. An individual shall not qualify for a term of
44 annual award eligibility unless the individual
45 applies, certifying eligibility, to the department
46 prior to June 30, 2001.

47 Sec. 3. Section 256.45, unnumbered paragraphs 1,
48 3, and 4, Code 1997, are amended to read as follows:

49 The department of education shall establish ~~within~~
50 ~~the department and administer~~ the position of

Page 3

1 ambassador to education. It shall be the function of
2 the ambassador to education to act as an education
3 liaison to primary and secondary schools in this
4 state. The ambassador to education position shall be
5 filled by the educator selected as teacher of the year
6 by the governor, but only if that person agrees to
7 fill the ambassador to education position.

8 The ambassador to education shall receive, in lieu
9 of compensation from the district in which the
10 ambassador is regularly employed, a salary ~~which is~~
11 equal to the amount of salary ~~received by the person~~
12 during the previous would have received from the
13 district in the person's regular position during the
14 school year for which the person serves as ambassador,
15 or thirty thousand dollars, whichever amount is
16 greater. The ambassador shall also be compensated for
17 actual expenses incurred as a result of the
18 performance of duties under this section.

19 The district which department shall grant funds in
20 an amount equal to the salary and benefits the person
21 selected as ambassador to education would have
22 received from the district, or thirty thousand
23 dollars, whichever amount is greater, to the school
24 district that employs the person selected as the
25 ambassador to education. The department shall also
26 reimburse the school district for actual expenses
27 incurred as a result of the performance of duties
28 under this section. The school district shall grant
29 the person a one-year sabbatical in order to allow the
30 person to be the ambassador to education, and during
31 the sabbatical, shall pay the salary and benefits of
32 the ambassador with funds granted by the department.
33 The person selected as the ambassador to education
34 shall be entitled to return to the person's same or a
35 comparable position without loss of accrued benefits
36 or seniority.

37 Sec. 4. NEW SECTION. 256D.1 TITLE.

38 This chapter shall be known and may be cited as the
39 "Frontier School Act".

40 Sec. 5. NEW SECTION. 256D.2 PURPOSES.

- 41 1. It is the purpose of this chapter to provide a
 42 means to revitalize education and continually do all
 43 of the following:
- 44 a. Improve student learning.
 - 45 b. Increase learning opportunities for students.
 - 46 c. Encourage the use of different and innovative
 47 teaching methods.
 - 48 d. Require the measurement of learning outcomes
 49 and create different and innovative methods for
 50 measuring outcomes and comparison of those outcomes

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- 1 with other attendance centers within a school
 2 district.
- 3 e. Establish new forms of accountability for
 4 schools.
 - 5 f. Create new professional opportunities for
 6 teachers, including the opportunity to be responsible
 7 for the learning program at the school site.
 - 8 g. Create opportunities for community members to
 9 enhance student learning experiences in the community
 10 member's profession.
 - 11 h. Encourage the development and use of an
 12 innovative or extended school year.
- 13 .2. This chapter does not provide a means to keep
 14 open a school that otherwise would be closed. A
 15 school board bears the burden of proving that
 16 conversion to a frontier school fulfills a purpose
 17 specified in this chapter and independent of the
 18 school's closing.
- 19 Sec. 6. NEW SECTION. 256D.3 DEFINITIONS.
- 20 As used in this chapter unless the context
 21 otherwise requires:
- 22 1. "Department" means the department of education.
 - 23 2. "Director" means the director of the department
 24 of education.
 - 25 3. "School board" means the board of directors of
 26 a public school district creating a frontier school
 27 within the district.
 - 28 4. "State board" means the state board of
 29 education.
- 30 Sec. 7. NEW SECTION. 256D.4 APPLICABILITY.
- 31 This section applies only to frontier schools
 32 formed and operated under this chapter.
- 33 Sec. 8. NEW SECTION. 256D.5 FORMATION OF SCHOOL.
- 34 1. A school board, upon approval by the state
 35 board, may establish one or more frontier schools as
 36 provided in this chapter.
 - 37 2. A school board may authorize a licensed
 38 administrator or teacher to operate a frontier school
 39 subject to the approval of the state board. The
 40 school shall be organized and operated as a nonprofit

41 cooperative association under chapter 498 or nonprofit
42 corporation under chapter 504A.

43 3. Before a school district may form and operate a
44 frontier school, the school board must file an
45 affidavit with the state board stating its intent to
46 establish a frontier school. The affidavit shall
47 state the terms and conditions under which the school
48 board pledges to establish a frontier school. The
49 state board shall approve or disapprove a school
50 board's proposed authorization within sixty days of

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1 receipt of an affidavit. Failure to obtain state
2 board approval precludes a school board from
3 authorizing the frontier school that was the subject
4 of the affidavit.

5 4. A school board approved by the state board to
6 organize, establish, and operate a frontier school
7 shall appoint the members of the frontier school
8 board. The frontier school board shall consist of not
9 more than seven members, the majority of which shall
10 be parents or guardians of children enrolled in the
11 frontier school. One member of the school board shall
12 serve as a member of the frontier school board. The
13 provisions of chapters 21 and 22 shall apply to
14 meetings and records of the frontier school board.

15 5. The granting or renewal of an authorization for
16 a frontier school by a school board shall not be
17 conditioned upon the bargaining unit status of the
18 employees of the school.

19 Sec. 9. NEW SECTION. 256D.6 CONVERSION OF
20 EXISTING SCHOOLS.

21 The board of directors of a school district may
22 convert any one of its existing schools to frontier
23 schools or the entire district to a frontier school
24 under this chapter. The conversion must occur at the
25 beginning of an academic year.

26 Sec. 10. NEW SECTION. 256D.7 CONTRACT.

27 The school board's authorization for a frontier
28 school shall be in the form of a written contract
29 signed by the school board and the board of directors
30 of the frontier school. The contract for a frontier
31 school shall be in writing and contain, at a minimum,
32 the following:

- 33 1. A description of a program that carries out one
34 or more of the purposes enumerated in section 256D.2.
- 35 2. Specific outcomes students are to achieve under
36 section 256D.11.
- 37 3. Admission policies and procedures.
- 38 4. A description of the management and
39 administration of the frontier school.
- 40 5. Requirements and procedures for program and

41 financial audits.

42 6. A plan describing methods for complying with
43 sections 256D.9, 256D.14, 256D.17, and 256D.24.

44 7. Assurance of the assumption of liability by the
45 frontier school.

46 8. Types and amounts of insurance coverage to be
47 obtained by the frontier school.

48 Sec. 11. NEW SECTION. 256D.8 PUBLIC STATUS -
49 EXEMPTION FROM STATUTES AND RULES.

50 A frontier school is a public school and is part of

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1 the state's system of public education. Except as
2 provided in this chapter, a frontier school is exempt
3 from all statutes and rules applicable to a school, a
4 school board, or a school district, although it may
5 elect to comply with one or more provisions of
6 statutes or rules.

7 Sec. 12. NEW SECTION. 256D.9 REQUIREMENTS.

8 1. A frontier school shall meet all applicable
9 state and local health and safety requirements.

10 2. A frontier school shall be nonsectarian in its
11 programs, admission policies, employment practices,
12 and all other operations. A school board shall not
13 establish a frontier school or program that is
14 affiliated with an existing nonpublic school.

15 3. Frontier schools shall not be used as a method
16 of providing education or generating revenue for
17 students who are receiving competent private
18 instruction pursuant to chapter 299A.

19 4. The primary focus of a frontier school shall be
20 to provide a comprehensive program of instruction for
21 at least one grade or age group from five through
22 eighteen years of age. Instruction may be provided to
23 people younger than five years or older than eighteen
24 years of age.

25 5. A frontier school shall not charge tuition.

26 6. A frontier school is subject to and shall
27 comply with chapter 216 and 216A relating to civil and
28 human rights.

29 7. A frontier school is subject to and shall
30 comply with sections 275.55A, 279.9A, 280.17B,
31 280.21B, and 282.4, relating to suspension and
32 expulsion of a student.

33 8. A frontier school is subject to the same
34 financial audits, audit procedures, and audit
35 requirements as a school district. The audit shall be
36 consistent with the requirements of sections 11.6,
37 11.14, 11.19, 256.9, subsection 19, and section
38 279.29, except to the extent deviations are necessary
39 because of the program at the school. The department,
40 the auditor of state, or the legislative fiscal bureau

41 may conduct financial, program, or compliance audits.

42 9. A frontier school is a school district for the

43 purposes of tort liability under chapter 670.

44 Sec. 13. NEW SECTION. 256D.10 ADMISSION

45 REQUIREMENTS.

46 1. A frontier school may limit admission to any of
47 the following:

48 a. Students within an age group or grade level.

49 b. Individuals who are eligible to participate in
50 an alternative options education program under section

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1 280.19A.

2 c. Residents of a specific geographic area where
3 the percentage of the population of non-Caucasian,
4 people of that area is greater than the percentage of
5 the non-Caucasian population in the congressional
6 district in which the geographic area is located, and
7 as long as the school reflects the racial and ethnic
8 diversity of the specific area.

9 2. A frontier school shall enroll an eligible
10 student who submits a timely application, unless the
11 number of applications exceeds the capacity of a
12 program, class, grade level, or building. In this
13 case, students shall be accepted by lot.

14 3. A frontier school admission shall not be based
15 on intellectual ability, measures of achievement or
16 aptitude, or athletic ability.

17 Sec. 14. NEW SECTION. 256D.11 STUDENT
18 PERFORMANCE.

19 A frontier school shall design its programs to at
20 least meet any outcomes adopted by the state board for
21 public school students. In the absence of state board
22 requirements, the school shall meet the outcomes
23 contained in the contract with the school board. The
24 achievement levels of the outcomes contained in the
25 contract may exceed the achievement levels of any
26 outcomes adopted by the state board for public school
27 students.

28 Sec. 15. NEW SECTION. 256D.12 EMPLOYMENT AND
29 OTHER OPERATING MATTERS.

30 A frontier school shall employ or contract with
31 necessary teachers, as defined in section 272.1, who
32 hold a valid license with an endorsement for the type
33 of service for which the teacher is employed. The
34 school may employ necessary employees who are not
35 required to hold teaching licenses to perform duties
36 other than teaching and may contract for other
37 services. The school may discharge teachers and
38 nonlicensed employees.

39 The board of directors of the frontier school also
40 shall decide matters related to the operation of the

41 school, including budgeting, curriculum, and operating
42 procedures.

43 Sec. 16. NEW SECTION. 256D.13 STUDENTS WITH
44 SPECIAL EDUCATION NEEDS.

45 A frontier school shall comply with chapter 256B
46 and administrative rules adopted pursuant to that
47 chapter relating to the education of students with
48 special education needs, and receive state special
49 education aid, as though it were a school district.
50 However, the fiscal responsibility for children

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1 requiring special education shall remain with the
2 school district creating the frontier school. A child
3 requiring special education under chapter 256B shall
4 be included in the weighted enrollment of the district
5 creating the frontier school and the district shall
6 pay to the frontier school the special education
7 district cost per pupil amount generated by the
8 weighting.

9 Sec. 17. NEW SECTION. 256D.14 LENGTH OF SCHOOL
10 YEAR.

11 A frontier school shall provide instruction each
12 year for at least the number of days required by
13 section 279.10, subsection 1, unless the school
14 provides instruction throughout the year according to
15 section 256.20 or 279.10, subsection 3.

16 Sec. 18. NEW SECTION. 256D.15 REPORTS.

17 A frontier school shall report at least annually to
18 its board of directors, the district school board, the
19 department, and the state board of education the
20 information required by the school board, the
21 department, or the state board. The reports are
22 public records subject to chapter 22. The department
23 shall collect and document the progress of the
24 frontier school toward increasing student's levels of
25 achievement.

26 Sec. 19. NEW SECTION. 256D.16 REVIEW AND
27 COMMENT.

28 The department shall review and comment on the
29 evaluation, by the school district creating the
30 frontier school, of the performance of a frontier
31 school before the frontier school's contract is
32 renewed. The information from the review and comment
33 shall be reported to the state board in a timely
34 manner. Annually, the state board shall report trends
35 or suggestions based on the evaluation of frontier
36 school contracts to the house and senate education
37 committees.

38 Sec. 20. NEW SECTION. 256D.17 TRANSPORTATION.

39 1. By July 1 of each year, a frontier school shall
40 notify the establishing district, the district in

41 which the school is located, if applicable, and the
42 department if it will provide transportation for
43 students enrolled at the school for the fiscal year.
44 2. If a frontier school elects to provide
45 transportation for students, the transportation shall
46 be provided by the frontier school within the district
47 in which the frontier school is located. In addition,
48 the frontier school shall provide transportation for
49 all resident pupils attending the frontier school in
50 accordance with chapter 285, unless otherwise provided

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1 in this chapter.
2 3. For students who reside outside the district in
3 which the frontier school is located, the frontier
4 school is not required to provide or pay for
5 transportation between the student's residence and the
6 border of the district in which the frontier school is
7 located. A parent may be reimbursed by the frontier
8 school for costs of transportation from the student's
9 residence to the border of the district in which the
10 frontier school is located if the student is from a
11 family whose income is at or below the poverty level,
12 as determined by the most recently revised poverty
13 income guidelines published by the United States
14 department of health and human services.
15 4. At the time a student enrolls in a frontier
16 school, the frontier school shall provide the parent
17 or guardian with information regarding the
18 transportation.
19 5. If a frontier school does not elect to provide
20 transportation, transportation for students enrolled
21 at the school shall be provided by the district in
22 which the school is located, in the manner provided in
23 section 285.1, subsection 15, for a student residing
24 in the same district in which a nonpublic school
25 designated for attendance is located. Transportation
26 may be provided by the district in which the frontier
27 school is located for a student residing in a
28 different district, in the same manner provided for in
29 section 285.1, subsection 16, for students whose
30 nonpublic school designated for attendance is located
31 outside the boundary line of the school district of
32 the student's residence.
33 Sec. 21. NEW SECTION. 256D.18 LEASED SPACE.
34 A frontier school may lease space from a school
35 board or other public or private nonprofit,
36 nonsectarian organization. If a frontier school is
37 unable to lease appropriate space from a school board
38 or other public or private nonprofit, nonsectarian
39 organization, the frontier school may lease space from
40 another nonsectarian organization if the department,

41 in consultation with the department of management,
42 approves the lease. If the frontier school is unable
43 to lease appropriate space from public or private
44 nonsectarian organizations, the frontier school may
45 lease space from a sectarian organization if the
46 leased space is constructed as a school facility and
47 the department, in consultation with the department of
48 management, approves the lease.
49 Sec. 22. NEW SECTION. 256D.19 INITIAL COSTS.
50 A school board may establish a frontier school

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1 before the applicant has secured its space, equipment,
2 facilities, and personnel if the school board
3 indicates the establishment is necessary for it to
4 raise working capital. A school board may not
5 establish a school before the state board of education
6 has approved the authorization.

7 Sec. 23. NEW SECTION. 256D.20 DISSEMINATION OF
8 INFORMATION.

9 The school board, the operators, and the department
10 shall disseminate information to the public on how to
11 form and operate a frontier school and how to utilize
12 the offerings of a frontier school. Particular groups
13 to be targeted include low-income families and
14 communities and minority students.

15 Sec. 24. NEW SECTION. 256D.21 LEAVE TO TEACH IN
16 A FRONTIER SCHOOL.

17 If a teacher employed by a school district is
18 qualified for a vacant teaching position that exists
19 at a frontier school, and the frontier school has
20 accepted the teacher for the position, the teacher may
21 request in writing an extended leave of absence to
22 teach at the frontier school, and the school district
23 shall grant the leave for any number of years
24 requested by the teacher, and must extend the leave at
25 the teacher's request. The school district may
26 require that the request for a leave or extension of
27 leave be made up to ninety days before the teacher
28 would otherwise have to report for duty. Once
29 granted, a leave is valid only while the teacher is
30 employed by the frontier school.

31 This section shall not apply to a school district
32 experiencing three consecutive years or more of
33 declining enrollment.

34 Sec. 25. NEW SECTION. 256D.22 COLLECTIVE
35 BARGAINING.

36 The provisions of chapter 20 shall not apply to the
37 board of directors of a frontier school or its
38 employees unless the employees and the frontier school
39 board agree to abide by the provisions of chapter 20
40 in the contract established pursuant to section

41 256D.7.

42 Sec. 26. NEW SECTION. 256D.23 TEACHER AND OTHER
43 EMPLOYEE RETIREMENT.

44 Teachers in a frontier school shall be public
45 school teachers for the purposes of retirement under
46 chapter 97B.

47 Sec. 27. NEW SECTION. 256D.24 CAUSES FOR
48 NONRENEWAL OR TERMINATION.

49 1. The duration of a frontier school contract with
50 a school board shall be for five years. The school

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1 board may or may not renew a contract at the end of
2 the term for any ground listed in subsection 2. A
3 school board may unilaterally terminate a contract
4 during the term of the contract for any ground listed
5 in subsection 2. At least sixty days before not
6 renewing or terminating a contract, the school board
7 shall notify the board of directors of the frontier
8 school of the proposed action in writing. The notice
9 shall state the grounds for the proposed action in
10 reasonable detail and that the frontier school's board
11 of directors may request in writing an informal
12 hearing before the school board within fourteen days
13 of receiving notice of nonrenewal or termination of
14 the contract. Failure by the board of directors to
15 make a timely written request for a hearing shall be
16 treated as acquiescence to the proposed action. Upon
17 receiving a timely written request for a hearing, the
18 school board shall give reasonable notice to the
19 frontier school's board of directors of the hearing
20 date. The school board shall conduct an informal
21 hearing before taking final action. The school board
22 shall take final action to renew or not renew a
23 contract by the last day of classes in the school
24 year. The frontier school's board of directors may
25 appeal the school board's decision to the state board.

26 2. A contract may be terminated or not renewed
27 upon any of the following grounds:

- 28 a. Failure to meet the requirements for student
29 performance contained in the contract.
- 30 b. Failure to meet generally accepted standards of
31 fiscal management.
- 32 c. For violations of law or other good cause
33 shown.

34 3. If a contract is terminated or not renewed, the
35 school shall be dissolved according to the applicable
36 provisions of chapter 498 or 504A.

37 Sec. 28. NEW SECTION. 256D.25 STUDENT
38 ENROLLMENT.

39 If a frontier school contract is not renewed or is
40 terminated according to section 256D.24, a student who

41 attended the school may enroll in the resident
 42 district or may submit an application to a nonresident
 43 district according to section 282.18 at any time.
 44 Applications and notices required by section 282.18
 45 shall be processed and provided in a prompt manner.
 46 The application and notice deadlines in section 282.18
 47 do not apply under these circumstances.
 48 A student enrolled in a frontier school is
 49 ineligible to participate in dual enrollment under
 50 section 299A.8.

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1 Sec. 29. NEW SECTION. 256D.26 GENERAL AUTHORITY.

2 The board of directors of a frontier school may sue
 3 and be sued. The board may not levy taxes or issue
 4 bonds.

5 Sec. 30. NEW SECTION. 256D.27 IMMUNITY.

6 1. The state board, members of the state board, a
 7 school board, members of a school board in their
 8 official capacity, and employees of a school board are
 9 immune from civil or criminal liability with respect
 10 to all activities related to a frontier school they
 11 approve or establish.

12 2. The board of directors of the frontier school
 13 shall obtain at least the amount of and types of
 14 insurance required by the contract, according to
 15 section 256D.7.

16 Sec. 31. NEW SECTION. 256D.28 STATE SCHOOL
 17 FOUNDATION AID FOR A FRONTIER SCHOOL.

18 1. A student residing in Iowa who is enrolled in a
 19 frontier school shall be counted, for state school
 20 foundation aid purposes, in the student's district of
 21 residence. A student's residence, for purposes of
 22 this section, shall be as established under section
 23 282.1. The board of directors of the district of
 24 residence shall pay to the frontier school the
 25 district cost per pupil, or the frontier school's cost
 26 per pupil as determined by the department based upon
 27 information supplied by the frontier school, whichever
 28 is lowest, plus any moneys received for the student as
 29 a result of non-English-speaking weighting under
 30 section 280.4, subsection 3, for each school year.
 31 The district of residence shall also transmit the
 32 phase III moneys allocated to the district for the
 33 full-time equivalent attendance of the student to the
 34 frontier school as provided according to any agreement
 35 reached by the frontier school and the school district
 36 of residence.

37 2. If a parent or guardian of a child enrolled in
 38 a frontier school under this chapter moves to a
 39 different school district during the course of either
 40 district's academic year, the child's first district

41 of residence shall be responsible for payment of the
42 cost per pupil plus weightings or special education
43 costs to the frontier school for the balance of the
44 school year in which the move took place. The new
45 district of residence shall be responsible for the
46 payments during the succeeding years.

47 Sec. 32. NEW SECTION. 256D.29 AUTHORIZED
48 EXPENDITURES.

49 A frontier school is a public school for purposes
50 of section 257.7.

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1 Sec. 33. NEW SECTION. 256D.30 OTHER AID -
2 GRANTS - REVENUE.

3 1. A frontier school is eligible to receive other
4 aid, grants, and revenue according to Title VII,
5 subtitle 1, as though it were a school district. The
6 frontier school may receive aid levied by the school
7 district for the purposes of the frontier school. For
8 purposes of receiving federal aid, the actual
9 enrollment of the frontier school shall be included in
10 the actual enrollment of the school district, and the
11 school district shall pay to the frontier school the
12 federal aid generated by the frontier school's actual
13 enrollment.

14 2. Except as provided in section 256D.32, a
15 frontier school may receive money from any source for
16 facilities needs. In the year-end report to the state
17 board of education, the frontier school shall report
18 the total amount of funds received from grants and
19 other outside sources.

20 Sec. 34. NEW SECTION. 256D.31 USE OF STATE
21 MONEY.

22 Money received from the state may not be used to
23 purchase land or buildings. The school may own land
24 and buildings if obtained through nonstate sources.

25 Sec. 35. NEW SECTION. 256E.1 BEGINNING TEACHER
26 INDUCTION PROGRAM ESTABLISHED - GRANTS.

27 If the general assembly appropriates moneys for
28 purposes of teacher induction, the department of
29 education shall coordinate a beginning teacher
30 induction program to promote excellence in teaching,
31 to build a supportive environment within school
32 districts, to increase the retention of promising
33 beginning teachers, and to promote the personal and
34 professional well-being of teachers. The department
35 of education shall develop a process for awarding
36 beginning teacher induction grants to school
37 districts, and shall adopt rules pursuant to chapter
38 17A relating to the equitable distribution of grants
39 to school districts to reflect diversity
40 geographically and by population.

41 Sec. 36. NEW SECTION. 256E.2 DEFINITIONS.

42 As used in this chapter, unless the context

43 otherwise requires:

44 1. "Beginning teacher" means an individual serving
45 under an initial provisional or conditional license,
46 issued by the board of educational examiners under
47 chapter 272, who is assuming a position as a classroom
48 teacher.

49 2. "Board of directors" means the board of
50 directors of a school district or a collaboration of

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1 boards of directors of school districts.

2 3. "Classroom teacher" means an individual who
3 holds a valid practitioner's license and who is
4 employed by a school district under sections 279.13
5 through 279.19 in a school district or area education
6 agency in this state to provide instruction to
7 students.

8 4. "Department" means the department of education.

9 5. "Director" means the director of the department
10 of education.

11 6. "District facilitator" means a licensed
12 professional pursuant to chapter 272 who is appointed
13 by the board of directors, or a collaboration of
14 districts, to serve as the liaison between the board
15 of directors and the department for the beginning
16 teacher induction program.

17 7. "Mentor" means an individual employed by a
18 school district or area education agency as a
19 classroom teacher and who holds a valid license to
20 teach issued under chapter 272.

21 Sec. 37. NEW SECTION. 256E.3 DISTRICT PLAN.

22 1. A board of directors of a school district or
23 the boards of directors of a collaboration of school
24 districts participating in the beginning teacher
25 induction program shall appoint a district
26 facilitator, whose duties shall include, but are not
27 limited to, overseeing the development of a plan for
28 meeting the goals of the program as set forth in
29 section 256E.1, and composing a district committee
30 pursuant to subsection 2.

31 2. The membership of the district committee
32 composed by the district facilitator shall include,
33 but is not limited to, licensed practitioners and an
34 area education agency staff development professional.

35 3. The district committee shall adopt a plan and
36 written procedures for a mentor program consistent
37 with this chapter. The plan and the written
38 procedures shall, at a minimum, provide the process
39 for the selection of and the number of mentors; the
40 mentor training process; the timetable by which the

41 plan shall be implemented; placement of mentors and
 42 beginning teachers; the minimum amount of contact time
 43 between mentors and beginning teachers; the minimum
 44 amount of release time for mentors and beginning
 45 teachers for meetings for planning, demonstration,
 46 observation, feedback, and workshops; the process for
 47 dissolving mentoring partnerships; and the process for
 48 measuring the results of the program. The district
 49 committee shall recommend to the board of directors or
 50 boards of directors of a collaboration the names of

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1 classroom teachers eligible to be mentors.
 2 4. The district facilitator shall submit the plan,
 3 and the proposed costs of implementing the plan, to
 4 the board of directors or boards of directors of a
 5 collaboration, which shall consider the plan and, once
 6 approved, submit the plan and a reasonable cost
 7 proposal to the department of education, which shall
 8 award grants as equitably as possible based on the
 9 geographic and population diversity of the school
 10 districts submitting plans. Grants may be awarded in
 11 subsequent years based upon the most recent plan on
 12 file with the department.

13 5. The district committee is encouraged to work
 14 with area education agencies and postsecondary
 15 institutions in the preparation and implementation of
 16 a plan.

17 Sec. 38. NEW SECTION. 256E.4 BEGINNING TEACHER
 18 AND MENTOR SELECTION AND PLACEMENT.

19 1. To be eligible to be a mentor, a licensed
 20 practitioner shall, at a minimum, be employed by a
 21 school district as a classroom teacher, have a record
 22 of at least four years of effective practice, have
 23 been employed for one full year in the district on a
 24 nonprobationary basis, and demonstrate professional
 25 commitment to the improvement of teaching and
 26 learning, and the development of beginning teachers.

27 2. The district facilitator shall place beginning
 28 teachers in a manner that provides the greatest
 29 opportunity to participate with the largest number of
 30 mentors.

31 Sec. 39. NEW SECTION. 256E.5 BEGINNING TEACHER
 32 INDUCTION STATE SUBSIDY - FUND.

33 1. A teacher who is enrolled as a mentor in an
 34 approved beginning teacher induction program shall be
 35 eligible for an award of five hundred dollars per
 36 semester of participation in the program, which shall
 37 be paid from moneys received pursuant to this section
 38 by the school district employing the mentor.

39 2. Moneys received by a school district pursuant
 40 to this chapter shall be expended to provide mentors

41 with awards in accordance with subsection 1, to
42 implement the plan, to pay the costs of the employer's
43 share of contributions to federal social security and
44 the Iowa public employees' retirement system or a
45 pension and annuity retirement system established
46 under chapter 294, for such amounts paid by the
47 district.

48 3. Moneys received by a school district under this
49 chapter are miscellaneous income for purposes of
50 chapter 257 or are considered encumbered. Each local

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1 school district shall maintain a separate listing
2 within their budget for payments received and
3 expenditures made pursuant to this section.

4 4. Moneys received for purposes of this chapter
5 shall not be used for payment of any collective
6 bargaining agreement or arbitrator's decision
7 negotiated or awarded under chapter 20.

8 5. A beginning teacher induction fund is
9 established in the office of the treasurer of state to
10 be administered by the department. Moneys
11 appropriated by the general assembly for deposit in
12 the fund shall be used to provide funding to school
13 districts pursuant to the requirements of this
14 section.

15 6. Notwithstanding section 8.33, unencumbered or
16 unobligated funds remaining on June 30 of the fiscal
17 year for which the funds were appropriated shall not
18 revert but shall be available for expenditure in the
19 following fiscal year for the purposes of this
20 section.

21 Sec. 40. NEW SECTION. 256E.6 REPORTS.

22 The board of directors of a school district or the
23 boards of directors of a collaboration of school
24 districts implementing an approved beginning teacher
25 induction program as provided in this chapter shall
26 submit an assessment of the program's results by July
27 1 of the fiscal year succeeding the year in which the
28 school district or the collaboration of school
29 districts received moneys under this chapter. The
30 department shall annually report the statewide results
31 of the program to the chairpersons and the ranking
32 members of the house and senate education committees
33 by January 1.

34 Sec. 41. NEW SECTION. 256F.1 LEGISLATIVE
35 FINDINGS AND INTENT.

36 The general assembly finds that early childhood
37 education programs provide benefits in the areas of
38 economic development, education, workforce
39 preparation, health costs, welfare costs, and juvenile
40 justice. The general assembly further finds that it

41 is in the best interest of the state to encourage and
42 equitably fund early childhood education programs in
43 the public school districts. The goal of these
44 programs shall be, at a minimum, to produce children
45 who are self-confident and trusting, intellectually
46 inquisitive, able to use language to communicate,
47 physically and mentally healthy, able to relate well
48 to others, and empathetic to others. Toward that
49 goal, it is the intent of this chapter to establish
50 and fund an early childhood education imperatives

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1 program.
2 Sec. 42. NEW SECTION. 256F.2 EARLY CHILDHOOD
3 EDUCATION IMPERATIVES PROGRAM APPROPRIATION.
4 1. There is appropriated from the general fund of
5 the state to the department of education for the
6 fiscal year beginning July 1, 1998, and for each
7 succeeding fiscal year, the sum of ten million dollars
8 for the early childhood education imperatives program.
9 2. For each fiscal year for which moneys are
10 appropriated in subsection 1, the amount of moneys
11 allocated to school districts shall be in the
12 proportion that the basic enrollment of a district
13 bears to the sum of the basic enrollments of all
14 school districts in the state for the budget year.
15 However, a district shall not receive less than seven
16 thousand five hundred dollars in a fiscal year.
17 3. For each year for which an appropriation is
18 made to the early childhood education imperatives
19 program, the department of education shall notify the
20 department of revenue and finance of the amount to be
21 paid to each school district based upon the
22 distribution plan set forth for the appropriation made
23 pursuant to this section. The allocation to each
24 school district under this section shall be made in
25 one payment on or about October 15 of the fiscal year
26 for which the appropriation is made, taking into
27 consideration the relative budget and cash position of
28 the state resources. Prior to the receipt of moneys,
29 school districts shall provide to the department of
30 education adequate assurance that they have developed
31 or are developing an early childhood education plan as
32 required by section 256F.3 and that moneys received
33 under this section will be used in accordance with the
34 required early childhood education plan.
35 4. Moneys received under this section shall not be
36 commingled with state aid payments made under sections
37 257.16 to a school district and shall be accounted for
38 by the school district separately from state aid
39 payments.
40 5. Payments made to school districts under this

41 section are miscellaneous income for purposes of
 42 chapter 257 or are considered encumbered. Each school
 43 district shall maintain a separate listing within
 44 their budgets for payments received and expenditures
 45 made pursuant to this section.

46 6. Moneys received under this section shall not be
 47 used for payment of any collective bargaining
 48 agreement or arbitrator's decision negotiated or
 49 awarded under chapter 20.

50 Sec. 43. NEW SECTION. 256F.3 EARLY CHILDHOOD

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1 EDUCATION IMPERATIVES PROGRAM PLANNING.

2 Prior to receiving moneys under this chapter, the
 3 board of directors of a school district shall adopt an
 4 initial early childhood education plan that supports
 5 early childhood education efforts and includes an
 6 evaluation component. The plan shall be developed by
 7 licensed professional staff of the district, including
 8 both teachers and administrators. The plan shall, at
 9 a minimum, focus on preparing children to attain or
 10 surpass student achievement goals identified pursuant
 11 to sections 280.12 and 280.18. The initial plan shall
 12 be amended or adopted anew at least once every five
 13 years. The early childhood education plan shall be
 14 kept on file in the district and a copy of the initial
 15 plan, subsequent amendments to the plan, and copies of
 16 subsequent plans adopted shall be sent to the
 17 appropriate area education agency and the department
 18 of education. Progress as determined by the school
 19 district, but including progress in preparing children
 20 to attain or surpass student achievement goals, shall
 21 be included as part of the annual report submitted to
 22 the department of education in compliance with
 23 sections 280.12 and 280.18.

24 Sec. 44. NEW SECTION. 256F.4 EARLY CHILDHOOD
 25 EDUCATION IMPERATIVES PROGRAM EXPENDITURES.

26 School districts shall expend funds received
 27 pursuant to section 256F.2 to support reading
 28 instruction in phonics, and other education practices,
 29 programs, or assistance for kindergarten through grade
 30 three that may include, but are not limited to, the
 31 following: reducing adult to student ratios through
 32 the hiring of teachers, former teachers, and para-
 33 educator teaching assistants; talented and gifted
 34 programs; and implementation of instructional programs
 35 designed to improve student achievement in the areas
 36 of reading, language arts, and mathematics.

37 Sec. 45. NEW SECTION. 257.13 ON-TIME FUNDING FOR
 38 NEW STUDENTS.

39 1. If a district's actual enrollment for the
 40 budget year, determined under section 257.6, is

41 greater than its budget enrollment for the budget
42 year, the district may submit a request to the school
43 budget review committee for on-time funding for new
44 students. The school budget review committee shall
45 consider the relative increase in enrollment on a
46 district-by-district basis, in determining whether to
47 approve the request, and shall determine the amount of
48 additional funding to be provided if the request is
49 granted. An application for on-time funding must be
50 received by the department of education by October 1.

Page 19

1 Written notice of the committee's decision shall be
2 given through the department of education to the
3 school board for a district.

4 2. If the school budget review committee approves
5 a request for on-time funding for new students, the
6 funding shall be in an amount up to the product of
7 one-third of the state cost per pupil for the budget
8 year multiplied by the difference between the actual
9 enrollment for the budget year and the budget
10 enrollment for the budget year. The additional
11 funding received under this section is miscellaneous
12 income to the district.

13 3. There is appropriated each fiscal year from the
14 general fund of the state to the department of
15 education up to four million dollars to pay additional
16 funding authorized under this section, which shall be
17 paid to school districts in one lump-sum payment
18 within thirty days of notification by the school
19 budget review committee of approval for on-time
20 funding for new students for a budget year. If the
21 requests approved by the school budget review
22 committee exceed the appropriation in this subsection,
23 the payments to school districts receiving approval
24 for on-time funding shall be prorated such that each
25 school district approved for on-time funding shall
26 receive an amount of on-time funding equal to the
27 percentage that the on-time funding to be provided to
28 the district bears to the total amount of on-time
29 funding to be provided to all districts receiving
30 approval.

31 4. If the board of directors of a school district
32 determines that a need exists for additional funds
33 exceeding the amount provided in this section, a
34 request for supplemental aid based upon increased
35 enrollment may be submitted to the school budget
36 review committee as provided in section 257.31.

37 5. A school district which is receiving a budget
38 adjustment for a budget year pursuant to section
39 257.14 shall receive on-time funding for new students,
40 reduced by the amount of the budget adjustment for

41 that budget year.

42 Sec. 46. Section 272.1, Code 1997, is amended by
43 adding the following new subsection:

44 NEW SUBSECTION. 4A. "Para-educator" means a
45 person who is licensed to assist a teacher in the
46 performance of instructional tasks to support and
47 assist classroom instruction and related school
48 activities.

49 Sec. 47. NEW SECTION. 272.12 PARA-EDUCATOR
50 LICENSES.

Page 20

1 1. The board of educational examiners shall adopt
2 rules pursuant to chapter 17A relating to a multi-
3 level voluntary licensing system ranging from para-
4 educator generalist to para-educator specialist. The
5 rules shall outline the instructional and other school
6 activity tasks the individuals licensed under this
7 section may perform. The board shall determine
8 whether an applicant is qualified to perform the
9 duties for which a para-educator license is sought.

10 2. Applicants for a para-educator license as a
11 generalist must hold a high school diploma from an
12 accredited secondary school or a high school
13 equivalency diploma issued in accordance with chapter
14 259A. The applicant must also have completed
15 additional in-service training in at least all of the
16 following areas:

- 17 a. Behavior management.
- 18 b. Ethical responsibilities and behavior.
- 19 c. Exceptional child and at-risk child behavior.
- 20 d. Collaboration skills and interpersonal
21 relations.
- 22 e. Child and youth development.

23 3. Applicants for a para-educator license as a
24 specialist must meet the requirements of subsection 2
25 and additional requirements as prescribed by rule.

26 4. A public school district, area education
27 agency, community college, institution of higher
28 education under the state board of regents, or an
29 accredited private institution as defined in section
30 261.9, subsection 1, with a program approved by the
31 state board of education, may train and recommend
32 individuals for board licensure.

33 5. Applicants shall be disqualified for any of the
34 following reasons:

- 35 a. The applicant is less than eighteen years of
36 age.
- 37 b. The applicant has a record of founded child
38 abuse.
- 39 c. The applicant has been convicted of a felony.
- 40 d. The applicant's application is fraudulent.

- 41 e. The applicant's license or certification from
42 another state is suspended or revoked.
- 43 f. The applicant fails to meet board standards for
44 application for an initial or renewed license.
- 45 6. Qualifications or criteria for the granting or
46 revocation of a license or the determination of an
47 individual's professional standing shall not include
48 membership or nonmembership in any teachers'
49 organization.
- 50 Sec. 48. NEW SECTION. 279.14A PRACTITIONER

Page 21

- 1 PERFORMANCE IMPROVEMENT PROGRAM.
- 2 1. The department of education shall establish and
3 implement a voluntary practitioner performance
4 improvement program that shall provide technical
5 assistance to teachers and administrators from each
6 public school district and area education agency. The
7 department shall consult with the Iowa state education
8 association, the Iowa association of school boards,
9 the school administrators of Iowa, and, as
10 practicable, other entities providing similar
11 programs, in developing the program. The program
12 shall do the following:
- 13 a. At a minimum, the program shall provide
14 administrators with training, including but not
15 limited to, seminars and written materials, relating
16 to the areas of employment policies and procedures,
17 employment documentation, performance evaluations,
18 corrective performance techniques, discipline,
19 termination, and support by qualified individuals for
20 implementation of the program. Training received by
21 an administrator in accordance with this section shall
22 apply toward an administrator's evaluator approval
23 renewal. The program shall not be used to provide
24 consultation or assistance on specific employment
25 situations.
- 26 b. The program shall include the establishment and
27 implementation of a regional system to provide
28 technical assistance to teachers and administrators
29 who are performing inadequately.
- 30 2. The department shall submit an annual report to
31 the chairpersons and ranking members of the house and
32 senate standing education committees summarizing
33 program activities and describing the department's
34 plans for improving or changing the program.
- 35 3. There is appropriated from the general fund of
36 the state to the department of education for each
37 fiscal year the sum of three hundred thousand dollars
38 for purposes of the practitioner performance
39 improvement program.
- 40 Of the funds appropriated, the sum of one hundred

41 thousand dollars shall be used for purposes of
42 subsection 1, paragraph "a", and the sum of two
43 hundred thousand dollars shall be used for purposes of
44 subsection 1, paragraph "b".
45 Sec. 49. Section 279.15, Code 1997, is amended to
46 read as follows:
47 279.15 NOTICE OF TERMINATION - REQUEST FOR
48 HEARING.
49 1. The superintendent or the superintendent's
50 designee and the board of director's of the school

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1 district shall notify the teacher not later than April
2 ~~30 that the superintendent will recommend in writing~~
3 ~~to the board at a regular or special meeting of the~~
4 ~~board, held not later than May 15, March 15 that the~~
5 teacher's continuing contract be terminated effective
6 at the end of the current school year. However, if
7 the district is subject to reorganization under
8 chapter 275, the notification shall not occur until
9 after the first organizational meeting of the board of
10 the newly formed district.

11 2. Notification of ~~recommendation of~~ termination
12 of a teacher's contract shall be in writing, signed by
13 the superintendent and the presiding officer of the
14 board, and shall be personally delivered to the
15 teacher, ~~or mailed by certified mail~~. The
16 notification shall be complete when received by the
17 teacher. The notification and the recommendation to
18 terminate shall contain a short and plain statement of
19 the reasons, which shall be for just cause, why the
20 recommendation is being made. ~~The notification shall~~
21 ~~be given at or before the time the recommendation is~~
22 ~~given to the board.~~

23 3. As a part of the termination proceedings, the
24 teacher's complete personnel file of employment by
25 that board shall be available to the teacher, which
26 file shall contain a record of all periodic
27 evaluations between the teacher and appropriate
28 supervisors.

29 4. Within five days of the receipt of the written
30 ~~notice that the superintendent is recommending of~~
31 termination of the contract, the teacher may request,
32 in writing to the secretary of the board, a private
33 hearing with ~~the board~~ an adjudicator selected in
34 accordance with section 279.17. The private hearing
35 shall not be subject to chapter 21 and shall be held
36 no sooner than ten days and no later than twenty days
37 ~~following the receipt of the request~~ the selection of
38 the adjudicator, unless the parties otherwise agree.
39 The secretary of the board shall notify the teacher in
40 writing of the date, time, and location of the private

41 hearing, and at least five ten days before the hearing
42 shall also furnish to the teacher any documentation
43 which may be presented ~~to~~ by the superintendent and
44 the board at the private hearing and a list of persons
45 who may address the board adjudicator in support of
46 the superintendent's recommendation at the private
47 hearing. At least three days before the hearing, the
48 teacher shall provide any documentation the teacher
49 expects to present at the private hearing, along with
50 the names of any persons who may address the board on

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1 behalf of the teacher. This exchange of information
2 shall be at the time specified unless otherwise
3 agreed.

4 Sec. 50. Section 279.16, Code 1997, is amended to
5 read as follows:

6 279.16 PRIVATE HEARING - DECISION - RECORD.

7 1. The participants at the private hearing shall
8 be ~~at least a majority of the interested~~ members of
9 the board, ~~their legal representatives~~, if any, the
10 superintendent, the superintendent's designated
11 representatives, if any, the teacher's immediate
12 supervisor, the teacher, the teacher's
13 representatives, if any, and the witnesses for the
14 parties. The evidence at the private hearing shall be
15 limited to the specific reasons stated in the
16 superintendent's notice of recommendation of
17 termination. No participant in the hearing shall be
18 liable for any damages to any person if any statement
19 at the hearing is determined to be erroneous as long
20 as the statement was made in good faith. The
21 superintendent shall present evidence and argument on
22 all issues involved and the teacher may cross-examine,
23 respond and present evidence and argument in the
24 teacher's behalf relevant to all issues involved.
25 Evidence may be by stipulation of the parties and
26 informal settlement may be made by stipulation,
27 consent, or default or by any other method agreed upon
28 by the parties in writing. The board shall employ a
29 certified shorthand reporter to keep a record of the
30 private hearing. ~~The proceedings or any~~ Any part
31 thereof of the proceedings shall be transcribed at the
32 request of either party with the expense of
33 transcription charged to the requesting party.

34 2. ~~The presiding officer of the board adjudicator~~
35 may administer oaths in the same manner and with like
36 effect and under the same penalties as in the case of
37 magistrates exercising criminal or civil jurisdiction.
38 ~~The board adjudicator~~ shall cause subpoenas to be
39 issued for ~~such~~ witnesses and the production of ~~such~~
40 any books and papers ~~as either~~ the board or the

41 teacher may designate. The subpoenas shall be signed
 42 by the ~~presiding officer of the board~~ adjudicator.
 43 3. In case a witness is duly subpoenaed and
 44 refuses to attend, or in case a witness appears and
 45 refuses to testify or to produce required books or
 46 papers, the ~~board~~ adjudicator shall, in writing,
 47 report such refusal to the district court of the
 48 county in which the administrative office of the
 49 school district is located, and the court shall
 50 proceed with the person or witness as though the

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1 refusal had occurred in a proceeding legally pending
 2 before the court.
 3 The ~~board~~ adjudicator shall not be bound by common
 4 law or statutory rules of evidence or by technical or
 5 formal rules of procedure, but ~~it~~ the adjudicator
 6 shall hold the hearing in such manner as is best
 7 suited to ascertain and conserve the substantial
 8 rights of the parties. Process and procedure under
 9 sections 279.13 to 279.19 shall be as summary as
 10 reasonably may be.
 11 4. At the conclusion of the private hearing, the
 12 superintendent and the teacher may file written briefs
 13 and arguments with the ~~board~~ adjudicator within three
 14 days or such other time as may be agreed upon.
 15 5. If the teacher fails to timely request a
 16 private hearing or does not appear at the private
 17 hearing, the board may proceed and make a
 18 determination upon the superintendent's
 19 recommendation. If the teacher fails to timely file a
 20 request for a private hearing, the determination shall
 21 be not later than ~~May 31~~ April 15. ~~If the teacher~~
 22 ~~fails to appear at the private hearing, the~~
 23 ~~determination shall be not later than five days after~~
 24 ~~the scheduled date for the private hearing.~~ The board
 25 shall convene in open session and by roll call vote
 26 determine the termination or continuance of the
 27 teacher's contract.
 28 ~~6.~~ ~~Within five days after the private hearing, the~~
 29 ~~board shall, in executive session, meet to make a~~
 30 ~~final decision upon the recommendation and the~~
 31 ~~evidence as herein provided.~~ The ~~board~~ adjudicator
 32 shall also consider any written brief and arguments
 33 submitted by the superintendent and the teacher.
 34 7. The record for a private hearing shall include
 35 the following:
 36 1. a. All pleadings, motions and intermediate
 37 rulings.
 38 2. b. All evidence received or considered and all
 39 other submissions.
 40 3. c. A statement of all matters officially

41 noticed.

42 4. d. All questions and offers of proof,
43 objections and rulings thereon.

44 5. e. All findings and exceptions.

45 6. f. Any decision, opinion, or conclusion by the
46 board.

47 7. g. Findings of fact shall be based solely on
48 the evidence in the record and on matters officially
49 noticed in the record.

50 8. The decision of the board adjudicator shall be

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1 in writing and shall include findings of fact and
2 conclusions of law, separately stated. Findings of
3 fact, if set forth in statutory language, shall be
4 accompanied by a concise and explicit statement of the
5 underlying facts and supporting the findings. Each
6 conclusion of law shall be supported by cited
7 authority or by reasoned opinion.

8 9. ~~When the board has reached a decision, opinion,~~
9 ~~or conclusion, it shall convene in open meeting and by~~
10 ~~roll call vote determine the continuance or~~
11 ~~discontinuance of the teacher's contract. The record~~
12 ~~of the private conference and findings of fact and~~
13 ~~exceptions shall be exempt from the provisions of~~
14 ~~chapter 22. The secretary of the board adjudicator~~
15 ~~shall make a decision within thirty days and shall,~~
16 ~~upon reaching a decision, immediately mail notice of~~
17 ~~the board's action decision to the teacher, the~~
18 ~~superintendent, and the secretary of the board.~~

19 10. The record of the private hearing and findings
20 of fact and exceptions shall be exempt from the
21 provisions of chapter 22.

22 Sec. 51. Section 279.17, Code 1997, is amended to
23 read as follows:

24 279.17 APPEAL BY TEACHER TO SELECTION AND
25 AUTHORITY OF ADJUDICATOR.

26 ~~If the teacher is no longer a probationary teacher,~~
27 ~~the teacher may, within ten days, appeal the~~
28 ~~determination of the board to an adjudicator by filing~~
29 ~~a notice of appeal with the secretary of the board.~~
30 ~~The notice of appeal shall contain a concise statement~~
31 ~~of the action which is the subject of the appeal, the~~
32 ~~particular board action appealed from, the grounds on~~
33 ~~which relief is sought and the relief sought.~~

34 1. Within five days following receipt by the
35 secretary of the notice of appeal a teacher's request
36 for a private hearing by an adjudicator as provided in
37 section 279.15, the board or the board's legal
38 representative, if any, and the teacher or the
39 teacher's representative, if any, may select an
40 adjudicator who resides within the boundaries of the

41 merged area in which the school district is located.
42 If an adjudicator cannot be mutually agreed upon
43 within the five-day period, the secretary shall notify
44 the chairperson of the public employment relations
45 board by transmitting the notice of appeal request for
46 a private hearing, and the chairperson of the public
47 employment relations board shall within five days
48 provide a list of five adjudicators to the parties.
49 Within three days from receipt of the list of
50 adjudicators, the parties shall select an adjudicator

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1 by alternately removing a name from the list until
2 only one name remains. The person whose name remains
3 shall be the adjudicator. The parties shall determine
4 by lot which party shall remove the first name from
5 the list submitted by the chairperson of the public
6 employment relations board. The secretary of the
7 board shall inform the chairperson of the public
8 employee relations board of the name of the
9 adjudicator selected.

10 ~~If the teacher does not timely request an appeal to~~
11 ~~an adjudicator the decision, opinion, or conclusion of~~
12 ~~the board shall become final and binding.~~

13 ~~Within thirty days after filing the notice of~~
14 ~~appeal, or within further time allowed by the~~
15 ~~adjudicator, the board shall transmit to the~~
16 ~~adjudicator the original or a certified copy of the~~
17 ~~entire record of the private hearing which may be the~~
18 ~~subject of the petition. By stipulation of the~~
19 ~~parties to review the proceedings, the record of the~~
20 ~~case may be shortened. The adjudicator may require or~~
21 ~~permit subsequent corrections or additions to the~~
22 ~~shortened record.~~

23 ~~The record certified and filed by the board shall~~
24 ~~be the record upon which the appeal shall be heard and~~
25 ~~no additional evidence shall be heard by the~~
26 ~~adjudicator. In such appeal to the adjudicator,~~
27 ~~especially when considering the credibility of~~
28 ~~witnesses, the adjudicator shall give weight to the~~
29 ~~fact findings of the board, but shall not be bound by~~
30 ~~them.~~

31 ~~Before the date set for hearing a petition for~~
32 ~~review of board action, which shall be within ten days~~
33 ~~after receipt of the record unless otherwise agreed or~~
34 ~~unless the adjudicator orders additional evidence be~~
35 ~~taken before the board, application may be made to the~~
36 ~~adjudicator for leave to present evidence in addition~~
37 ~~to that found in the record of the case. If it is~~
38 ~~shown to the adjudicator that the additional evidence~~
39 ~~is material and that there were good reasons for~~
40 ~~failure to present it in the private hearing before~~

41 the board, the adjudicator may order that the
 42 additional evidence be taken before the board upon
 43 conditions determined by the adjudicator. The board
 44 may modify its findings and decision in the case by
 45 reason of the additional evidence and shall file that
 46 evidence and any modifications, new findings, or
 47 decisions, with the adjudicator and mail copies of the
 48 new findings or decisions to the teacher.
 49 2. The adjudicator may affirm board action or
 50 remand to the board for further proceedings. The

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1 adjudicator shall reverse, modify, the
 2 superintendent's recommendation to terminate the
 3 teacher's contract or grant any appropriate relief
 4 from the board action require the board to continue
 5 the teacher's contract if substantial rights of the
 6 teacher have been prejudiced because the board action
 7 is the adjudicator determines that termination of the
 8 contract would be any of the following:
 9 1. a. In A violation of a board rule or polic y or
 10 contract; or
 11 2. b. Unsupported by a preponderance of the
 12 competent evidence in the record made before the board
 13 adjudicator when that record is viewed as a whole; or
 14 3. c. Unreasonable, arbitrary or capricious or
 15 characterized by an abuse of discretion or a clearly
 16 unwarranted exercise of discretion.
 17 The adjudicator shall, within fifteen days after
 18 the hearing, make a decision and shall give a copy of
 19 the decision to the teacher and the secretary of the
 20 board. The decision of the adjudicator shall become
 21 the final and binding decision of the board unless
 22 either party within ten days notifies the secretary of
 23 the board that the decision is rejected. The board
 24 may reject the decision by majority vote, by roll
 25 call, in open meeting and entered into the minutes of
 26 the meeting. The board shall immediately notify the
 27 teacher of its decision by certified mail. The
 28 teacher may reject the adjudicator's decision by
 29 notifying the board's secretary in writing within ten
 30 days of the filing of such decision.
 31 3. All costs of the adjudicator shall be shared
 32 equally by the teacher and the board.
 33 Sec. 52. Section 279.18, subsection 6, Code 1997,
 34 is amended to read as follows:
 35 6. Unsupported by a preponderance of the competent
 36 substantial evidence in the record made before the
 37 board and the adjudicator when that record is viewed
 38 as a whole; or
 39 Sec. 53. Section 279.19, unnumbered paragraph 1,
 40 Code 1997, is amended to read as follows:

41 The first two three consecutive years of employment
 42 of a teacher in the same school district are a
 43 probationary period. However, a if the teacher has
 44 successfully completed a probationary period of
 45 employment for another school district located in
 46 Iowa, the probationary period in the current district
 47 of employment shall not exceed one year. A board of
 48 directors may waive the probationary period for any
 49 teacher who previously has served a probationary
 50 period in another school district and the board may

Page 28

1 extend the probationary period for an additional year
 2 with the consent of the teacher.

3 Sec. 54. Section 294A.25, subsection 7, Code
 4 Supplement 1997, is amended to read as follows:

5 7. Commencing with the fiscal year beginning July
 6 1, 1990, the amount of ~~sixty~~ seventy-five thousand
 7 dollars for the ambassador to education program under
 8 section ~~256.43~~ 256.45.

9 Sec. 55. Section 294A.25, Code Supplement 1997, is
 10 amended by adding the following new subsections:

11 NEW SUBSECTION. 9A. For the fiscal year beginning
 12 July 1, 1998, and ending June 30, 1999, the amount of
 13 two hundred fifty thousand dollars for deposit in the
 14 national board for professional teaching standards
 15 certification fund from additional funds transferred
 16 from phase I to phase III.

17 NEW SUBSECTION. 9B. For the fiscal year beginning
 18 July 1, 1998, and ending June 30, 1999, the amount of
 19 two hundred forty thousand dollars for beginning
 20 teacher induction program grants as provided in
 21 chapter 256E, from additional funds transferred from
 22 phase I to phase III. It is the intent of the general
 23 assembly that grants awarded from funds appropriated
 24 under this subsection shall provide support to a
 25 minimum of one hundred thirty-three teams of mentors
 26 and beginning teachers.

27 Sec. 56. INITIAL YEAR.

28 1. The board of directors of a school district, or
 29 the boards of directors of a collaboration, determined
 30 to participate in the beginning teacher induction
 31 program in fiscal year 1998-1999, shall submit the
 32 plan required under section 256E.3, as enacted in this
 33 Act, to the department of education by October 15,
 34 1998.

35 2. By January 15, 1999, the department of
 36 education shall award grants as provided in accordance
 37 with section 256E.3, as enacted in this Act.

38 Sec. 57. CURRENT NATIONAL BOARD CERTIFICATE
 39 HOLDERS. In order to receive payment under section
 40 256.44, as enacted by this Act, a teacher who by July

41 1, 1998, meets the qualifications for an award under
 42 section 256.44 shall apply to the department for
 43 payment under section 256.44 by June 30, 1999.
 44 Sec. 58. EFFECTIVE DATE. Section 45 of this Act,
 45 being deemed of immediate importance, takes effect
 46 upon enactment for the purpose of computations
 47 required for payment of state aid to school districts
 48 for budget years beginning on or after July 1, 1998.
 49 Section 45 of this Act remains in effect until the
 50 repeal of chapter 257 on July 1, 2001."

Page 29

- 1 2. Title page, line 3, by striking the words
- 2 "retroactive applicability and" and inserting the
- 3 following: "an".
- 4 3. Title page, line 4, by striking the word
- 5 "provisions" and inserting the following:
- 6 "provision".
- 7 4. By renumbering as necessary.

Committee on Education

H-8459

- 1 Amend House File 2425 as follows:
- 2 1. Page 1, by inserting after line 19, the
- 3 following:
- 4 "3. This section does not apply to final
- 5 decisions, or to decisions or actions of the
- 6 department relating to the child support recovery
- 7 unit."
- 8 2. Page 1, line 23, by inserting after the figure
- 9 "217.44." the following: "Notwithstanding section
- 10 679.12, when the department of human services is a
- 11 party to a dispute which has been scheduled for a
- 12 mediation session, the facts and circumstances
- 13 surrounding the dispute and any other information
- 14 provided by the department of human services are
- 15 confidential to the extent provided pursuant to
- 16 chapter 217."

FALLON of Polk
BODDICKER of Cedar

H-8461

- 1 Amend the amendment, H-8443, to House File 2528 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 " Page 9, lines 18 and 19, by striking the
- 6 words "and who has been accident and conviction free

7 continuously for," and inserting the following: "and
8 who has not been found to be at fault for an
9 accident and who has been conviction free continuously
10 for,"

11 2. Page 1, by striking lines 2 through 8 and
12 inserting the following:

13 " Page 10, line 7, by inserting after the
14 word "driver." the following: "However, a licensee
15 may operate a vehicle without an accompanying driver
16 between the hours of twelve-thirty a.m. and five a.m.
17 if such licensee possesses a waiver signed by a parent
18 or guardian on a form to be provided by the
19 department."

20 3. Page 1, by inserting before line 9 the
21 following:

22 " Page 10, line 13, by inserting after the
23 word "accident" the following: "for which the person
24 was found to be at fault,"

25 " Page 10, line 18, by inserting after the
26 word "accident" the following: "for which the person
27 was found to be at fault,"

28 " Page 10, lines 20 and 21, by striking the
29 words "and has been accident and conviction free
30 continuously" and inserting the following: "and has
31 not been found to be at fault for an accident and has
32 been conviction free continuously".

33 " Page 10, line 25, by inserting after the
34 word "accident" the following: "for which the person
35 was found to be at fault,"

36 " Page 10, line 27 by striking the words "and
37 has been accident and conviction free" and inserting
38 the following: "and has not been found to be at fault
39 for an accident and has been conviction free".

40 " Page 11, line 8 by striking the words "and
41 who has been accident and conviction free" and
42 inserting the following: "and who has not been found
43 to be at fault for an accident and has been conviction
44 free".

45 " Page 13, line 1, by inserting after the word
46 "accident" the following: "for which the person was
47 found to be at fault".

48 4. By renumbering as necessary.

KREIMAN of Davis

H-8462

1 Amend House File 2496 as follows:

2 1. Page 1, by inserting after line 3 the
3 following:

4 "Sec. ____ Section 97A.6, subsection 2, paragraph
5 d, Code 1997, is amended by adding the following new
6 subparagraph:

7 NEW SUBPARAGRAPH. (3A) Commencing July 1, 1998,
8 and notwithstanding the provisions of this paragraph
9 to the contrary, for a member who terminated service,
10 other than by death or disability, before July 1,
11 1996, and who did not withdraw the member's
12 contributions pursuant to section 97A.16, there shall
13 be added one and one-half percent of the member's
14 average final compensation for each year of service
15 over twenty-two years effective with each monthly
16 payment of a service retirement allowance on or after
17 July 1, 1998. However, this subparagraph does not
18 apply to more than eight additional years of service."
19 2. By renumbering as necessary.

FALCK of Fayette

H-8464

1 Amend House File 2508 as follows:

2 1. Page 1, by striking lines 3 through 8, and
3 inserting the following: "This section is intended to
4 preserve agricultural land for agricultural production
5 by preventing the unnecessary condemnation of
6 agricultural land for economic development purposes
7 without the consent of the owner and by preventing the
8 use of condemnation for private development purposes.
9 This section is not intended to prevent the
10 rehabilitation of blighted areas in highly commercial
11 or industrial areas within the corporate limits of a
12 city."

13 2. Page 1, line 12, by inserting after the word
14 "condemnation," the following: "However, the eminent
15 domain authority provided in this chapter may be
16 exercised for the purpose of acquiring agricultural
17 land for industrial enterprise development without the
18 consent of the landowner if the economic development
19 board has approved the use of condemnation as provided
20 in section 15.104, subsection 9."

21 3. Page 1, by inserting after line 27, the
22 following:

23 "Sec. 100. Section 15.104, Code 1997, is amended
24 by adding the following new subsection:

25 NEW SUBSECTION. 9. Review all applications for
26 approval to exercise the eminent domain authority
27 granted under chapter 6A and determine whether the use
28 of the authority is necessary. The approval shall be
29 granted upon a finding of necessity by the board.
30 When making the determination, the board shall
31 consider all of the following:

32 a. The feasibility of alternatives to acquiring
33 the agricultural land other than by condemnation.

34 b. The public costs and benefits of locating the
35 enterprise on the agricultural land.

- 36 c. The existence of a willing seller at another
 37 feasible location in the community.
 38 d. The ability to adapt the industrial or
 39 community economic development plans to avoid the use
 40 of condemnation.
 41 e. The existence of a specific industrial
 42 enterprise to be located on the agricultural land.
 43 The board may adopt rules pursuant to chapter 17A
 44 to implement this subsection.”
 45 4. By striking page 2, line 30, through page 3,
 46 line 2, and inserting the following: “requested by
 47 the owner. This section is intended to preserve
 48 agricultural land for agricultural production by
 49 preventing the unnecessary condemnation of
 50 agricultural land for economic development purposes

Page 2

- 1 without the consent of the owner and by preventing the
 2 use of condemnation for private development purposes.
 3 This section is not intended to prevent the
 4 rehabilitation of blighted areas in highly commercial
 5 or industrial areas within the corporate limits of a
 6 city.”
 7 5. Page 4, line 5, by striking the word and
 8 figure “and 4” and inserting the following: “4, and
 9 100”.
 10 6. By renumbering as necessary.

VANDE HOEF of Osceola

H-8465

- 1 Amend the amendment, H-8356, to Senate File 58, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking line 5 and inserting the
 5 following: “be responsible for providing”.

DOTZLER of Black Hawk

H-8466

- 1 Amend the amendment, H-8356, to Senate File 58, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 3 through 5.
 5 2. By renumbering as necessary.

DOTZLER of Black Hawk

H-8467

- 1 Amend Senate File 58, as amended, passed, and

2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 35, by inserting after the word
4 "rights" the following: "or of the department of
5 human services".
6 2. Page 2, line 1, by inserting after the word
7 "rights" the following: "or of the department of
8 human services".

DOTZLER of Black Hawk

H-8468

- 1 Amend Senate File 58, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 2, by inserting after the words
4 "be the" the following: "American".
5 2. Page 1, by striking line 4 and inserting the
6 following: "publications shall be in the American
7 English language. This American English".
8 3. Page 1, line 10, by inserting after the word
9 "the" the following: "American".
10 4. Page 1, line 12, by inserting after the word
11 "the" the following: "American".
12 5. Page 1, line 14, by inserting after the word
13 "establishing" the following: "American".
14 6. Page 1, line 20, by inserting before the word
15 "English" the following: "American".
16 7. Page 1, line 31, by inserting after the word
17 "than" the following: "American".
18 8. Page 1, line 32, by striking the word "non-
19 English" and inserting the following: "non-American
20 English".
21 9. Title page, line 1, by inserting after the
22 word "establishing" the following: "American".

WARNSTADT of Woodbury

H-8469

- 1 Amend Senate File 58, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 5 the
4 following:
5 "____. To any publication, form, notice, or written
6 or printed material utilized by the department of
7 human services in serving, or communicating with,
8 limited-English proficient clients."

HOUSER of Pottawattamie

H-8470

- 1 Amend House File 2498 as follows:

2 1. Page 12, by inserting after line 8 the
3 following:

4 "It is the intent of the general assembly that a
5 licensee's expenses for marketing, educational, and
6 informational material relating to a pari-mutuel
7 racetrack including gambling games shall not exceed
8 four million dollars annually. The telephone number
9 1-800-BETS-OFF, shall be prominently displayed at all
10 gambling facilities regulated by the racing and gaming
11 commission."

12 2. Page 12, by inserting after line 31 the
13 following:

14 "It is the intent of the general assembly that a
15 licensee's expenses for marketing, educational, and
16 informational material relating to an excursion
17 gambling boat including gambling games shall not
18 exceed four million dollars annually. The telephone
19 number 1-800-BETS-OFF, shall be prominently displayed
20 at all gambling facilities regulated by the racing and
21 gaming commission."

CHIODO of Polk

H-8472

1 Amend the amendment, H-8180, to House File 2504, as
2 follows:

3 1. Page 1, line 9, by striking the words "with a
4 contiguous county" and inserting the following:
5 "pursuant to chapter 28E with a county in a state
6 bordering this state".

7 2. Page 1, lines 10 and 11, by striking the words
8 "in that other state".

9 3. Page 1, line 20, by inserting after the word
10 "state." the following: "A law enforcement officer
11 who makes an arrest or conducts an activity in this
12 state pursuant to an agreement entered into pursuant
13 to subsection 1 shall immediately contact and
14 cooperate with a law enforcement agency having
15 jurisdiction over the area in which the arrest or
16 activity has occurred."

MORELAND of Wapello

H-8480

1 Amend Senate File 2109, as amended, passed, and
2 reprinted, as follows:

3 1. Page 2, line 2, by inserting after the word
4 "license." the following: "The hookups are subject to
5 inspection and approval by local building code
6 officials and the mobile home dealer shall pay the
7 inspection fee, if any."

RICHARDSON of Warren

H-8482

- 1 Amend the amendment, H-8427, to House File 2506 as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "Illinois." the following: "If refuge areas are
- 5 established, the refuge area with the healthiest
- 6 environment and the refuge area with the most polluted
- 7 environment shall be closed for the purpose of
- 8 collecting data for the study."

DOTZLER of Black Hawk

H-8483

- 1 Amend Senate File 367, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 20 and 21.
- 4 2. By renumbering as necessary.

DODERER of Johnson
DINKLA of Guthrie
WISE of Lee

H-8484

- 1 Amend Senate File 367, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 1 and 2.

DODERER of Johnson
DINKLA of Guthrie
WISE of Lee

H-8485

- 1 Amend the amendment, H-8430, to House File 2506, as
- 2 follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "season." the following: "During the five-year study,
- 5 notwithstanding section 482.12A, the minimum size
- 6 limit on washboard mussel shall be five inches."

DOTZLER of Black Hawk

H-8486

- 1 Amend House File 2513 as follows:
- 2 1. Page 4, by striking lines 8 and 9 and
- 3 inserting the following: "doctrines, or worship, and
- 4 does not include books or materials for

- 5 extracurricular".
 6 2. Page 4, by striking line 26 and inserting the
 7 following: "worship, and which do not".
 8 3. Page 4, line 27, by striking the word "which".
 9 4. Page 4, line 29, by striking the word
 10 "However".
 11 5. Page 4, by striking lines 30 through 32.

RICHARDSON of Warren

H-8487

- 1 Amend Senate File 2080, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 11, by inserting after the word
 4 "public" the following: "without charge".
 5 2. Page 1, line 14, by inserting after the word
 6 "public" the following: "without charge".

Committee on Environmental Protection

H-8488

- 1 Amend the amendment, H-8426, to House File 2506, as
 2 follows:
 3 1. Page 1, by striking lines 2 through 7 and
 4 inserting the following:
 5 "_. By striking everything after the enacting
 6 clause and inserting the following:
 7 "Section 1. NEW SECTION. 482.12A WASHBOARD
 8 MUSSELS - MORATORIUM - STUDY.
 9 1. The season on taking washboard mussels shall be
 10 closed from July 1, 1998, through June 30, 2000.
 11 2. During the two-year moratorium on washboard
 12 mussel fishing, the department of natural resources
 13 shall conduct a study of the populations of various
 14 mussel species in the waters of this state with
 15 emphasis on the sublegal population of washboard
 16 mussels among the beds along the Mississippi river.
 17 The department shall conduct independent field
 18 investigations of the various mussel beds in boundary
 19 waters of this state. The department shall fund the
 20 cost of the field investigations. The department
 21 shall contract with a malacologist who is acceptable
 22 to the commercial mussel industry and the department
 23 to conduct the study and investigation. The
 24 department shall review current scientific studies
 25 conducted by other state natural resource agencies,
 26 federal wildlife and natural resource agencies, and
 27 private parties including commercial fishers, shell
 28 buyers, and shell exporters.
 29 The department shall report its findings to the
 30 chairpersons and ranking members of the house

31 committee on natural resources and the senate
32 committee on natural resources and environment not
33 later than January 15, 2000. If the study data shows
34 the health of the washboard mussel population can
35 support the taking of washboard mussels by commercial
36 mussel fishers, the department may provide for an open
37 season on washboard mussels."
38 _____. Title page, line 2, by striking the words
39 "an effective date" and inserting the following: "a
40 study"."

DOTZLER of Black Hawk

H-8491

1 Amend the amendment, H-8429, to House File 2506, as
2 follows:
3 1. Page 1, by striking lines 13 through 16 and
4 inserting the following: "waters in this state. The
5 department shall fund the cost of the field
6 investigations. The department shall contract with
7 a".

DOTZLER of Black Hawk

H-8497

1 Amend Senate file 2320, as passed by the Senate, as
2 follows:
3 1. Page 3, by inserting after line 20 the
4 following:
5 "Section 1. STATEWIDE GAMBLING STUDY."
6 1. The legislative council is requested to
7 establish a study committee to conduct a comprehensive
8 legal and factual study of gambling in this state and
9 existing policies and practices with respect to the
10 legalization or prohibition of gambling activities and
11 formulate and propose changes in those policies and
12 practices as the study committee deems appropriate.
13 The study committee may seek the cooperation of other
14 states and tribal councils in obtaining information
15 regarding gambling activities within those
16 jurisdictions.
17 2. The study shall include, but is not limited to,
18 the following matters:
19 a. The economic impact of gambling on the state of
20 Iowa, political subdivisions of this state, and native
21 American tribes conducting gambling activities in this
22 state.
23 b. The economic impact of gambling on other
24 businesses.
25 c. An assessment and review of the political
26 contributions and influences of gambling businesses

27 and promoters on the development of public policy
28 regulating gambling.
29 d. An assessment of the relationship between
30 gambling and crime.
31 e. An assessment of the impact of pathological or
32 problem gambling on individuals, families, social
33 institutions, criminal activity, and the economy.
34 f. A review of the demographics of gamblers.
35 g. A review of the effectiveness of existing
36 practices in law enforcement, judicial administration,
37 and corrections to combat and deter illegal gambling
38 and illegal activities related to gambling.
39 h. A review of the costs and effectiveness of
40 state and federal gambling regulatory policy.
41 i. Other relevant issues and topics as considered
42 appropriate by the study committee.
43 3. The study committee shall complete its study
44 and submit its final report to the legislative council
45 and the general assembly not later than January 31,
46 2001. The final report shall contain a detailed
47 statement of the findings and conclusions of the study
48 committee with its recommendations for legislation and
49 administrative actions.
50 4. There is appropriated from the general fund of

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1 the state to the legislative council the sum of
2 \$100,000, or so much thereof as is necessary, to fund
3 a comprehensive factual and legal study of gambling in
4 this state to be conducted by a study committee as
5 provided in this Act.
6 5. Notwithstanding section 8.33, all unobligated
7 or unencumbered moneys remaining on January 31, 2001,
8 from the appropriation made in subsection 4, shall
9 revert to the general fund of the state on April 4,
10 2001."

RANTS of Woodbury
GARMAN of Story

H-8499

1 Amend Senate File 58, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 5 the
4 following:
5 "To promote consistency throughout the state with
6 regard to utilization of the English language as the
7 common language of the state, all non-English language
8 derived names of places and locations throughout the
9 state, including but not limited to cities, townships,
10 state parks and recreation areas, rivers, lakes, and

11 geologic reference points, shall be translated into
12 and referred to by the English language equivalent."

WITT of Black Hawk

H-8500

1 Amend Senate File 58, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 5 the
4 following:
5 "10. To the name of any city, county, or township
6 which is from a language other than the English
7 language, or to the name of the state."

WITT of Black Hawk

H-8501

1 Amend Senate File 2366, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. DEPARTMENT OF EDUCATION. There is
6 appropriated from the general fund of the state to the
7 department of education for the fiscal year beginning
8 July 1, 1998, and ending June 30, 1999, the following
9 amount, or so much thereof as is necessary, to be used
10 for the purposes designated:

11 1. For frontier school or extended school year
12 grants:
13 \$ 500,000

14 By September 1, 1998, the department shall
15 establish criteria and a process for the awarding of
16 grants for planning or implementation purposes.
17 Grants shall be equitably distributed geographically
18 among rural and urban areas. Notwithstanding section
19 8.33, unencumbered or unobligated funds remaining on
20 June 30 of the fiscal year for which the funds were
21 appropriated shall not revert but shall be available
22 for expenditure for the following fiscal year for the
23 purposes of this subsection.

24 2. To the board of educational examiners, for
25 purposes of developing and implementing a multi-level
26 voluntary para-educator licensing system in accordance
27 with section 272.12, if enacted:
28 \$ 75,000

29 3. For deposit in the Iowa empowerment fund if
30 legislation providing for the creation of an Iowa
31 empowerment board, an Iowa empowerment fund, and for
32 the appropriation of moneys to be administered by a
33 community empowerment area, is enacted by the Seventy-
34 seventh General Assembly, 1998 Session:
35 \$ 5,200,000

36 Sec. 2. NEW SECTION. 256.44 NATIONAL BOARD
37 CERTIFICATION AWARD - APPROPRIATION.

38 1. A teacher, as defined in section 272.1, who
39 registers for a national board for professional
40 teaching standards certificate and is employed by a
41 school district in Iowa shall be eligible for a
42 registration award as provided in subsection 2, and
43 upon achievement of a national board for professional
44 teaching standards certificate, is eligible for an
45 annual award of ten thousand dollars for each year the
46 certificate is valid as provided in this section.

47 2. To receive a partial registration award in the
48 amount of one-half of the registration fee charged by
49 the national board for professional teaching
50 standards, the teacher shall apply to the department

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1 of education within one year of registration,
2 submitting to the department any documentation the
3 department requires. A teacher shall receive a final
4 registration award in the amount of the remaining
5 registration fee charged by the national board if the
6 teacher notifies the department of the teacher's
7 certification achievement and submits any
8 documentation requested by the department.

9 3. To receive a five-year annual award for
10 achieving certification by the national board of
11 professional teaching standards, a teacher shall apply
12 to the department within one year of eligibility.
13 Payment for awards shall be made only upon
14 departmental approval of an application or
15 recertification of eligibility. A nonrenewable term
16 of eligibility shall be for five years or for the
17 years the certificate is valid, whichever time period
18 is shorter. In order to continue receipt of payments,
19 a recipient shall annually recertify eligibility.

20 4. A national board for professional teaching
21 standards certification fund is established in the
22 office of treasurer of state to be administered by the
23 department. Moneys appropriated by the general
24 assembly for deposit in the fund shall be paid as
25 follows:

26 a. Upon receipt of award documentation as provided
27 in subsection 2.

28 b. On January 15 to teachers whose applications
29 and recertifications for annual awards as provided in
30 subsection 3 are approved by the department. The
31 treasurer of state shall act as custodian of the fund
32 and may invest the moneys deposited in the fund. The
33 income from any investment shall be credited to and
34 deposited in the fund. The director of revenue and
35 finance shall issue warrants upon the fund pursuant to

36 the order of the department and such warrants shall be
37 paid from the fund by the treasurer of state.
38 Notwithstanding section 8.33, unencumbered or
39 unobligated moneys remaining in the fund on June 30 of
40 the fiscal year for which the funds were appropriated
41 shall not revert but shall be available for subsequent
42 fiscal years for the purposes of this section.
43 5. An individual shall not qualify for a term of
44 annual award eligibility unless the individual
45 applies, certifying eligibility, to the department
46 prior to June 30, 2001.

47 Sec. 3. Section 256.45, unnumbered paragraphs 1,
48 3, and 4, Code 1997, are amended to read as follows:
49 The department of education shall establish ~~within~~
50 ~~the department and administer~~ the position of

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1 ambassador to education. It shall be the function of
2 the ambassador to education to act as an education
3 liaison to primary and secondary schools in this
4 state. The ambassador to education position shall be
5 filled by the educator selected as teacher of the year
6 by the governor, but only if that person agrees to
7 fill the ambassador to education position.
8 The ambassador to education shall receive, in lieu
9 of compensation from the district in which the
10 ambassador is regularly employed, a salary ~~which is~~
11 equal to the amount of salary ~~received by the person~~
12 during the previous would have received from the
13 district in the person's regular position during the
14 school year for which the person serves as ambassador,
15 or thirty thousand dollars, whichever amount is
16 greater. The ambassador shall also be compensated for
17 actual expenses incurred as a result of the
18 performance of duties under this section.
19 ~~The district which department shall grant funds in~~
20 an amount equal to the salary and benefits the person
21 selected as ambassador to education would have
22 received from the district, or thirty thousand
23 dollars, whichever amount is greater, to the school
24 district that employs the person selected as the
25 ambassador to education. The department shall also
26 reimburse the school district for actual expenses
27 incurred as a result of the performance of duties
28 under this section. The school district shall grant
29 the person a one-year sabbatical in order to allow the
30 person to be the ambassador to education, and during
31 the sabbatical, shall pay the salary and benefits of
32 the ambassador with funds granted by the department.
33 The person selected as the ambassador to education
34 shall be entitled to return to the person's same or a
35 comparable position without loss of accrued benefits

36 or seniority.

37 Sec. 4. NEW SECTION. 256D.1 TITLE.

38 This chapter shall be known and may be cited as the
39 "Frontier School Act".

40 Sec. 5. NEW SECTION. 256D.2 PURPOSES.

41 1. It is the purpose of this chapter to provide a
42 means to revitalize education and continually do all
43 of the following:

44 a. Improve student learning.

45 b. Increase learning opportunities for students.

46 c. Encourage the use of different and innovative
47 teaching methods.

48 d. Require the measurement of learning outcomes
49 and create different and innovative methods for
50 measuring outcomes and comparison of those outcomes

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1 with other attendance centers within a school
2 district.

3 e. Establish new forms of accountability for
4 schools.

5 f. Create new professional opportunities for
6 teachers, including the opportunity to be responsible
7 for the learning program at the school site.

8 g. Create opportunities for community members to
9 enhance student learning experiences in the community
10 member's profession.

11 h. Encourage the development and use of an
12 innovative or extended school year.

13 2. This chapter does not provide a means to keep
14 open a school that otherwise would be closed. A
15 school board bears the burden of proving that
16 conversion to a frontier school fulfills a purpose
17 specified in this chapter and independent of the
18 school's closing.

19 Sec. 6. NEW SECTION. 256D.3 DEFINITIONS.

20 As used in this chapter unless the context
21 otherwise requires:

22 1. "Department" means the department of education.

23 2. "Director" means the director of the department
24 of education.

25 3. "School board" means the board of directors of
26 a public school district creating a frontier school
27 within the district.

28 4. "State board" means the state board of
29 education.

30 Sec. 7. NEW SECTION. 256D.4 APPLICABILITY.

31 This section applies only to frontier schools
32 formed and operated under this chapter.

33 Sec. 8. NEW SECTION. 256D.5 FORMATION OF SCHOOL.

34 1. A school board, upon approval by the state
35 board, may establish one or more frontier schools as

36 provided in this chapter.

37 2. A school board may authorize a licensed
38 administrator or teacher to operate a frontier school
39 subject to the approval of the state board. The
40 school shall be organized and operated as a nonprofit
41 cooperative association under chapter 498 or nonprofit
42 corporation under chapter 504A.

43 3. Before a school district may form and operate a
44 frontier school, the school board must file an
45 affidavit with the state board stating its intent to
46 establish a frontier school. The affidavit shall
47 state the terms and conditions under which the school
48 board pledges to establish a frontier school. The
49 state board shall approve or disapprove a school
50 board's proposed authorization within sixty days of

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1 receipt of an affidavit. Failure to obtain state
2 board approval precludes a school board from
3 authorizing the frontier school that was the subject
4 of the affidavit.

5 4. A school board approved by the state board to
6 organize, establish, and operate a frontier school
7 shall appoint the members of the frontier school
8 board. The frontier school board shall consist of not
9 more than seven members, the majority of which shall
10 be parents or guardians of children enrolled in the
11 frontier school. One member of the school board shall
12 serve as a member of the frontier school board. The
13 provisions of chapters 21 and 22 shall apply to
14 meetings and records of the frontier school board.

15 5. The granting or renewal of an authorization for
16 a frontier school by a school board shall not be
17 conditioned upon the bargaining unit status of the
18 employees of the school.

19 Sec. 9. NEW SECTION. 256D.6 CONVERSION OF
20 EXISTING SCHOOLS.

21 The board of directors of a school district may
22 convert any one of its existing schools to frontier
23 schools or the entire district to a frontier school
24 under this chapter. The conversion must occur at the
25 beginning of an academic year.

26 Sec. 10. NEW SECTION. 256D.7 CONTRACT.

27 The school board's authorization for a frontier
28 school shall be in the form of a written contract
29 signed by the school board and the board of directors
30 of the frontier school. The contract for a frontier
31 school shall be in writing and contain, at a minimum,
32 the following:

- 33 1. A description of a program that carries out one
34 or more of the purposes enumerated in section 256D.2.
- 35 2. Specific outcomes students are to achieve under

- 36 section 256D.11.
37 3. Admission policies and procedures.
38 4. A description of the management and
39 administration of the frontier school.
40 5. Requirements and procedures for program and
41 financial audits.
42 6. A plan describing methods for complying with
43 sections 256D.9, 256D.14, 256D.17, and 256D.24.
44 7. Assurance of the assumption of liability by the
45 frontier school.
46 8. Types and amounts of insurance coverage to be
47 obtained by the frontier school.
48 Sec. 11. NEW SECTION. 256D.8 PUBLIC STATUS -
49 EXEMPTION FROM STATUTES AND RULES.
50 A frontier school is a public school and is part of

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- 1 the state's system of public education. Except as
2 provided in this chapter, a frontier school is exempt
3 from all statutes and rules applicable to a school, a
4 school board, or a school district, although it may
5 elect to comply with one or more provisions of
6 statutes or rules.
7 Sec. 12. NEW SECTION. 256D.9 REQUIREMENTS.
8 1. A frontier school shall meet all applicable
9 state and local health and safety requirements.
10 2. A frontier school shall be nonsectarian in its
11 programs, admission policies, employment practices,
12 and all other operations. A school board shall not
13 establish a frontier school or program that is
14 affiliated with an existing nonpublic school.
15 3. Frontier schools shall not be used as a method
16 of providing education or generating revenue for
17 students who are receiving competent private
18 instruction pursuant to chapter 299A.
19 4. The primary focus of a frontier school shall be
20 to provide a comprehensive program of instruction for
21 at least one grade or age group from five through
22 eighteen years of age. Instruction may be provided to
23 people younger than five years or older than eighteen
24 years of age.
25 5. A frontier school shall not charge tuition.
26 6. A frontier school is subject to and shall
27 comply with chapter 216 and 216A relating to civil and
28 human rights.
29 7. A frontier school is subject to and shall
30 comply with sections 275.55A, 279.9A, 280.17B,
31 280.21B, and 282.4, relating to suspension and
32 expulsion of a student.
33 8. A frontier school is subject to the same
34 financial audits, audit procedures, and audit
35 requirements as a school district. The audit shall be

36 consistent with the requirements of sections 11.6,
37 11.14, 11.19, 256.9, subsection 19, and section
38 279.29, except to the extent deviations are necessary
39 because of the program at the school. The department,
40 the auditor of state, or the legislative fiscal bureau
41 may conduct financial, program, or compliance audits.

42 9. A frontier school is a school district for the
43 purposes of tort liability under chapter 670.

44 Sec. 13. NEW SECTION. 256D.10 ADMISSION
45 REQUIREMENTS.

46 1. A frontier school may limit admission to any of
47 the following:

- 48 a. Students within an age group or grade level.
- 49 b. Individuals who are eligible to participate in
50 an alternative options education program under section

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1 280.19A.

2 c. Residents of a specific geographic area where
3 the percentage of the population of non-Caucasian
4 people of that area is greater than the percentage of
5 the non-Caucasian population in the congressional
6 district in which the geographic area is located, and
7 as long as the school reflects the racial and ethnic
8 diversity of the specific area.

9 2. A frontier school shall enroll an eligible
10 student who submits a timely application, unless the
11 number of applications exceeds the capacity of a
12 program, class, grade level, or building. In this
13 case, students shall be accepted by lot.

14 3. A frontier school admission shall not be based
15 on intellectual ability, measures of achievement or
16 aptitude, or athletic ability.

17 Sec. 14. NEW SECTION. 256D.11 STUDENT
18 PERFORMANCE.

19 A frontier school shall design its programs to at
20 least meet any outcomes adopted by the state board for
21 public school students: In the absence of state board
22 requirements, the school shall meet the outcomes
23 contained in the contract with the school board. The
24 achievement levels of the outcomes contained in the
25 contract may exceed the achievement levels of any
26 outcomes adopted by the state board for public school
27 students.

28 Sec. 15. NEW SECTION. 256D.12 EMPLOYMENT AND
29 OTHER OPERATING MATTERS.

30 A frontier school shall employ or contract with
31 necessary teachers, as defined in section 272.1, who
32 hold a valid license with an endorsement for the type
33 of service for which the teacher is employed. The
34 school may employ necessary employees who are not
35 required to hold teaching licenses to perform duties

36 other than teaching and may contract for other
37 services. The school may discharge teachers and
38 nonlicensed employees.

39 The board of directors of the frontier school also
40 shall decide matters related to the operation of the
41 school, including budgeting, curriculum, and operating
42 procedures.

43 Sec. 16. NEW SECTION. 256D.13 STUDENTS WITH
44 SPECIAL EDUCATION NEEDS.

45 A frontier school shall comply with chapter 256B
46 and administrative rules adopted pursuant to that
47 chapter relating to the education of students with
48 special education needs, and receive state special
49 education aid, as though it were a school district.
50 However, the fiscal responsibility for children

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1 requiring special education shall remain with the
2 school district creating the frontier school. A child
3 requiring special education under chapter 256B shall
4 be included in the weighted enrollment of the district
5 creating the frontier school and the district shall
6 pay to the frontier school the special education
7 district cost per pupil amount generated by the
8 weighting.

9 Sec. 17. NEW SECTION. 256D.14 LENGTH OF SCHOOL
10 YEAR.

11 A frontier school shall provide instruction each
12 year for at least the number of days required by
13 section 279.10, subsection 1, unless the school
14 provides instruction throughout the year according to
15 section 256.20 or 279.10, subsection 3.

16 Sec. 18. NEW SECTION. 256D.15 REPORTS.

17 A frontier school shall report at least annually to
18 its board of directors, the district school board, the
19 department, and the state board of education the
20 information required by the school board, the
21 department, or the state board. The reports are
22 public records subject to chapter 22. The department
23 shall collect and document the progress of the
24 frontier school toward increasing student's levels of
25 achievement.

26 Sec. 19. NEW SECTION. 256D.16 REVIEW AND
27 COMMENT.

28 The department shall review and comment on the
29 evaluation, by the school district creating the
30 frontier school, of the performance of a frontier
31 school before the frontier school's contract is
32 renewed. The information from the review and comment
33 shall be reported to the state board in a timely
34 manner. Annually, the state board shall report trends
35 or suggestions based on the evaluation of frontier

36 school contracts to the house and senate education
37 committees.

38 Sec. 20. NEW SECTION. 256D.17 TRANSPORTATION.

39 1. By July 1 of each year, a frontier school shall
40 notify the establishing district, the district in
41 which the school is located, if applicable, and the
42 department if it will provide transportation for
43 students enrolled at the school for the fiscal year.

44 2. If a frontier school elects to provide
45 transportation for students, the transportation shall
46 be provided by the frontier school within the district
47 in which the frontier school is located. In addition,
48 the frontier school shall provide transportation for
49 all resident pupils attending the frontier school in
50 accordance with chapter 285, unless otherwise provided

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1 in this chapter.

2 3. For students who reside outside the district in
3 which the frontier school is located, the frontier
4 school is not required to provide or pay for
5 transportation between the student's residence and the
6 border of the district in which the frontier school is
7 located. A parent may be reimbursed by the frontier
8 school for costs of transportation from the student's
9 residence to the border of the district in which the
10 frontier school is located if the student is from a
11 family whose income is at or below the poverty level,
12 as determined by the most recently revised poverty
13 income guidelines published by the United States
14 department of health and human services.

15 4. At the time a student enrolls in a frontier
16 school, the frontier school shall provide the parent
17 or guardian with information regarding the
18 transportation.

19 5. If a frontier school does not elect to provide
20 transportation, transportation for students enrolled
21 at the school shall be provided by the district in
22 which the school is located, in the manner provided in
23 section 285.1, subsection 15, for a student residing
24 in the same district in which a nonpublic school
25 designated for attendance is located. Transportation
26 may be provided by the district in which the frontier
27 school is located for a student residing in a
28 different district, in the same manner provided for in
29 section 285.1, subsection 16, for students whose
30 nonpublic school designated for attendance is located
31 outside the boundary line of the school district of
32 the student's residence.

33 Sec. 21. NEW SECTION. 256D.18 LEASED SPACE.

34 A frontier school may lease space from a school
35 board or other public or private nonprofit,

36 nonsectarian organization. If a frontier school is
 37 unable to lease appropriate space from a school board
 38 or other public or private nonprofit, nonsectarian
 39 organization, the frontier school may lease space from
 40 another nonsectarian organization if the department,
 41 in consultation with the department of management,
 42 approves the lease. If the frontier school is unable
 43 to lease appropriate space from public or private
 44 nonsectarian organizations, the frontier school may
 45 lease space from a sectarian organization if the
 46 leased space is constructed as a school facility and
 47 the department, in consultation with the department of
 48 management, approves the lease.
 49 Sec. 22. NEW SECTION. 256D.19 INITIAL COSTS.
 50 A school board may establish a frontier school

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1 before the applicant has secured its space, equipment,
 2 facilities, and personnel if the school board
 3 indicates the establishment is necessary for it to
 4 raise working capital. A school board may not
 5 establish a school before the state board of education
 6 has approved the authorization.

7 Sec. 23. NEW SECTION. 256D.20 DISSEMINATION OF
 8 INFORMATION.

9 The school board, the operators, and the department
 10 shall disseminate information to the public on how to
 11 form and operate a frontier school and how to utilize
 12 the offerings of a frontier school. Particular groups
 13 to be targeted include low-income families and
 14 communities and minority students.

15 Sec. 24. NEW SECTION. 256D.21 LEAVE TO TEACH IN
 16 A FRONTIER SCHOOL.

17 If a teacher employed by a school district is
 18 qualified for a vacant teaching position that exists
 19 at a frontier school, and the frontier school has
 20 accepted the teacher for the position, the teacher may
 21 request in writing an extended leave of absence to
 22 teach at the frontier school, and the school district
 23 shall grant the leave for any number of years
 24 requested by the teacher, and must extend the leave at
 25 the teacher's request. The school district may
 26 require that the request for a leave or extension of
 27 leave be made up to ninety days before the teacher
 28 would otherwise have to report for duty. Once
 29 granted, a leave is valid only while the teacher is
 30 employed by the frontier school.

31 This section shall not apply to a school district
 32 experiencing three consecutive years or more of
 33 declining enrollment.

34 Sec. 25. NEW SECTION. 256D.22 COLLECTIVE
 35 BARGAINING.

36 The provisions of chapter 20 shall not apply to the
37 board of directors of a frontier school or its
38 employees unless the employees and the frontier school
39 board agree to abide by the provisions of chapter 20
40 in the contract established pursuant to section
41 256D.7.

42 Sec. 26. NEW SECTION. 256D.23 TEACHER AND OTHER
43 EMPLOYEE RETIREMENT.

44 Teachers in a frontier school shall be public
45 school teachers for the purposes of retirement under
46 chapter 97B.

47 Sec. 27. NEW SECTION. 256D.24 CAUSES FOR
48 NONRENEWAL OR TERMINATION.

49 1. The duration of a frontier school contract with
50 a school board shall be for five years. The school

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1 board may or may not renew a contract at the end of
2 the term for any ground listed in subsection 2. A
3 school board may unilaterally terminate a contract
4 during the term of the contract for any ground listed
5 in subsection 2. At least sixty days before not
6 renewing or terminating a contract, the school board
7 shall notify the board of directors of the frontier
8 school of the proposed action in writing. The notice
9 shall state the grounds for the proposed action in
10 reasonable detail and that the frontier school's board
11 of directors may request in writing an informal
12 hearing before the school board within fourteen days
13 of receiving notice of nonrenewal or termination of
14 the contract. Failure by the board of directors to
15 make a timely written request for a hearing shall be
16 treated as acquiescence to the proposed action. Upon
17 receiving a timely written request for a hearing, the
18 school board shall give reasonable notice to the
19 frontier school's board of directors of the hearing
20 date. The school board shall conduct an informal
21 hearing before taking final action. The school board
22 shall take final action to renew or not renew a
23 contract by the last day of classes in the school
24 year. The frontier school's board of directors may
25 appeal the school board's decision to the state board.
26 2. A contract may be terminated or not renewed
27 upon any of the following grounds:
28 a. Failure to meet the requirements for student
29 performance contained in the contract.
30 b. Failure to meet generally accepted standards of
31 fiscal management.
32 c. For violations of law or other good cause
33 shown.
34 3. If a contract is terminated or not renewed, the
35 school shall be dissolved according to the applicable

36 provisions of chapter 498 or 504A.

37 Sec. 28. NEW SECTION. 256D.25 STUDENT

38 ENROLLMENT.

39 If a frontier school contract is not renewed or is
40 terminated according to section 256D.24, a student who
41 attended the school may enroll in the resident
42 district or may submit an application to a nonresident
43 district according to section 282.18 at any time.

44 Applications and notices required by section 282.18
45 shall be processed and provided in a prompt manner.
46 The application and notice deadlines in section 282.18
47 do not apply under these circumstances.

48 A student enrolled in a frontier school is
49 ineligible to participate in dual enrollment under
50 section 299A.8.

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1 Sec. 29. NEW SECTION. 256D.26 GENERAL AUTHORITY.

2 The board of directors of a frontier school may sue
3 and be sued. The board may not levy taxes or issue
4 bonds.

5 Sec. 30. NEW SECTION. 256D.27 IMMUNITY.

6 1. The state board, members of the state board, a
7 school board, members of a school board in their
8 official capacity, and employees of a school board are
9 immune from civil or criminal liability with respect
10 to all activities related to a frontier school they
11 approve or establish.

12 2. The board of directors of the frontier school
13 shall obtain at least the amount of and types of
14 insurance required by the contract, according to
15 section 256D.7.

16 Sec. 31. NEW SECTION. 256D.28 STATE SCHOOL
17 FOUNDATION AID FOR A FRONTIER SCHOOL.

18 1. A student residing in Iowa who is enrolled in a
19 frontier school shall be counted, for state school
20 foundation aid purposes, in the student's district of
21 residence. A student's residence, for purposes of
22 this section, shall be as established under section
23 282.1. The board of directors of the district of
24 residence shall pay to the frontier school the
25 district cost per pupil, or the frontier school's cost
26 per pupil as determined by the department based upon
27 information supplied by the frontier school, whichever
28 is lowest, plus any moneys received for the student as
29 a result of non-English-speaking weighting under
30 section 280.4, subsection 3, for each school year.
31 The district of residence shall also transmit the
32 phase III moneys allocated to the district for the
33 full-time equivalent attendance of the student to the
34 frontier school as provided according to any agreement
35 reached by the frontier school and the school district

36 of residence.

37 2. If a parent or guardian of a child enrolled in
38 a frontier school under this chapter moves to a
39 different school district during the course of either
40 district's academic year, the child's first district
41 of residence shall be responsible for payment of the
42 cost per pupil plus weightings or special education
43 costs to the frontier school for the balance of the
44 school year in which the move took place. The new
45 district of residence shall be responsible for the
46 payments during the succeeding years.

47 Sec. 32. NEW SECTION. 256D.29 AUTHORIZED
48 EXPENDITURES.

49 A frontier school is a public school for purposes
50 of section 257.7.

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1 Sec. 33. NEW SECTION. 256D.30 OTHER AID -
2 GRANTS - REVENUE.

3 1. A frontier school is eligible to receive other
4 aid, grants, and revenue according to Title VII,
5 subtitle 1, as though it were a school district. The
6 frontier school may receive aid levied by the school
7 district for the purposes of the frontier school. For
8 purposes of receiving federal aid, the actual
9 enrollment of the frontier school shall be included in
10 the actual enrollment of the school district, and the
11 school district shall pay to the frontier school the
12 federal aid generated by the frontier school's actual
13 enrollment.

14 2. Except as provided in section 256D.32, a
15 frontier school may receive money from any source for
16 facilities needs. In the year-end report to the state
17 board of education, the frontier school shall report
18 the total amount of funds received from grants and
19 other outside sources.

20 Sec. 34. NEW SECTION. 256D.31 USE OF STATE
21 MONEY.

22 Money received from the state may not be used to
23 purchase land or buildings. The school may own land
24 and buildings if obtained through nonstate sources.

25 Sec. 35. NEW SECTION. 256E.1 BEGINNING TEACHER
26 INDUCTION PROGRAM ESTABLISHED - GRANTS.

27 If the general assembly appropriates moneys for
28 purposes of teacher induction, the department of
29 education shall coordinate a beginning teacher
30 induction program to promote excellence in teaching,
31 to build a supportive environment within school
32 districts, to increase the retention of promising
33 beginning teachers, and to promote the personal and
34 professional well-being of teachers. The department
35 of education shall develop a process for awarding

36 beginning teacher induction grants to school
 37 districts, and shall adopt rules pursuant to chapter
 38 17A relating to the equitable distribution of grants
 39 to school districts to reflect diversity
 40 geographically and by population.
 41 Sec. 36. NEW SECTION. 256E.2 DEFINITIONS.
 42 As used in this chapter, unless the context
 43 otherwise requires:
 44 1. "Beginning teacher" means an individual serving
 45 under an initial provisional or conditional license,
 46 issued by the board of educational examiners under
 47 chapter 272, who is assuming a position as a classroom
 48 teacher.
 49 2. "Board of directors" means the board of
 50 directors of a school district or a collaboration of

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1 boards of directors of school districts.
 2 3. "Classroom teacher" means an individual who
 3 holds a valid practitioner's license and who is
 4 employed by a school district under sections 279.13
 5 through 279.19 in a school district or area education
 6 agency in this state to provide instruction to
 7 students.
 8 4. "Department" means the department of education.
 9 5. "Director" means the director of the department
 10 of education.
 11 6. "District facilitator" means a licensed
 12 professional pursuant to chapter 272 who is appointed
 13 by the board of directors, or a collaboration of
 14 districts, to serve as the liaison between the board
 15 of directors and the department for the beginning
 16 teacher induction program.
 17 7. "Mentor" means an individual employed by a
 18 school district or area education agency as a
 19 classroom teacher and who holds a valid license to
 20 teach issued under chapter 272.
 21 Sec. 37. NEW SECTION. 256E.3 DISTRICT PLAN.
 22 1. A board of directors of a school district or
 23 the boards of directors of a collaboration of school
 24 districts participating in the beginning teacher
 25 induction program shall appoint a district
 26 facilitator, whose duties shall include, but are not
 27 limited to, overseeing the development of a plan for
 28 meeting the goals of the program as set forth in
 29 section 256E.1, and composing a district committee
 30 pursuant to subsection 2.
 31 2. The membership of the district committee
 32 composed by the district facilitator shall include,
 33 but is not limited to, licensed practitioners and an
 34 area education agency staff development professional.
 35 3. The district committee shall adopt a plan and

36 written procedures for a mentor program consistent
37 with this chapter. The plan and the written
38 procedures shall, at a minimum, provide the process
39 for the selection of and the number of mentors; the
40 mentor training process; the timetable by which the
41 plan shall be implemented; placement of mentors and
42 beginning teachers; the minimum amount of contact time
43 between mentors and beginning teachers; the minimum
44 amount of release time for mentors and beginning
45 teachers for meetings for planning, demonstration,
46 observation, feedback, and workshops; the process for
47 dissolving mentoring partnerships; and the process for
48 measuring the results of the program. The district
49 committee shall recommend to the board of directors or
50 boards of directors of a collaboration the names of

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1 classroom teachers eligible to be mentors.
2 4. The district facilitator shall submit the plan,
3 and the proposed costs of implementing the plan, to
4 the board of directors or boards of directors of a
5 collaboration, which shall consider the plan and, once
6 approved, submit the plan and a reasonable cost
7 proposal to the department of education, which shall
8 award grants as equitably as possible based on the
9 geographic and population diversity of the school
10 districts submitting plans. Grants may be awarded in
11 subsequent years based upon the most recent plan on
12 file with the department.

13 5. The district committee is encouraged to work
14 with area education agencies and postsecondary
15 institutions in the preparation and implementation of
16 a plan.

17 Sec. 38. NEW SECTION. 256E.4 BEGINNING TEACHER
18 AND MENTOR SELECTION AND PLACEMENT.

19 1. To be eligible to be a mentor, a licensed
20 practitioner shall, at a minimum, be employed by a
21 school district as a classroom teacher, have a record
22 of at least four years of effective practice, have
23 been employed for one full year in the district on a
24 nonprobationary basis, and demonstrate professional
25 commitment to the improvement of teaching and
26 learning, and the development of beginning teachers.

27 2. The district facilitator shall place beginning
28 teachers in a manner that provides the greatest
29 opportunity to participate with the largest number of
30 mentors.

31 Sec. 39. NEW SECTION. 256E.5 BEGINNING TEACHER
32 INDUCTION STATE SUBSIDY - FUND.

33 1. A teacher who is enrolled as a mentor in an
34 approved beginning teacher induction program shall be
35 eligible for an award of five hundred dollars per

36 semester of participation in the program, which shall
 37 be paid from moneys received pursuant to this section
 38 by the school district employing the mentor.

39 2. Moneys received by a school district pursuant
 40 to this chapter shall be expended to provide mentors
 41 with awards in accordance with subsection 1, to
 42 implement the plan, to pay the costs of the employer's
 43 share of contributions to federal social security and
 44 the Iowa public employees' retirement system or a
 45 pension and annuity retirement system established
 46 under chapter 294, for such amounts paid by the
 47 district.

48 3. Moneys received by a school district under this
 49 chapter are miscellaneous income for purposes of
 50 chapter 257 or are considered encumbered. Each local

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1 school district shall maintain a separate listing
 2 within their budget for payments received and
 3 expenditures made pursuant to this section.

4 4. Moneys received for purposes of this chapter
 5 shall not be used for payment of any collective
 6 bargaining agreement or arbitrator's decision
 7 negotiated or awarded under chapter 20.

8 5. A beginning teacher induction fund is
 9 established in the office of the treasurer of state to
 10 be administered by the department. Moneys
 11 appropriated by the general assembly for deposit in
 12 the fund shall be used to provide funding to school
 13 districts pursuant to the requirements of this
 14 section.

15 6. Notwithstanding section 8.33, unencumbered or
 16 unobligated funds remaining on June 30 of the fiscal
 17 year for which the funds were appropriated shall not
 18 revert but shall be available for expenditure in the
 19 following fiscal year for the purposes of this
 20 section.

21 Sec. 40. NEW SECTION. 256E.6 REPORTS.

22 The board of directors of a school district or the
 23 boards of directors of a collaboration of school
 24 districts implementing an approved beginning teacher
 25 induction program as provided in this chapter shall
 26 submit an assessment of the program's results by July
 27 1 of the fiscal year succeeding the year in which the
 28 school district or the collaboration of school
 29 districts received moneys under this chapter. The
 30 department shall annually report the statewide results
 31 of the program to the chairpersons and the ranking
 32 members of the house and senate education committees
 33 by January 1.

34 Sec. 41. NEW SECTION. 256F.1 LEGISLATIVE
 35 FINDINGS AND INTENT.

36 The general assembly finds that early childhood
37 education programs provide benefits in the areas of
38 economic development, education, workforce
39 preparation, health costs, welfare costs, and juvenile
40 justice. The general assembly further finds that it
41 is in the best interest of the state to encourage and
42 equitably fund early childhood education programs in
43 the public school districts. The goal of these
44 programs shall be, at a minimum, to produce children
45 who are self-confident and trusting, intellectually
46 inquisitive, able to use language to communicate,
47 physically and mentally healthy, able to relate well
48 to others, and empathetic to others. Toward that
49 goal, it is the intent of this chapter to establish
50 and fund an early childhood education imperatives

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1 program.

2 Sec. 42. NEW SECTION. 256F.2 EARLY CHILDHOOD
3 EDUCATION IMPERATIVES PROGRAM APPROPRIATION.

4 1. There is appropriated from the general fund of
5 the state to the department of education for the
6 fiscal year beginning July 1, 1998, and for each
7 succeeding fiscal year, the sum of ten million dollars
8 for the early childhood education imperatives program.

9 2. For each fiscal year for which moneys are
10 appropriated in subsection 1, the amount of moneys
11 allocated to school districts shall be in the
12 proportion that the basic enrollment of a district
13 bears to the sum of the basic enrollments of all
14 school districts in the state for the budget year.
15 However, a district shall not receive less than seven
16 thousand five hundred dollars in a fiscal year.

17 3. For each year for which an appropriation is
18 made to the early childhood education imperatives
19 program, the department of education shall notify the
20 department of revenue and finance of the amount to be
21 paid to each school district based upon the
22 distribution plan set forth for the appropriation made
23 pursuant to this section. The allocation to each
24 school district under this section shall be made in
25 one payment on or about October 15 of the fiscal year
26 for which the appropriation is made, taking into
27 consideration the relative budget and cash position of
28 the state resources. Prior to the receipt of moneys,
29 school districts shall provide to the department of
30 education adequate assurance that they have developed
31 or are developing an early childhood education plan as
32 required by section 256F.3 and that moneys received
33 under this section will be used in accordance with the
34 required early childhood education plan.

35 4. Moneys received under this section shall not be

36 commingled with state aid payments made under sections
37 257.16 to a school district and shall be accounted for
38 by the school district separately from state aid
39 payments.

40 5. Payments made to school districts under this
41 section are miscellaneous income for purposes of
42 chapter 257 or are considered encumbered. Each school
43 district shall maintain a separate listing within
44 their budgets for payments received and expenditures
45 made pursuant to this section.

46 6. Moneys received under this section shall not be
47 used for payment of any collective bargaining
48 agreement or arbitrator's decision negotiated or
49 awarded under chapter 20.

50 Sec. 43. NEW SECTION. 256F.3 EARLY CHILDHOOD

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1 EDUCATION IMPERATIVES PROGRAM PLANNING.

2 Prior to receiving moneys under this chapter, the
3 board of directors of a school district shall adopt an
4 initial early childhood education plan that supports
5 early childhood education efforts and includes an
6 evaluation component. The plan shall be developed by
7 licensed professional staff of the district, including
8 both teachers and administrators. The plan shall, at
9 a minimum, focus on preparing children to attain or
10 surpass student achievement goals identified pursuant
11 to sections 280.12 and 280.18. The initial plan shall
12 be amended or adopted anew at least once every five
13 years. The early childhood education plan shall be
14 kept on file in the district and a copy of the initial
15 plan, subsequent amendments to the plan, and copies of
16 subsequent plans adopted shall be sent to the
17 appropriate area education agency and the department
18 of education. Progress as determined by the school
19 district, but including progress in preparing children
20 to attain or surpass student achievement goals, shall
21 be included as part of the annual report submitted to
22 the department of education in compliance with
23 sections 280.12 and 280.18.

24 Sec. 44. NEW SECTION. 256F.4 EARLY CHILDHOOD
25 EDUCATION IMPERATIVES PROGRAM EXPENDITURES.

26 School districts shall expend funds received
27 pursuant to section 256F.2 to support reading
28 instruction in phonics, and other education practices,
29 programs, or assistance for kindergarten through grade
30 three that may include, but are not limited to, the
31 following: reducing adult to student ratios through
32 the hiring of teachers, former teachers, and para-
33 educator teaching assistants; talented and gifted
34 programs; and implementation of instructional programs
35 designed to improve student achievement in the areas

36 of reading, language arts, and mathematics.

37 Sec. 45. NEW SECTION. 257.13 ON-TIME FUNDING FOR
38 NEW STUDENTS.

39 1. If a district's actual enrollment for the
40 budget year, determined under section 257.6, is
41 greater than its budget enrollment for the budget
42 year, the district may submit a request to the school
43 budget review committee for on-time funding for new
44 students. The school budget review committee shall
45 consider the relative increase in enrollment on a
46 district-by-district basis, in determining whether to
47 approve the request, and shall determine the amount of
48 additional funding to be provided if the request is
49 granted. An application for on-time funding must be
50 received by the department of education by October 1.

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1 Written notice of the committee's decision shall be
2 given through the department of education to the
3 school board for a district.

4 2. If the school budget review committee approves
5 a request for on-time funding for new students, the
6 funding shall be in an amount up to the product of
7 one-third of the state cost per pupil for the budget
8 year multiplied by the difference between the actual
9 enrollment for the budget year and the budget
10 enrollment for the budget year. The additional
11 funding received under this section is miscellaneous
12 income to the district.

13 3. Moneys appropriated by the general assembly for
14 purposes of this section shall be paid to school
15 districts in one lump-sum payment within thirty days
16 of notification by the school budget review committee
17 of approval for on-time funding for new students, for a
18 budget year. If the requests approved by the school
19 budget review committee exceed the appropriation made
20 for purposes of this section, the payments to school
21 districts receiving approval for on-time funding shall
22 be prorated such that each school district approved
23 for on-time funding shall receive an amount of on-time
24 funding equal to the percentage that the on-time
25 funding to be provided to the district bears to the
26 total amount of on-time funding to be provided to all
27 districts receiving approval.

28 4. If the board of directors of a school district
29 determines that a need exists for additional funds
30 exceeding the amount provided in this section, a
31 request for supplemental aid based upon increased
32 enrollment may be submitted to the school budget
33 review committee as provided in section 257.31.

34 5. A school district which is receiving a budget
35 adjustment for a budget year pursuant to section

36 257.14 shall receive on-time funding for new students,
 37 reduced by the amount of the budget adjustment for
 38 that budget year.

39 Sec. 46. Section 272.1, Code 1997, is amended by
 40 adding the following new subsection:

41 NEW SUBSECTION. 4A. "Para-educator" means a
 42 person who is licensed to assist a teacher in the
 43 performance of instructional tasks to support and
 44 assist classroom instruction and related school
 45 activities.

46 Sec. 47. NEW SECTION. 272.12 PARA-EDUCATOR
 47 LICENSES.

48 1. The board of educational examiners shall adopt
 49 rules pursuant to chapter 17A relating to a multi-
 50 level voluntary licensing system ranging from para-

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1 educator generalist to para-educator specialist. The
 2 rules shall outline the instructional and other school
 3 activity tasks the individuals licensed under this
 4 section may perform. The board shall determine
 5 whether an applicant is qualified to perform the
 6 duties for which a para-educator license is sought.

7 2. Applicants for a para-educator license as a
 8 generalist must hold a high school diploma from an
 9 accredited secondary school or a high school
 10 equivalency diploma issued in accordance with chapter
 11 259A. The applicant must also have completed
 12 additional in-service training in at least all of the
 13 following areas:

- 14 a. Behavior management.
- 15 b. Ethical responsibilities and behavior.
- 16 c. Exceptional child and at-risk child behavior.
- 17 d. Collaboration skills and interpersonal
 18 relations.
- 19 e. Child and youth development.

20 3. Applicants for a para-educator license as a
 21 specialist must meet the requirements of subsection 2
 22 and additional requirements as prescribed by rule.

23 4. A public school district, area education
 24 agency, community college, institution of higher
 25 education under the state board of regents, or an
 26 accredited private institution as defined in section
 27 261.9, subsection 1, with a program approved by the
 28 state board of education, may train and recommend
 29 individuals for board licensure.

30 5. Applicants shall be disqualified for any of the
 31 following reasons:

- 32 a. The applicant is less than eighteen years of
 33 age.
- 34 b. The applicant has a record of founded child
 35 abuse.

- 36 c. The applicant has been convicted of a felony.
37 d. The applicant's application is fraudulent.
38 e. The applicant's license or certification from
39 another state is suspended or revoked.
40 f. The applicant fails to meet board standards for
41 application for an initial or renewed license.
42 6. Qualifications or criteria for the granting or
43 revocation of a license or the determination of an
44 individual's professional standing shall not include
45 membership or nonmembership in any teachers'
46 organization.
47 Sec. 48. NEW SECTION. 279.14A PRACTITIONER
48 PERFORMANCE IMPROVEMENT PROGRAM.
49 1. The department of education shall establish and
50 implement a voluntary practitioner performance

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1 improvement program that shall provide technical
2 assistance to teachers and administrators from each
3 public school district and area education agency. The
4 department shall consult with the Iowa state education
5 association, the Iowa association of school boards,
6 the school administrators of Iowa, and, as
7 practicable, other entities providing similar
8 programs, in developing the program. The program
9 shall do the following:

10 a. At a minimum, the program shall provide
11 administrators with training, including but not
12 limited to, seminars and written materials, relating
13 to the areas of employment policies and procedures,
14 employment documentation, performance evaluations,
15 corrective performance techniques, discipline,
16 termination, and support by qualified individuals for
17 implementation of the program. Training received by
18 an administrator in accordance with this section shall
19 apply toward an administrator's evaluator approval
20 renewal. The program shall not be used to provide
21 consultation or assistance on specific employment
22 situations.

23 b. The program shall include the establishment and
24 implementation of a regional system to provide
25 technical assistance to teachers and administrators
26 who are performing inadequately.

27 2. The department shall submit an annual report to
28 the chairpersons and ranking members of the house and
29 senate standing education committees summarizing
30 program activities and describing the department's
31 plans for improving or changing the program.

32 3. There is appropriated from the general fund of
33 the state to the department of education for each
34 fiscal year the sum of three hundred thousand dollars
35 for purposes of the practitioner performance

36 improvement program.

37 Of the funds appropriated, the sum of one hundred
38 thousand dollars shall be used for purposes of
39 subsection 1, paragraph "a", and the sum of two
40 hundred thousand dollars shall be used for purposes of
41 subsection 1, paragraph "b".

42 Sec. 49. Section 279.15, Code 1997, is amended to
43 read as follows:

44 279.15 NOTICE OF TERMINATION - REQUEST FOR
45 HEARING.

46 1. The superintendent or the superintendent's
47 designee ~~and the board of director's of the school~~
48 district shall notify the teacher not later than April
49 ~~30 that the superintendent will recommend in writing~~
50 ~~to the board at a regular or special meeting of the~~

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1 ~~board, held not later than May 15, March 15~~ that the
2 teacher's continuing contract be terminated effective
3 at the end of the current school year. However, if
4 the district is subject to reorganization under
5 chapter 275, the notification shall not occur until
6 after the first organizational meeting of the board of
7 the newly formed district.

8 2. Notification of ~~recommendation of~~ termination
9 of a teacher's contract shall be in writing, signed by
10 the superintendent and the presiding officer of the
11 board, and shall be personally delivered to the
12 teacher, ~~or mailed by certified mail~~. The
13 notification shall be complete when received by the
14 teacher. The notification and the recommendation to
15 terminate shall contain a short and plain statement of
16 the reasons, which shall be for just cause, why the
17 recommendation is being made. ~~The notification shall~~
18 ~~be given at or before the time the recommendation is~~
19 ~~given to the board.~~

20 3. As a part of the termination proceedings, the
21 teacher's complete personnel file of employment by
22 that board shall be available to the teacher, which
23 file shall contain a record of all periodic
24 evaluations between the teacher and appropriate
25 supervisors.

26 4. Within five days of the receipt of the written
27 notice ~~that the superintendent is recommending of~~
28 termination of the contract, the teacher may request,
29 in writing to the secretary of the board, a private
30 hearing with ~~the board~~ an adjudicator selected in
31 accordance with section 279.17. The private hearing
32 shall not be subject to chapter 21 and shall be held
33 no sooner than ten days and no later than twenty days
34 ~~following the receipt of the request~~ the selection of
35 the adjudicator, unless the parties otherwise agree.

36 The secretary of the board shall notify the teacher in
37 writing of the date, time, and location of the private
38 hearing, and at least ~~five~~ ten days before the hearing
39 shall also furnish to the teacher any documentation
40 which may be presented ~~to~~ by the superintendent and
41 the board at the private hearing and a list of persons
42 who may address the ~~board~~ adjudicator in support of
43 the superintendent's recommendation at the private
44 hearing. At least three days before the hearing, the
45 teacher shall provide any documentation the teacher
46 expects to present at the private hearing, along with
47 the names of any persons who may address the board on
48 behalf of the teacher. This exchange of information
49 shall be at the time specified unless otherwise
50 agreed.

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1 Sec. 50. Section 279.16, Code 1997, is amended to
2 read as follows:
3 279.16 PRIVATE HEARING - DECISION - RECORD.
4 1. The participants at the private hearing shall
5 be ~~at least a majority of the interested~~ members of
6 the board, ~~their legal representatives~~, if any, the
7 superintendent, the superintendent's designated
8 representatives, if any, the teacher's immediate
9 supervisor, the teacher, the teacher's
10 representatives, if any, and the witnesses for the
11 parties. The evidence at the private hearing shall be
12 limited to the specific reasons stated in the
13 superintendent's notice of recommendation of
14 termination. No participant in the hearing shall be
15 liable for any damages to any person if any statement
16 at the hearing is determined to be erroneous as long
17 as the statement was made in good faith. The
18 superintendent shall present evidence and argument on
19 all issues involved and the teacher may cross-examine,
20 respond and present evidence and argument in the
21 teacher's behalf relevant to all issues involved.
22 Evidence may be by stipulation of the parties and
23 informal settlement may be made by stipulation,
24 consent, or default or by any other method agreed upon
25 by the parties in writing. The board shall employ a
26 certified shorthand reporter to keep a record of the
27 private hearing. ~~The proceedings or any~~ Any part
28 ~~thereof of the proceedings~~ shall be transcribed at the
29 request of either party with the expense of
30 transcription charged to the requesting party.
31 2. ~~The presiding officer of the board~~ adjudicator
32 may administer oaths in the same manner and with like
33 effect and under the same penalties as in the case of
34 magistrates exercising criminal or civil jurisdiction.
35 ~~The board~~ adjudicator shall cause subpoenas to be

36 issued for such witnesses and the production of such
 37 any books and papers as either the board or the
 38 teacher may designate. The subpoenas shall be signed
 39 by the presiding officer of the board adjudicator.
 40 3. In case a witness is duly subpoenaed and
 41 refuses to attend, or in case a witness appears and
 42 refuses to testify or to produce required books or
 43 papers, the board adjudicator shall, in writing,
 44 report such refusal to the district court of the
 45 county in which the administrative office of the
 46 school district is located, and the court shall
 47 proceed with the person or witness as though the
 48 refusal had occurred in a proceeding legally pending
 49 before the court.
 50 The board adjudicator shall not be bound by common

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1 law or statutory rules of evidence or by technical or
 2 formal rules of procedure, but it the adjudicator
 3 shall hold the hearing in such manner as is best
 4 suited to ascertain and conserve the substantial
 5 rights of the parties. Process and procedure under
 6 sections 279.13 to 279.19 shall be as summary as
 7 reasonably may be.
 8 4. At the conclusion of the private hearing, the
 9 superintendent and the teacher may file written briefs
 10 and arguments with the board adjudicator within three
 11 days or such other time as may be agreed upon.
 12 5. If the teacher fails to timely request a
 13 private hearing or does not appear at the private
 14 hearing, the board may proceed and make a
 15 determination upon the superintendent's
 16 recommendation. If the teacher fails to timely file a
 17 request for a private hearing, the determination shall
 18 be not later than ~~May 31~~ April 15. ~~If the teacher~~
 19 ~~fails to appear at the private hearing, the~~
 20 ~~determination shall be not later than five days after~~
 21 ~~the scheduled date for the private hearing.~~ The board
 22 shall convene in open session and by roll call vote
 23 determine the termination or continuance of the
 24 teacher's contract.
 25 6. ~~Within five days after the private hearing, the~~
 26 ~~board shall, in executive session, meet to make a~~
 27 ~~final decision upon the recommendation and the~~
 28 ~~evidence as herein provided.~~ The board adjudicator
 29 shall also consider any written brief and arguments
 30 submitted by the superintendent and the teacher.
 31 7. The record for a private hearing shall include
 32 the following:
 33 1. a. All pleadings, motions and intermediate
 34 rulings.
 35 2. b. All evidence received or considered and all

36 other submissions.
 37 3. c. A statement of all matters officially
 38 noticed.
 39 4. d. All questions and offers of proof,
 40 objections and rulings thereon.
 41 5. e. All findings and exceptions.
 42 6. f. Any decision, opinion, or conclusion by the
 43 board.
 44 7. g. Findings of fact shall be based solely on
 45 the evidence in the record and on matters officially
 46 noticed in the record.
 47 8. The decision of the board adjudicator shall be
 48 in writing and shall include findings of fact and
 49 conclusions of law, separately stated. Findings of
 50 fact, if set forth in statutory language, shall be

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1 accompanied by a concise and explicit statement of the
 2 underlying facts and supporting the findings. Each
 3 conclusion of law shall be supported by cited
 4 authority or by reasoned opinion.

5 9. ~~When the board has reached a decision, opinion,~~
 6 ~~or conclusion, it shall convene in open meeting and by~~
 7 ~~roll call vote determine the continuance or~~
 8 ~~discontinuance of the teacher's contract. The record~~
 9 ~~of the private conference and findings of fact and~~
 10 ~~exceptions shall be exempt from the provisions of~~
 11 ~~chapter 22. The secretary of the board adjudicator~~
 12 ~~shall make a decision within thirty days and shall,~~
 13 ~~upon reaching a decision, immediately mail notice of~~
 14 ~~the board's action decision to the teacher, the~~
 15 ~~superintendent, and the secretary of the board.~~

16 10. The record of the private hearing and findings
 17 of fact and exceptions shall be exempt from the
 18 provisions of chapter 22.

19 Sec. 51: Section 279.17, Code 1997, is amended to
 20 read as follows:

21 279.17 APPEAL BY TEACHER TO SELECTION AND
 22 AUTHORITY OF ADJUDICATOR.

23 If the teacher is no longer a probationary teacher,
 24 the teacher may, within ten days, appeal the
 25 determination of the board to an adjudicator by filing
 26 a notice of appeal with the secretary of the board.
 27 The notice of appeal shall contain a concise statement
 28 of the action which is the subject of the appeal, the
 29 particular board action appealed from, the grounds on
 30 which relief is sought and the relief sought.

31 1. Within five days following receipt by the
 32 secretary of the notice of appeal a teacher's request
 33 for a private hearing by an adjudicator as provided in
 34 section 279.15, the board or the board's legal
 35 representative, if any, and the teacher or the

36 teacher's representative, if any, may select an
37 adjudicator who resides within the boundaries of the
38 merged area in which the school district is located.
39 If an adjudicator cannot be mutually agreed upon
40 within the five-day period, the secretary shall notify
41 the chairperson of the public employment relations
42 board by transmitting the notice of appeal request for
43 a private hearing, and the chairperson of the public
44 employment relations board shall within five days
45 provide a list of five adjudicators to the parties.
46 Within three days from receipt of the list of
47 adjudicators, the parties shall select an adjudicator
48 by alternately removing a name from the list until
49 only one name remains. The person whose name remains
50 shall be the adjudicator. The parties shall determine

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1 by lot which party shall remove the first name from
2 the list submitted by the chairperson of the public
3 employment relations board. - The secretary of the
4 board shall inform the chairperson of the public
5 employee relations board of the name of the
6 adjudicator selected.
7 ~~If the teacher does not timely request an appeal to~~
8 ~~an adjudicator the decision, opinion, or conclusion of~~
9 ~~the board shall become final and binding.~~
10 ~~Within thirty days after filing the notice of~~
11 ~~appeal, or within further time allowed by the~~
12 ~~adjudicator, the board shall transmit to the~~
13 ~~adjudicator the original or a certified copy of the~~
14 ~~entire record of the private hearing which may be the~~
15 ~~subject of the petition. By stipulation of the~~
16 ~~parties to review the proceedings, the record of the~~
17 ~~case may be shortened. The adjudicator may require or~~
18 ~~permit subsequent corrections or additions to the~~
19 ~~shortened record.~~
20 ~~The record certified and filed by the board shall~~
21 ~~be the record upon which the appeal shall be heard and~~
22 ~~no additional evidence shall be heard by the~~
23 ~~adjudicator. In such appeal to the adjudicator,~~
24 ~~especially when considering the credibility of~~
25 ~~witnesses, the adjudicator shall give weight to the~~
26 ~~fact findings of the board, but shall not be bound by~~
27 ~~them.~~
28 ~~Before the date set for hearing a petition for~~
29 ~~review of board action, which shall be within ten days~~
30 ~~after receipt of the record unless otherwise agreed or~~
31 ~~unless the adjudicator orders additional evidence be~~
32 ~~taken before the board, application may be made to the~~
33 ~~adjudicator for leave to present evidence in addition~~
34 ~~to that found in the record of the case. If it is~~
35 ~~shown to the adjudicator that the additional evidence~~

36 is material and that there were good reasons for
37 failure to present it in the private hearing before
38 the board, the adjudicator may order that the
39 additional evidence be taken before the board upon
40 conditions determined by the adjudicator. The board
41 may modify its findings and decision in the case by
42 reason of the additional evidence and shall file that
43 evidence and any modifications, new findings, or
44 decisions, with the adjudicator and mail copies of the
45 new findings or decisions to the teacher.

46 2. The adjudicator may affirm board action or
47 remand to the board for further proceedings. The
48 adjudicator shall reverse, modify, the
49 superintendent's recommendation to terminate the
50 teacher's contract or grant any appropriate relief

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1 from the board action require the board to continue
2 the teacher's contract if substantial rights of the
3 teacher have been prejudiced because the board action
4 is the adjudicator determines that termination of the
5 contract would be any of the following:

6 1. a. In A violation of a board rule or policy or
7 contract; or,

8 2. b. Unsupported by a preponderance of the
9 competent evidence in the record made before the board
10 adjudicator when that record is viewed as a whole; or,

11 3. c. Unreasonable, arbitrary or capricious or
12 characterized by an abuse of discretion or a clearly
13 unwarranted exercise of discretion.

14 The adjudicator shall, within fifteen days after
15 the hearing, make a decision and shall give a copy of
16 the decision to the teacher and the secretary of the
17 board. The decision of the adjudicator shall become
18 the final and binding decision of the board unless
19 either party within ten days notifies the secretary of
20 the board that the decision is rejected. The board
21 may reject the decision by majority vote, by roll
22 call, in open meeting and entered into the minutes of
23 the meeting. The board shall immediately notify the
24 teacher of its decision by certified mail. The
25 teacher may reject the adjudicator's decision by
26 notifying the board's secretary in writing within ten
27 days of the filing of such decision.

28 3. All costs of the adjudicator shall be shared
29 equally by the teacher and the board.

30 Sec. 52. Section 279.18, unnumbered paragraph 2,
31 Code 1997, is amended to read as follows:

32 In proceedings for judicial review of the
33 adjudicator's decision, the court shall not hear any
34 further evidence but shall hear the case upon the
35 certified record. In such judicial review, especially

36 when considering the credibility of witnesses, the
 37 court shall give weight to the fact findings of the
 38 board; adjudicator, but shall not be bound by them.
 39 The court may affirm the adjudicator's decision or
 40 remand to the adjudicator ~~or the board~~ for further
 41 proceedings upon conditions determined by the court.
 42 The court shall reverse, modify, or grant any other
 43 appropriate relief from ~~the board decision or the~~
 44 adjudicator's decision equitable or legal and
 45 including declaratory relief if substantial rights of
 46 the petitioner have been prejudiced because the action
 47 is:

48 Sec. 53. Section 279.18, subsection 6, Code 1997,
 49 is amended to read as follows:

50 6. Unsupported by a ~~preponderance of the competent~~

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1 substantial evidence in the record made before the
 2 board and the adjudicator when that record is viewed
 3 as a whole; or

4 Sec. 54. Section 279.19, unnumbered paragraph 1,
 5 Code 1997, is amended to read as follows:

6 The first ~~two~~ three consecutive years of employment
 7 of a teacher in the same school district are a
 8 probationary period. However, a if the teacher has
 9 successfully completed a probationary period of
 10 employment for another school district located in
 11 Iowa, the probationary period in the current district
 12 of employment shall not exceed one year. A board of
 13 directors may waive the probationary period for any
 14 teacher who previously has served a probationary
 15 period in another school district and the board may
 16 extend the probationary period for an additional year
 17 with the consent of the teacher.

18 Sec. 55. Section 294A.25, subsection 7, Code
 19 Supplement 1997, is amended to read as follows:

20 7. Commencing with the fiscal year beginning July
 21 1, 1990, the amount of ~~sixty seventy-five~~ thousand
 22 dollars for the ambassador to education program under
 23 section ~~256.43~~ 256.45.

24 Sec. 56. Section 294A.25, Code Supplement 1997, is
 25 amended by adding the following new subsections:

26 NEW SUBSECTION. 9A. For the fiscal year beginning
 27 July 1, 1998, and ending June 30, 1999, the amount of
 28 two hundred fifty thousand dollars for deposit in the
 29 national board for professional teaching standards
 30 certification fund from additional funds transferred
 31 from phase I to phase III.

32 NEW SUBSECTION. 9B. For the fiscal year beginning
 33 July 1, 1998, and ending June 30, 1999, the amount of
 34 two hundred forty thousand dollars for beginning
 35 teacher induction program grants as provided in

36 chapter 256E, from additional funds transferred from
 37 phase I to phase III. It is the intent of the general
 38 assembly that grants awarded from funds appropriated
 39 under this subsection shall provide support to a
 40 minimum of one hundred thirty-three teams of mentors
 41 and beginning teachers.

42 Sec. 57. INITIAL YEAR.

43 1. The board of directors of a school district, or
 44 the boards of directors of a collaboration, determined
 45 to participate in the beginning teacher induction
 46 program in fiscal year 1998-1999, shall submit the
 47 plan required under section 256E.3, as enacted in this
 48 Act, to the department of education by October 15,
 49 1998.

50 2. By January 15, 1999, the department of

Page 29

1 education shall award grants as provided in accordance
 2 with section 256E.3, as enacted in this Act.

3 Sec. 58. CURRENT NATIONAL BOARD CERTIFICATE

4 HOLDERS. In order to receive payment under section
 5 256.44, as enacted by this Act, a teacher who by July
 6 1, 1998, meets the qualifications for an award under
 7 section 256.44 shall apply to the department for
 8 payment under section 256.44 by June 30, 1999.

9 Sec. 59. CONTINGENT APPROPRIATION - TAXABLE

10 VALUATION INCREASE. For the fiscal year beginning
 11 July 1, 1998, and ending June 30, 1999, if the actual
 12 taxable valuation of real property located in this
 13 state, based upon January 1, 1997, assessments, which
 14 is used in the computation of property taxes payable
 15 in the fiscal year beginning July 1, 1998, increases
 16 from the estimate of such taxable valuation, there is
 17 appropriated from the general fund of the state the
 18 lesser of \$4,000,000 or the amount of the reduction in
 19 state foundation aid under section 257.1 as a result
 20 of such increase in taxable valuation to be used to
 21 fund section 257.13, as enacted by this Act, and the
 22 moneys shall be allocated as provided in section
 23 257.13, subsection 2, as enacted by this Act.

24 Sec. 60. CONTINGENT APPROPRIATION - PHASE III.

25 If the amount appropriated in section 59 is less than
 26 \$4,000,000 for the fiscal year beginning July 1, 1998,
 27 and ending June 30, 1999, in addition to the
 28 allocations provided for in section 294A.25, there is
 29 allocated from the moneys appropriated pursuant to
 30 section 294A.25, subsection 1, to the department of
 31 education, from phase III moneys, an amount equal to
 32 the difference of \$4,000,000 and the amount
 33 appropriated in section 59 of this Act, for the fiscal
 34 year beginning July 1, 1998, and ending June 30, 1999,
 35 to be used and allocated as specified in section 59 of

36 this Act.

37 Sec. 61. EFFECTIVE DATE. Section 45 of this Act,
38 being deemed of immediate importance, takes effect
39 upon enactment for the purpose of computations
40 required for payment of state aid to school districts
41 for budget years beginning on or after July 1, 1998.
42 Section 45 of this Act remains in effect until the
43 repeal of chapter 257 on July 1, 2001."

44 2. Title page, line 3, by striking the words
45 "retroactive applicability and" and inserting the
46 following: "an".

47 3. Title page, line 4, by striking the word
48 "provisions", and inserting the following:
49 "provision".

50 4. By renumbering as necessary.

Committee on Appropriations

H-8504

1 Amend the amendment, H-8429, to House File 2506 as
2 follows:

3 1. Page 1, by striking lines 3 through 29 and
4 inserting the following:

5 "_. By striking page 1, line 11, through page
6 2, line 1, and inserting the following:

7 "Sec. ____ **NEW SECTION. 482.12B SCIENTIFIC STUDY**
8 **OF MUSSEL POPULATIONS - REPORT.**

9 The department of natural resources shall conduct a
10 study of the populations of various mussel species in
11 the waters of this state with emphasis on the sublegal
12 population of washboard mussels in the waters of the
13 state. The department shall conduct independent field
14 investigations of the various mussel beds in boundary
15 waters of this state. The department shall fund up to
16 fifty percent of the cost of the field investigations
17 with the commercial mussel industry contributing the
18 remainder. The department shall contract with a
19 malacologist who is acceptable to the commercial
20 mussel industry and the department to conduct the
21 study and investigation. The department shall review
22 current scientific studies conducted by other state
23 natural resource agencies, federal wildlife and
24 natural resource agencies, and private parties
25 including commercial fishers, shell buyers, and shell
26 exporters.

27 The department shall report its findings to the
28 chairpersons and ranking members of the house
29 committee on natural resources and the senate
30 committee on natural resources and environment not
31 later than January 15, 2000. Notwithstanding section
32 482.12A, if the data in the report supports a closed
33 season for washboard mussels, the natural resource

34 commission may consider closing the season for
 35 washboard mussels." "

Hahn of Muscatine

H-8506

1 Amend Senate File 295, as passed by the Senate, as
 2 follows:

3 1. By striking everything after the enacting
 4 clause and inserting the following:

5 "Section 1. Section 537.2505, subsection 3, Code
 6 1997, is amended to read as follows:

7 3. a. If all debts consolidated arise exclusively
 8 from consumer loans, the creditor may contract for and
 9 receive the finance charge permitted by the provisions
 10 on finance charge for consumer loans pursuant to
 11 section 537.2401.

12 b. If the debts consolidated include a debt
 13 arising from a consumer credit sale, including a
 14 transaction pursuant to a lender credit card, the
 15 amount of the finance charge is governed by the
 16 provisions on finance charge for consumer credit sales
 17 in section 537.2201. A new loan shall not be made
 18 consolidating a debt arising from a consumer credit
 19 sale with a new advance unless the proceeds of the
 20 resulting transaction provide the consumer with at
 21 least one thousand dollars in new funds for the
 22 consumer's own use, exclusive of the amount necessary
 23 to pay in full the existing balance after rebates and
 24 exclusive of any loan charges or appropriate
 25 additional charges as authorized under section
 26 537.2501."

27 2. Title page, line 1, by striking the words
 28 "finance charges upon".

Committee on Commerce and Regulation

H-8517

1 Amend Senate File 187, as passed by the Senate, as
 2 follows:

3 1. Page 12, by inserting after line 1 the
 4 following:

5 "Sec. ____ 1998 LANDOWNER - TENANT ANTLERLESS
 6 DEER HUNTING LICENSES. For the 1998 deer hunting
 7 seasons including any late deer hunting season which
 8 extends into January 1999, all free deer hunting
 9 licenses issued pursuant to section 483A.24,
 10 subsection 2, shall be for antlerless deer only."

DOTZLER of Black Hawk

H-8518

- 1 Amend the amendment, H-8473, to House File 2506, as
- 2 follows:
- 3 1. Page 1, line 8, by striking the figure
- 4 "1,050.00" and inserting the following: "2,500.00".
- 5 2. Page 1, line 10, by striking the figure
- 6 "5,050.00" and inserting the following: "6,500.00".

BURNETT of Story

H-8519

- 1 Amend Senate File 187, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by inserting after line 11 the
- 4 following:
- 5 "Sec. ____ Section 481A.93, Code 1997, is amended
- 6 to read as follows:
- 7 481A.93 HUNTING BY ARTIFICIAL LIGHT.
- 8 1. A person shall not throw or cast the rays of a
- 9 spotlight, headlight, or other artificial light on a
- 10 highway, or in a field, woodland, or forest for the
- 11 purpose of spotting, locating, or taking or attempting
- 12 to take or hunt a bird or animal, except raccoons or
- 13 other fur-bearing animals when treed with the aid of
- 14 dogs, while having in possession or control, either
- 15 singly or as one of a group of persons, any firearm,
- 16 bow, or other implement or device whereby a bird or
- 17 animal could be killed or taken.
- 18 2. This section does not apply to deer being taken
- 19 by or under the control of a local governmental body
- 20 within its corporate limits pursuant to an approved
- 21 special deer population control plan."

MYERS of Johnson

H-8522

- 1 Amend Senate File 2359, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by inserting after line 15 the
- 4 following:
- 5 "Sec. ____ Section 217.30, subsection 4, Code
- 6 Supplement 1997, is amended by adding the following
- 7 new paragraph:
- 8 NEW PARAGRAPH. f. If authorized by a subject of a
- 9 child abuse report as identified in section 235A.15,
- 10 subsection 2, paragraph "a", or by the parent,
- 11 guardian, or custodian of a child receiving services
- 12 or involved in a proceeding under chapter 232, a
- 13 statewide elected official, as defined in section
- 14 68B.2, a member of the general assembly, or a designee

15 of the statewide elected official or member of the
 16 general assembly shall have access to confidential
 17 information described in subsection 1 which relates to
 18 the person providing the authorization or to a child
 19 of the person. The purpose of the access shall be for
 20 the elected official, member of the general assembly,
 21 or designee to monitor compliance of the department or
 22 designees of the department with requirements under
 23 law and the adequacy of the requirements.

24 Sec. ____ Section 228.3, Code 1997, is amended by
 25 adding the following new subsection:

26 NEW SUBSECTION. 3. A subject of a child abuse
 27 report as identified in section 235A.15, subsection 2,
 28 paragraph "a", or the parent, guardian, or custodian
 29 of a child receiving services or involved in a
 30 proceeding under chapter 232, may consent to the
 31 disclosure of mental health information relating to
 32 the person providing the authorization or to a child
 33 of the person to a statewide elected official, as
 34 defined in section 68B.2, a member of the general
 35 assembly, or a designee of the statewide elected
 36 official or member of the general assembly. The
 37 purpose of the disclosure shall be for the elected
 38 official, member of the general assembly, or designee
 39 to monitor compliance of state agencies, officials,
 40 and employees with requirements under law and the
 41 adequacy of the requirements.

42 Sec. ____ Section 232.147, subsection 3, Code
 43 Supplement 1997, is amended by adding the following
 44 new paragraph:

45 NEW PARAGRAPH. h. If authorized by a subject of a
 46 child abuse report as identified in section 235A.15,
 47 subsection 2, paragraph "a", or by the parent,
 48 guardian, or custodian of a child receiving services
 49 or involved in a proceeding under this chapter, to a
 50 statewide elected official, as defined in section

Page 2

1 68B.2, a member of the general assembly, or a designee
 2 of the statewide elected official or member of the
 3 general assembly. The purpose of the disclosure shall
 4 be for the elected official, member of the general
 5 assembly, or designee to monitor compliance of state
 6 agencies, officials, and employees with requirements
 7 under law and the adequacy of the requirements.

8 Sec. ____ Section 232.147, subsection 5, Code
 9 Supplement 1997, is amended by adding the following
 10 new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. An individual authorized
 12 under subsection 3, paragraph "h", to inspect official
 13 juvenile court records, may inspect social records and
 14 the contents of the records and the official juvenile

15 court records of cases alleging delinquency shall be
 16 disclosed to such individual for the purposes
 17 described in subsection 3, paragraph "h".

18 Sec. ____ Section 235A.15, subsection 2, paragraph
 19 d, Code Supplement 1997, is amended by adding the
 20 following new subparagraph:

21 NEW SUBPARAGRAPH. (6) If authorized by a subject
 22 of a child abuse report as identified in paragraph
 23 "a", to a statewide elected official as defined in
 24 section 68B.2, a member of the general assembly, or a
 25 designee of a statewide elected official or member of
 26 the general assembly, to the maximum extent access to
 27 the information is available to any other person
 28 authorized under this lettered paragraph. The purpose
 29 of the access shall be to monitor compliance of state
 30 agencies, officials, and employees with requirements
 31 under the law and the adequacy of the requirements.

32 Sec. ____ Section 235A.19, subsection 2, paragraph
 33 b, Code Supplement 1997, is amended by adding the
 34 following new subparagraph:

35 NEW SUBPARAGRAPH. (8) To a statewide elected
 36 official, a member of the general assembly, or a
 37 designee of a statewide elected official or member of
 38 the general assembly authorized under section 235A.15,
 39 subsection 2, paragraph "d".

40 2. Title page, by striking lines 1 and 2 and
 41 inserting the following: "An Act providing for
 42 monitoring and review of state officials, employees,
 43 and judicial compliance with requirements under law
 44 and providing".

45 3. By renumbering as necessary.

BODDICKER of Cedar

H-8525

1 Amend House File 663 as follows:

2 1. Page 1, by inserting before line 1 the
 3 following:

4 "Section 1. NEW SECTION. 13.40 LAW ENFORCEMENT
 5 FUND.

6 A law enforcement fund is established as a separate
 7 fund in the state treasury under the control of the
 8 department. Moneys deposited in the fund are
 9 appropriated and shall be dedicated and used by the
 10 department for the purpose of preventing and
 11 investigating crime and enhancing law enforcement
 12 within the state. The moneys shall be awarded to Iowa
 13 law enforcement agencies through a competitive grant
 14 process. The department shall adopt rules pursuant to
 15 chapter 17A pertaining to establishment and operation
 16 of the grant system and process."

17 2. Page 1, by striking lines 13 through 17 and

- 18 inserting the following: "Any forfeited property sold
 19 pursuant to this subsection shall be sold at public
 20 auction, and the proceeds deposited in the fund
 21 established in section 13.40."
 22 3. By renumbering as necessary.

HOLVECK of Polk

H-8526

- 1 Amend House File 663 as follows:
 2 1. Page 1, by striking lines 13 through 17 and
 3 inserting the following: "Any forfeited property sold
 4 pursuant to this subsection shall be sold at public
 5 auction."

HOLVECK of Polk

H-8527

- 1 Amend the Committee amendment, H-8067, to Senate
 2 File 429, as amended, passed, and reprinted by the
 3 Senate, as follows:
 4 1. Page 1, line 44, by inserting after the word
 5 "course." the following: "However, with parental
 6 consent, a person under sixteen years of age may
 7 operate a vessel propelled by a motor of more than six
 8 horsepower without being accompanied by a responsible
 9 person of at least eighteen years of age or
 10 successfully completing an approved watercraft safety
 11 course."
 12 2. Page 2, by striking line 1 and inserting the
 13 following: "an approved personal watercraft safety
 14 course. However, with parental consent, a person
 15 under sixteen years of age may operate a personal
 16 watercraft without being accompanied by a responsible
 17 person of at last eighteen years of age or
 18 successfully completing an approved watercraft safety
 19 course."
 20 3. Page 2, by striking line 2 and inserting the
 21 following:
 22 " Page 2, line 26, by striking the words
 23 "eight a.m."
 24 4. Page 2, line 3, by striking the word "seven"
 25 and inserting the following: "sunrise."
 26 5. Page 2, by striking lines 12 through 17 and
 27 inserting the following: "of this state." "

RANTS of Woodbury
 SUKUP of Franklin

H-8530

- 1 Amend the amendment, H-8360, to Senate File 2052,

2 as amended, passed, and reprinted by the Senate, as
3 follow:

4 1. Page 1, by striking lines 3 through 24 and
5 inserting the following:

6 "_. Page 1, by striking lines 12 through 22 and
7 inserting the following:

8 "4A. Eighteen percent of the state ceiling shall
9 be allocated to bonds issued by political subdivisions
10 to finance a qualified industry or industries for the
11 manufacturing, processing, or assembling of
12 agricultural or manufactured products even though the
13 processed products may require further treatment
14 before delivery to the ultimate consumer.

15 5. During the period of January 1 through ~~October~~
16 25 June 30, ~~five~~ three percent of the state ceiling
17 shall be reserved for private activity bonds issued by
18 political subdivisions, the proceeds of which are used
19 by the issuing political subdivisions.

20 6. a. The amount of the state ceiling not
21 allocated under subsections 1 through 4 4A, and after
22 ~~October 25 June 30~~, the amount of the state ceiling
23 reserved under subsection 5 and not allocated, shall
24 be allocated to all bonds requiring an allocation
25 under section 146 of the Internal Revenue Code without
26 priority for any type of bond over another, except as
27 otherwise provided in sections 7C.5 and 7C.11."

28 "_. Page 1, line 29, by striking the figure "4"
29 and inserting the following: "4 4A".

30 "_. By striking page 1, line 35, through page 2,
31 line 7, and inserting the following: "receipt by the
32 governor's designee. However, for the period January
33 1 through ~~October 25 June 30~~ of each year, allocations
34 to bonds for which an amount of the state ceiling has
35 been reserved pursuant to section 7C.4A, subsection 5,
36 shall be made to the political subdivisions submitting
37 the applications first from the reserved amount until
38 the reserved amount has been fully allocated and then
39 from the amount specified in section 7C.4A, subsection
40 6.

41 Sec. . Section 7C.6, unnumbered paragraph 1,
42 Code 1997, is amended to read as follows:

43 A political subdivision which proposes to issue
44 bonds for a particular project or purpose for which an
45 allocation of the state ceiling is required and has
46 not already been made under section 7C.4A, subsections
47 1 through 4 4A, must make an application for
48 allocation before issuance of the bonds. The
49 application may be made by the political subdivision
50 or its representative, the beneficiary of the project

2 beneficiary. The application shall be submitted to
 3 the governor's designee, in the form prescribed by the
 4 governor's designee. The application shall contain,
 5 where appropriate, the following information:

6 Sec. ____ Section 7C.7, subsection 1, Code 1997,
 7 is amended to read as follows:

8 1. If the bonds are issued and delivered for the
 9 purpose or project within the thirty-day period or the
 10 forty-five day extension period provided in subsection
 11 2, the political subdivision or its representative
 12 shall within ten days following the issuance and
 13 delivery of the bonds or not later than ~~October-25~~
 14 June 30 of that year, if the bonds were issued and
 15 delivered on or before that date, file with the
 16 governor's designee, in the form or manner the
 17 governor's designee may prescribe, a notification of
 18 the date of issuance and the delivery of the bonds,
 19 and the actual principal amount of bonds issued and
 20 delivered. The filing of the notification shall be
 21 done by actual delivery or by posting in a United
 22 States post office depository with correct first class
 23 postage paid. If the actual principal amount of bonds
 24 issued and delivered is less than the amount of the
 25 allocation, the amount of the allocation is
 26 automatically reduced to the actual principal amount
 27 of the bonds issued and delivered." "

WARNSTADT of Woodbury

H-8531

1 Amend Senate File 2286, as passed by the Senate, as
 2 follows:

3 1. Page 1, by inserting before line 14 the
 4 following:

5 "Sec. 101. NEW SECTION. 249A.50 STATE RECOVERY
 6 OF TOBACCO-RELATED MEDICAL ASSISTANCE PAYMENTS.

7 1. For purposes of this section:

8 a. "Manufacturer" means any person engaged in the
 9 process of designing, fabricating, assembling,
 10 producing, constructing, or otherwise preparing a
 11 product containing tobacco, including any packaging or
 12 labeling or repackaging or relabeling of such a
 13 product, with the intention of selling the product for
 14 gain or profit. "Manufacturer" does not include
 15 persons whose activity is limited to growing natural
 16 leaf tobacco or to selling tobacco products at
 17 wholesale or retail to consumers.

18 b. "Tobacco" means any tobacco product, including
 19 but not limited to loose tobacco suitable for smoking,
 20 snuff, snuff flour, cavendish, plug and twist tobacco,
 21 fine cuts and other chewing tobaccos, shorts, refuse
 22 scraps, clippings, cuttings, and sweepings of tobacco,

23 and other kinds and forms of tobacco suitable for
24 chewing and smoking, including cigars and cigarettes.
25 2. The state and the department shall be entitled
26 to bring an action against and recover in full from
27 any manufacturer which caused in fact any injury,
28 disease, or disability arising from or connected with
29 the use of tobacco by recipients of medical
30 assistance, for the full amount of medical assistance
31 paid under this chapter on behalf of such recipients,
32 and for other relief, including legal and
33 administrative fees and expenses. The attorney
34 general may institute a civil action to enforce the
35 rights conferred by this section. The right of
36 recovery of the state and the department under this
37 section is independent from and not derivative of any
38 right or claim of the individual recipients of medical
39 assistance.
40 a. The court shall do all of the following:
41 (1) Shall permit evidence, proof, and argument as
42 to causation and amount of damages by and through
43 statistical analysis or other methods of scientific or
44 statistical proof.
45 (2) Shall not require proof of causation and
46 damages as to individual recipients.
47 b. The state or department may recover damages
48 against manufacturers based upon an aggregation of or
49 a reasonable estimation of payments made on behalf of
50 recipients of medical assistance. Apportionment of

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1 damages among defendants shall be according to a
2 manufacturer's respective share of the market for
3 tobacco within the state.
4 c. Trial shall be by jury, if either party demands
5 a jury."
6 2. Page 1, by inserting after line 20 the
7 following:
8 "Sec. 201. EFFECTIVE DATE AND APPLICABILITY.
9 Section 101 of this Act, being deemed of immediate
10 importance, takes effect upon enactment and applies to
11 medical assistance paid on or after the effective date
12 of this Act. Section 101 of this Act shall not affect
13 the common law rights of the state or the department,
14 if any."
15 3. Title page, line 4, by inserting after the
16 word "advertising," the following: "and by providing
17 a civil cause of action to recover medical assistance
18 payments made due to injury, disease, or disability
19 caused by the use of tobacco. providing an
20 applicability and an effective date."
21 4. By renumbering as necessary.

H-8537

1 Amend Senate File 2320, as passed by the Senate, as
2 follows:

3 1. Page 3, by inserting after line 11 the
4 following:

5 "Sec. ____ Section 331.361, Code Supplement 1997,
6 is amended by adding the following new subsection:

7 NEW SUBSECTION. 8. a. An official shall not
8 participate in, or receive directly or indirectly any
9 money or valuable thing from horse racing or pari-
10 mutuel wagering on county property which has been
11 approved by the state racing and gaming commission for
12 gambling activities.

13 b. As used in this subsection, "official" means
14 one or more of the following:

15 (1) A member of the county board of supervisors of
16 a county that owns the approved county property.

17 (2) A member of the board of directors of a
18 nonprofit corporation having an agreement with a
19 county board of supervisors for the use of approved
20 county property under a license issued by the state
21 racing and gaming commission.

22 (3) A spouse or child of a person described in
23 subparagraph (1) or (2).

24 c. An official who knowingly violates the
25 provisions of paragraph "a" is guilty of a serious
26 misdemeanor and may be removed from public office or
27 as an officer or director of an affected nonprofit
28 corporation."

29 2. Title page, line 4, by inserting after the
30 word "boats," the following: "prohibiting certain
31 conflicts of interest,".

CHIODO of Polk

H-8538

1 Amend Senate File 2320, as passed by the Senate, as
2 follows:

3 1. Page 3, by inserting after line 11 the
4 following:

5 "Sec. ____ Section 99F.11, unnumbered paragraph 1,
6 Code 1997, is amended to read as follows:

7 A tax is imposed on the adjusted gross receipts
8 received annually from gambling games authorized under
9 this chapter at the rate of five percent on the first
10 one million dollars of adjusted gross receipts, at the
11 rate of ten percent on the next two million dollars of
12 adjusted gross receipts, and at the rate of twenty
13 percent on any amount of adjusted gross receipts over
14 three million dollars. However, beginning January
15 July 1, 1997 1998, the rate on any amount of adjusted

16 gross receipts over three million dollars from
 17 gambling games at racetrack enclosures is ~~twenty-two~~
 18 twenty-four percent and shall increase by two percent
 19 on January 1 of each succeeding calendar year until
 20 the rate is thirty-six percent. The taxes imposed by
 21 this section shall be paid by the licensee to the
 22 treasurer of state within ten days after the close of
 23 the day when the wagers were made and shall be
 24 distributed as follows:"
 25 2. Title page, line 4, by inserting after the
 26 word "boats," the following: "providing for a tax,".

CHIODO of Polk

H-8548

1 Amend Senate File 2037, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by striking lines 2 through 7 and
 4 inserting the following: "elected and qualified as
 5 provided in this chapter. However, a person elected
 6 as a director pursuant to section 173.1 shall not
 7 serve for more than five consecutive terms. A
 8 director who has ever served five consecutive terms is
 9 again eligible to serve for an additional five
 10 consecutive terms after not serving as a director for,
 11 at least one term."

CHURCHILL of Polk
CORMACK of Webster

H-8551

1 Amend Senate File 2257, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 9, by inserting after line 17 the
 4 following:
 5 "Sec. . NEW SECTION. 309.4 REGULATION OF
 6 ACTIVITIES ALONG ROADWAYS.
 7 A county may regulate burning, brush clearing, and
 8 other uses of the rights-of-way of streets or highways
 9 under the jurisdiction of the county by persons other
 10 than the state, to the extent that the regulation does
 11 not conflict with chapter 321.
 12 However, the board of supervisors shall not impose
 13 standards which conflict with the standards adopted by
 14 the utilities board pursuant to chapter 390, 474, 476,
 15 476A, 477, 478, 479, 479A, or 480, with other
 16 authority which has been granted to utilities to place
 17 lines, cables, and physical plants within secondary
 18 road rights-of-way, or with rules of the department of
 19 natural resources relating to hunting, trapping, or

- 20 fishing on secondary road rights-of-way.”
21 2. By renumbering as necessary.

CARROLL of Poweshiek
HUSER of Polk
WELTER of Jones
BLODGETT of Cerro Gordo

H-8552

1 Amend Senate File 2286, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 13 the
4 following:

5 “Sec. 101. NEW SECTION. 249A.50 STATE RECOVERY
6 OF TOBACCO-RELATED MEDICAL ASSISTANCE PAYMENTS.

7 1. For purposes of this section:

8 a. “Manufacturer” means any person engaged in the
9 process of designing, fabricating, assembling,
10 producing, constructing, or otherwise preparing a
11 product containing tobacco, including any packaging or
12 labeling or repackaging or relabeling of such a
13 product, with the intention of selling the product for
14 gain or profit. “Manufacturer” does not include
15 persons whose activity is limited to growing natural
16 leaf tobacco or to selling tobacco products at
17 wholesale or retail to consumers.

18 b. “Tobacco” means any tobacco product, including
19 but not limited to loose tobacco suitable for smoking,
20 snuff, snuff flour, cavendish, plug and twist tobacco,
21 fine cuts and other chewing tobaccos, shorts, refuse
22 scraps, clippings, cuttings, and sweepings of tobacco,
23 and other kinds and forms of tobacco suitable for
24 chewing and smoking, including cigars and cigarettes.

25 2. The state and the department shall be entitled
26 to bring an action against and recover in full from
27 any manufacturer which caused in fact any injury,
28 disease, or disability arising from or connected with
29 the use of tobacco by recipients of medical
30 assistance, for the full amount of medical assistance
31 paid under this chapter on behalf of such recipients,
32 and for other relief, including legal and
33 administrative fees and expenses. The attorney
34 general may institute a civil action to enforce the
35 rights conferred by this section. The right of
36 recovery of the state and the department under this
37 section is independent from and not derivative of any
38 right or claim of the individual recipients of medical
39 assistance.

40 a. The court shall do all of the following:

41 (1) Shall permit evidence, proof, and argument as
42 to causation and amount of damages by and through
43 statistical analysis or other methods of scientific or

44 statistical proof.

45 (2) Shall not require proof of causation and

46 damages as to individual recipients.

47 b. The state or department may recover damages

48 against manufacturers based upon an aggregation of or

49 a reasonable estimation of payments made on behalf of

50 recipients of medical assistance. Apportionment of

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1 damages among defendants shall be according to a

2 manufacturer's respective share of the market for

3 tobacco within the state.

4 c. Trial shall be by jury, if either party demands

5 a jury."

6 2. Page 1, by inserting after line 20 the

7 following:

8 "Sec. 201. EFFECTIVE DATE AND APPLICABILITY.

9 Section 101 of this Act, being deemed of immediate

10 importance, takes effect upon enactment and applies to

11 medical assistance paid on or after the effective date

12 of this Act. Section 101 of this Act shall not affect

13 the common law rights of the state or the department,

14 if any."

15 3. Title page, line 4, by inserting after the

16 word "advertising," the following: "and by providing

17 a civil cause of action to recover medical assistance

18 payments made due to injury, disease, or disability

19 caused by the use of tobacco, providing an

20 applicability and an effective date,".

21 4. By renumbering as necessary.

DODERER of Johnson

H-8558

1 Amend Senate File 2374, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 22 the

4 following:

5 "Sec. ____ Section 80A.2, Code 1997, is amended by

6 adding the following new subsection:

7 **NEW SUBSECTION.** 9. A person engaged in the

8 business of transporting prisoners under a contract

9 with the department of corrections, a county sheriff,

10 a similar agency from another state, or the federal

11 government."

12 2. Page 7, by inserting before line 12 the

13 following:

14 "Sec. ____ Section 724.4, subsection 4, Code 1997,

15 is amended by adding the following new paragraph:

16 **NEW PARAGRAPH.** k. A person engaged in the

17 business of transporting prisoners under a contract

18 with the department of corrections, a county sheriff,

- 19 a similar agency from another state, or the federal
- 20 government."
- 21 3. Title page, line 4, by inserting after the
- 22 word "investigators," the following: "exempting
- 23 contractual transportation of prisoners from bail
- 24 enforcement regulation and prohibitions on carrying
- 25 concealed weapons,".
- 26 4. By renumbering as necessary.

BODDICKER of Cedar

H-8559

- 1 Amend Senate File 2400, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, by inserting after line 21 the
- 4 following:
- 5 "Sec. ____ Section 349.16, subsection 3, Code
- 6 1997, is amended to read as follows:
- 7 3. The reports of the county treasurer, including
- 8 a schedule of the receipts and expenditures of the
- 9 county and the current cash balance in each fund in
- 10 the treasurer's office together with the total of
- 11 warrants outstanding against each of said funds as
- 12 shown by the warrant register in the auditor's office.
- 13 In counties with a population of fifty thousand or
- 14 more, the reports of the treasurer shall be published
- 15 semiannually. In counties with a population of less
- 16 than fifty thousand, the reports of the treasurer
- 17 shall be published annually."
- 18 2. By renumbering as necessary.

FALLON of Polk

H-8563

- 1 Amend Senate File 2320, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 12 the
- 4 following:
- 5 "Sec. ____ Section 99F.4, subsection 17, Code
- 6 1997, is amended to read as follows:
- 7 17. To define the excursion season and the
- 8 duration of an excursion which shall be at least three
- 9 hours during the excursion season. While an excursion
- 10 gambling boat is docked, passengers may embark or
- 11 disembark at any time during its business hours."
- 12 2. Title page, line 4, by inserting after the
- 13 word "boats," the following: "providing for the
- 14 duration of excursions,".

CHURCHILL of Polk
 KREIMAN of Davis
 FALLON of Polk
 WITT of Black Hawk

H-8567

- 1 Amend House File 2498 as follows:
- 2 1. Page 19, by inserting after line 31 the
- 3 following:
- 4 "It is the intent of the general assembly that
- 5 pari-mutuel advertising shall not focus on children,
- 6 shall inform the public on the uses of pari-mutuel
- 7 wagering and slot machine proceeds, and shall focus on
- 8 pari-mutuel wagering and slot machines as
- 9 entertainment in lieu of potential winnings."

MURPHY of Dubuque

H-8568

- 1 Amend House File 2498 as follows:
- 2 1. Page 22, by inserting after line 13 the
- 3 following:
- 4 "Sec. ____ Section 99D.25A, subsection 7, Code
- 5 1997, as amended by 1998 Iowa Acts, Senate File 2121,
- 6 section 1, is amended to read as follows:
- 7 7. A horse entered to race with lasix must be
- 8 treated at least four hours prior to post time. The
- 9 lasix shall be administered intravenously by a
- 10 veterinarian employed by the owner or trainer of the
- 11 horse. The commission shall adopt rules to ensure
- 12 that lasix is administered as provided in this
- 13 section. The commission shall require that the
- 14 practicing veterinarian deliver an affidavit signed by
- 15 the veterinarian which certifies information regarding
- 16 the treatment of the horse. The affidavit must be
- 17 delivered to a commission veterinarian within twenty
- 18 minutes following the treatment. The statement must
- 19 at least include the name of the practicing
- 20 veterinarian, the tattoo number of the horse, the
- 21 location of the barn and stall where the treatment
- 22 occurred, the race number of the horse, the name of
- 23 the trainer, and the time that the lasix was
- 24 administered. Lasix shall only be administered in a
- 25 dose level of two hundred fifty milligrams. The
- 26 ~~commission veterinarian shall extract a test sample of~~
- 27 ~~the horse's blood, urine, or saliva to determine~~
- 28 ~~whether the horse was improperly drugged after the~~
- 29 ~~race is run."~~

BRUNKHORST of Bremer
 MERTZ of Kossuth
 EDDIE of Buena Vista
 DREES of Carroll

H-8571

- 1 Amend House File 2533 as follows:

- 2 1. Page 10, by inserting after line 16 the
 3 following:
 4 "The reading recovery center is encouraged to
 5 utilize the Iowa communications network to provide
 6 instruction to participating teachers when possible."

WITT of Black Hawk

H-8574

- 1 Amend House File 2533 as follows:
 2 1. Page 30, by inserting after line 30 the
 3 following:
 4 "Sec. ____ Section 295.4, subsection 1, Code 1997,
 5 is amended to read as follows:
 6 1. School districts, as defined in section 295.2,
 7 subsection 8, shall expend funds received pursuant to
 8 section 295.2 for the acquisition, lease, lease-
 9 purchase, installation, and maintenance of
 10 instructional technology equipment, including hardware
 11 and software, materials and supplies related to
 12 instructional technology, and staff development and
 13 training related to instructional technology, and
 14 shall establish priorities for the use of the funds.
 15 ~~However, funds~~ Funds received by a school district
 16 pursuant to section 295.2 shall not be expended to add
 17 a full-time equivalent position or otherwise increase
 18 staffing, unless the position added is that of
 19 computer systems analyst."
 20 2. By renumbering as necessary.

FALCK of Fayette

H-8582

- 1 Amend Senate File 2151, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 20 the
 4 following:
 5 "Sec. ____ NEW SECTION. 730.6 ATTENDANCE AT
 6 POLITICAL PARTY CONVENTIONS.
 7 1. An employer shall permit an employee, upon
 8 reasonable notice, to take unpaid time off from work
 9 to attend, as an elected delegate, a regularly
 10 scheduled local, district, county, state, or national
 11 convention of a political party as defined in section
 12 43.2.
 13 2. An employer shall not take any adverse action
 14 against an employee who exercises the employee's right
 15 to attend a political party convention pursuant to
 16 this section.
 17 3. A person who violates this section is, upon
 18 conviction, guilty of a simple misdemeanor."

- 19 2. Title page, line 1, by inserting after the
 20 word "delegates" the following: "and participation in
 21 political party conventions,".
 22 3. By renumbering as necessary.

TAYLOR of Linn

H-8583

- 1 Amend Senate File 2224, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 101. NEW SECTION. 236B.1 DEFINITIONS.
 6 As used in this chapter, unless the context
 7 otherwise requires:
 8 1. "Department" means the Iowa department of
 9 public health.
 10 2. "Director" means the director of public health.
 11 3. "Domestic abuse" means domestic abuse as
 12 defined in section 236.2.
 13 4. "Domestic abuse death" means a homicide or
 14 suicide which involves or is the result of an assault
 15 as defined in section 708.1 and to which any of the
 16 following circumstances apply to the parties involved:
 17 a. The alleged or convicted perpetrator is related
 18 to the decedent as spouse, separated spouse, or former
 19 spouse.
 20 b. The alleged or convicted perpetrator resided
 21 with the decedent at the time of the assault which
 22 resulted in the homicide or suicide.
 23 c. The alleged or convicted perpetrator and the
 24 decedent resided together within the past year but did
 25 not reside together at the time of the assault which
 26 resulted in the homicide or suicide.
 27 d. The alleged or convicted perpetrator and
 28 decedent are parents of the same minor child, whether
 29 they were married or lived together at any time.
 30 e. The alleged or convicted perpetrator was in an
 31 ongoing relationship with the decedent.
 32 f. The alleged or convicted perpetrator has been
 33 arrested for or convicted of stalking the decedent.
 34 g. The decedent was related by blood or affinity
 35 and lived in the same household with or was in the
 36 workplace or proximity of an individual who was
 37 threatened with domestic abuse by the alleged or
 38 convicted perpetrator.
 39 5. "Team" means the domestic abuse death review
 40 team.
 41 Sec. 102. NEW SECTION. 236B.2 DOMESTIC ABUSE
 42 DEATH REVIEW TEAM ESTABLISHED — MEMBERS.
 43 1. A domestic abuse death review team is
 44 established as an independent unit in the department.

45 The department shall provide staffing and
46 administrative support to the team and shall establish
47 a database of all known domestic abuse deaths.
48 2. The membership of the team is subject to the
49 provisions of sections 69.16 and 69.16A relating to
50 political affiliation and gender balance. The team

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1 shall include members residing or working in both
2 rural and urban areas of Iowa.
3 3. Team members who are not designated by another
4 appointing authority shall be appointed by the
5 director.
6 4. Membership terms shall be three-year staggered
7 terms. A membership vacancy shall be filled in the
8 same manner as the original appointment.
9 5. The team shall elect a chairperson, a vice
10 chairperson, and other officers as deemed necessary by
11 the team.
12 6. The team shall meet upon the call of the
13 chairperson, upon the request of a state agency, or as
14 determined by a majority of members of the team.
15 7. The members of the team and any consultants to
16 the team are eligible for reimbursement of actual and
17 necessary expenses incurred in the performance of
18 their official duties.
19 8. The team shall include all of the following
20 members:
21 a. The state medical examiner or the state medical
22 examiner's designee.
23 b. A licensed physician who is knowledgeable
24 concerning domestic abuse deaths, suicide, and child
25 deaths by homicide.
26 c. A licensed mental health professional who is
27 knowledgeable concerning domestic abuse.
28 d. A representative or designee of the Iowa
29 coalition against domestic violence.
30 e. One member of the Iowa child death review team
31 who is knowledgeable concerning domestic abuse.
32 f. A certified or licensed professional who is
33 knowledgeable concerning substance abuse.
34 g. A law enforcement official who is knowledgeable
35 concerning domestic abuse.
36 h. A law enforcement investigator experienced in
37 domestic abuse investigation.
38 i. A county attorney.
39 j. A judicial officer appointed by the chief
40 justice of the supreme court.
41 k. A clerk of the district court appointed by the
42 chief justice of the supreme court.
43 l. A judicial district department of correctional
44 services' employee assigned batterers' treatment

- 45 program responsibilities.
46 m. An attorney licensed in this state who provides
47 criminal defense assistance or child custody
48 representation, and who is experienced in dissolution
49 of marriage proceedings.
50 n. A former victim of domestic abuse.

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- 1 o. A family member of a decedent whose death
2 resulted from domestic abuse.
3 p. The director of the Iowa law enforcement
4 academy or the director's designee.
5 Sec. 103. NEW SECTION. 236B.3 LIAISONS.
6 The following individuals shall designate a liaison
7 to assist the team in fulfilling the team's duties:
8 1. The attorney general.
9 2. The director of the Iowa department of
10 corrections.
11 3. The director of public health.
12 4. The director of human services.
13 5. The commissioner of public safety.
14 6. The administrator of the division for records
15 and statistics of the Iowa department of public
16 health.
17 7. The director of the department of education.
18 8. The state court administrator.
19 9. The director of the department of human rights.
20 Sec. 104. NEW SECTION. 236B.4 DUTIES OF THE
21 TEAM.
22 The team shall perform all of the following duties:
23 1. Collect, review, and analyze death certificates
24 and death data, including investigative reports,
25 medical and counseling records, victim service
26 records, employment records, child abuse reports, or
27 other confidential information concerning domestic
28 abuse deaths, survivor interviews and surveys, and
29 other information deemed by the team as necessary and
30 appropriate concerning the causes and manner of
31 domestic abuse deaths.
32 2. Prepare an annual report to the governor,
33 supreme court, attorney general, and the general
34 assembly concerning the contributing factors of
35 domestic abuse deaths.
36 3. Recommend community interventions to prevent
37 domestic abuse deaths based on an analysis of the
38 contributing factors to such deaths.
39 4. Recommend to agencies represented on the team
40 changes which may prevent domestic abuse deaths.
41 5. Maintain the confidentiality of any record or
42 other confidential information reviewed.
43 6. Establish committees or panels to which the
44 team may assign some or all of the team's

45 responsibilities.

46 Sec. 105. NEW SECTION. 236B.5 DUTIES OF THE
47 DEPARTMENT AND OTHER ENTITIES.

48 1. The department shall adopt rules pursuant to
49 chapter 17A relating to the administration of the
50 domestic abuse death review team.

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1 2. The department may inspect and reproduce
2 information and records which are confidential under
3 section 22.7 or chapter 236A for the purposes of
4 administration of and performance of official duties
5 by the team.

6 3. Upon request of the department, the departments
7 of human services, public safety, workforce
8 development, and justice, county attorneys, county
9 sheriffs, municipal police departments, victim service
10 providers, medical and counseling providers, and other
11 public authorities or private or nonprofit agencies
12 shall provide reasonable assistance to administer the
13 team.

14 Sec. 106. NEW SECTION. 236B.6 IMMUNITY.

15 1. A person in possession or control of
16 investigative or other information pertaining to a
17 domestic abuse death shall allow the inspection and
18 reproduction of the information by the department upon
19 the request of the department, to be used only in the
20 administration of and duties performed by the domestic
21 abuse death review team. Information which is
22 confidential under section 22.7 or chapter 236A and
23 information received from such confidential
24 information shall be maintained as confidential
25 information under this section. A person is immune
26 from liability for releasing information to the
27 department as required under this chapter.

28 2. A team member and their agent or employee are
29 not subject to and are immune from claims, suits,
30 liability, damages, or any civil or criminal recourse
31 arising from any act, proceeding, decision, or
32 determination undertaken or performed, or
33 recommendation made, provided the individual has acted
34 in good faith and without malice in carrying out the
35 individual's official responsibilities, authority,
36 duties, powers, and privileges. Complainants shall
37 bear the burden of proving malice or lack of good
38 faith on the part of the individual to overcome the
39 immunity provided to the individual under this
40 section."

41 2. Page 2, by inserting after line 5 the
42 following:

43 "Sec. 201. INITIAL TERMS OF DOMESTIC ABUSE DEATH
44 REVIEW TEAM MEMBERS. For the memberships established

- 45 in section 102 of this Act, one-third of the initial
 46 members shall serve for three years, one-third of the
 47 initial members shall serve for two years, and one-
 48 third of the initial members shall serve for one year,
 49 as designated by the appointing authority.”
 50 3. Title page, line 6, by inserting after the

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- 1 word “services,” the following: “establishing a
 2 domestic abuse death review team and providing for
 3 membership, duties, confidentiality, and immunity in
 4 relationship to members acting in their official
 5 capacities.”
 6 4. By renumbering as necessary.

MARTIN of Scott

H-8584

- 1 Amend Senate File 2286 as passed by the Senate as
 2 follows:
 3 1. Page 1, by striking lines 14 through 20.
 4 2. Title page, by striking lines 3 and 4 and
 5 inserting the following: “and registered group day
 6 care homes.”

NELSON of Marshall

H-8585

- 1 Amend Senate File 2286, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking line 16 and inserting the
 4 following: “billboard, poster, or placard, which may
 5 be viewed from a”.
 6 2. Page 1, line 19, by inserting after the word
 7 “cigarette” the following: “which contains words or
 8 graphics which may be read or identified from the
 9 playground, elementary school, or secondary school”.

NELSON of Marshall

H-8586

- 1 Amend Senate File 2295, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 16, by inserting after line 18 the
 4 following:
 5 “Sec. ____ DEPUTY SECRETARY OF AGRICULTURE –
 6 POSITION ELIMINATED, USE OF OFFICE SPACE.
 7 1. The position of deputy secretary of agriculture
 8 is eliminated.

9 2. The office from which the position of deputy
 10 secretary of agriculture performed duties on January
 11 1, 1996, shall remain vacated until January 1, 1999.
 12 After that date, the office may be used in any manner
 13 determined appropriate by the secretary of agriculture
 14 in conformity with the powers and duties of the
 15 secretary.

16 3. The position of administrative assistant VI is
 17 created within the department of agriculture and land
 18 stewardship. The duties of the position shall not
 19 include any matter relating to personnel or the
 20 administration of or budgeting for the department or
 21 its administrative units, including divisions within
 22 the department. The position shall not have
 23 jurisdiction over the heads of the department's
 24 administrative units, including division directors.
 25 Notwithstanding chapter 19A, the person appointed to
 26 fill the position shall serve at the pleasure of the
 27 secretary of agriculture."

28 2. Page 17, by inserting before line 10 the
 29 following:

30 "Sec. ____ Section 14A.1, Code 1997, is amended to
 31 read as follows:

32 14A.1 DEPUTIES.

33 The secretary, auditor, and treasurer of state ~~and~~
 34 ~~secretary of agriculture~~ may each appoint, in writing,
 35 any person, except one holding a state office, as
 36 deputy, for whose acts the appointing officer shall be
 37 responsible, and from whom the appointing officer
 38 shall require bond, which appointment and bond must be
 39 approved by the officer having the approval of the
 40 principal's bond, and such appointment may be revoked
 41 in the same manner. The appointment and revocation
 42 shall be filed with and kept by the secretary of
 43 state. The state shall pay the reasonable cost of the
 44 bonds required by this section.

45 Sec. ____ Section 159.14, Code 1997, is amended to
 46 read as follows:

47 159.14 BONDS.

48 The secretary shall require every inspector or
 49 employee who collects fees or handles funds belonging
 50 to the state to give an official bond, properly

Pe 2

1 conditioned and signed by sufficient sureties, in a
 2 sum to be fixed by the secretary, which bond shall be
 3 approved by the secretary and filed in the office of
 4 the secretary of state. ~~This section shall not apply~~
 5 ~~to the deputy secretary of agriculture.~~ The state
 6 shall pay the reasonable cost of the bonds required by
 7 this section."

8 3. By renumbering as necessary.

H-8591

- 1 Amend Senate File 2295, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, line 27, by striking the figure
- 4 "3,616,627" and inserting the following: "3,730,627".
- 5 2. Page 7, line 28, by striking the figure
- 6 "236.50" and inserting the following: "239.50".

MASCHER of Johnson

H-8592

- 1 Amend Senate File 2295, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, line 27, by striking the figure
- 4 "3,616,627" and inserting the following: "3,730,627".
- 5 2. Page 7, line 28, by striking the figure
- 6 "236.50" and inserting the following: "239.50".
- 7 3. Page 8, line 5, by striking the figure
- 8 "270,000" and inserting the following: "384,000".
- 9 4. Page 8, line 5, by striking the figure "6.00"
- 10 and inserting the following: "9.00".

MASCHER of Johnson

H-8598

- 1 Amend Senate File 2353, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 1 and 2, by striking the words
- 4 "paragraphs c and e, Code Supplement 1997, are" and
- 5 inserting the following: "paragraph c, Code
- 6 Supplement 1997, is".
- 7 2. Page 1, by striking lines 19 through 27.

HUSER of Polk

H-8604

- 1 Amend the amendment, H-8481, to Senate File 2320,
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 "_. Page 1, line 17, by striking the word
- 6 "three" and inserting the following: "four"."

SHOULTZ of Black Hawk

H-8605

- 1 Amend the amendment, H-8481, to Senate File 2320,
- 2 as passed, by the Senate, as follows:

- 3 1. Page 1, by inserting after line 2 the
 4 following:
 5 " Page 1, line 17, by inserting after the
 6 figure "2003." the following: "The commission shall
 7 not authorize a licensee conducting gambling games at.
 8 one pari-mutuel racetrack licensed premises only."
 9 Page 1, line 22, by inserting after the
 10 figure "2003." the following: "The commission shall
 11 not authorize a licensee to conduct gambling games on
 12 an excursion gambling boat at one licensed premises
 13 only." "

CATALDO of Polk

H-8609

- 1 Amend the amendment, H-8360, to Senate File 2052,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 10, by striking the word "a".
 5 2. Page 1, line 11, by inserting before the word
 6 "qualified" the following: "bonds issued by political
 7 subdivisions to finance a".
 8 3. Page 1, line 13, by striking the words "as
 9 defined in" and inserting the following: "even though
 10 the processed products may require further treatment
 11 before delivery to the ultimate consumer."
 12 4. Page 1, by striking lines 14 and 15.
 13 5. Page 1, line 23, by striking the words and
 14 figure "sections 7C.5 and section" and inserting the
 15 following: "sections 7C.5 and".
 16 6. Page 1, by inserting after line 24 the
 17 following:
 18 " Page 1, line 29, by striking the figure "4"
 19 and inserting the following: "4 5."
 20 7. Page 1, by inserting before line 25 the
 21 following:
 22 " Page 2, by inserting before line 8 the
 23 following:
 24 "Sec. ____ Section 7C.6, unnumbered paragraph 1,
 25 Code 1997, is amended to read as follows:
 26 A political subdivision which proposes to issue
 27 bonds for a particular project or purpose for which an
 28 allocation of the state ceiling is required and has
 29 not already been made under section 7C.4A, subsections
 30 1 through 4 5, must make an application for allocation
 31 before issuance of the bonds. The application may be
 32 made by the political subdivision or its
 33 representative, the beneficiary of the project or
 34 purpose, or by a person acting on behalf of the
 35 beneficiary. The application shall be submitted to
 36 the governor's designee, in the form prescribed by the
 37 governor's designee. The application shall contain,

- 38 where appropriate, the following information.””
 39 8. By renumbering as necessary.

KLEMME of Plymouth

H-8612

- 1 Amend the amendment, H-8542, to Senate File 2398,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 5, by striking lines 17 and 18, and
 5 inserting the following: “by an individual who at
 6 least meets the clinical standards for professional
 7 competence adopted in the third international congress
 8 on the treatment of sex offenders and is experienced
 9 in working with the assessment of sex offenders.”
 10 2. Page 6, line 37, by inserting after the word
 11 “services.” the following: “Facility staff
 12 responsible for providing treatment services to
 13 persons determined to be sexually violent predators
 14 shall include one or more individuals who at least
 15 meet the clinical standards for professional
 16 competence adopted in the third international congress
 17 on the treatment of sex offenders and are experienced
 18 in treating sex offenders.”
 19 3. Page 8, line 9, by inserting after the word
 20 “person.” the following: “A person conducting an
 21 annual examination shall at least meet the clinical
 22 standards for professional competence adopted in the
 23 third international congress on the treatment of sex
 24 offenders and be experienced in working with the
 25 examination and treatment of sex offenders.”

JOCHUM of Dubuque

H-8617

- 1 Amend the amendment, H-8558, to Senate File 2374,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, lines 23 and 24 by striking the words
 5 “bail enforcement regulation” and inserting the
 6 following: “private security regulations”.

BODDICKER of Cedar

H-8618

- 1 Amend Senate File 2380, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, line 32, by inserting after the word
 4 “neutral” the following: “and do not adversely affect
 5 customers of the local exchange carrier”.

WISE of Lee

H-8619

1 Amend Senate File 2384, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Sec. 101. NEW SECTION. 232.6 JURISDICTION -
6 ADOPTIONS AND TERMINATIONS OF PARENTAL RIGHTS.

7 The court may exercise jurisdiction over adoption
8 and termination of parental rights proceedings under
9 chapters 600 and 600A.

10 Sec. 102. Section 600.1, Code 1997, is amended to
11 read as follows:

12 600.1 CONSTRUCTION.

13 This chapter shall be construed liberally. The
14 best interest of the person to be adopted shall be the
15 paramount consideration in interpreting this chapter.
16 However, the interests of the adopting parents shall
17 be given due consideration in this interpretation.
18 However, in determining the best interest of the
19 person to be adopted and the interests of the adopting
20 parents, any evidence of interests relating to a
21 period of time during which the person to be adopted
22 is placed with prospective adoptive parents and during
23 which the placement is not in compliance with the law,
24 adoption procedures, or any action by the juvenile
25 court or court, shall not be considered in the
26 determination.

27 Sec. 103. Section 600.3, Code 1997, is amended to
28 read as follows:

29 600.3 COMMENCEMENT OF ADOPTION ACTION -
30 JURISDICTION - FORUM NON CONVENIENS.

31 1. An action for the adoption of any natural
32 person shall be commenced by the filing of an adoption
33 petition, as prescribed in section 600.5, in the
34 juvenile court or court of the county in which an
35 adult person to be adopted is domiciled or resides, or
36 in the juvenile court or court of the county in which
37 the guardian of a minor person to be adopted or the
38 petitioner is domiciled or resides.

39 2. An adoption petition shall not be filed until a
40 termination of parental rights has been accomplished
41 except in the following cases:

42 a. No termination of parental rights is required
43 if the person to be adopted is an adult.

44 b. If the stepparent of the child to be adopted is
45 the adoption petitioner, the parent-child relationship
46 between the child and the parent who is not the spouse
47 of the petitioner may be terminated as part of the
48 adoption proceeding by the filing of that parent's
49 consent to the adoption.

50 For the purposes of this subsection, a consent to

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1 adopt recognized by the juvenile courts or courts of
2 another jurisdiction in the United States and obtained
3 from a resident of that jurisdiction shall be accepted
4 in this state in lieu of a termination of parental
5 rights proceeding.

6 Any adoption proceeding pending on or completed
7 prior to July 1, 1978, is hereby legalized and
8 validated to the extent that it is consistent with
9 this subsection.

10 3. If upon filing of the adoption petition or at
11 any later time in the adoption action the juvenile
12 court or court finds that in the interest of
13 substantial justice the adoption action should be
14 conducted in another juvenile court or court, it may
15 transfer, stay, or dismiss the adoption action on any
16 conditions that are just.

17 Sec. 104. Section 600.4, subsection 3, paragraph
18 c, Code 1997, is amended to read as follows:

19 c. Is unable to petition with the other spouse
20 because of the prolonged and unexplained absence,
21 unavailability, or incapacity of the other spouse, or
22 because of an unreasonable withholding of joinder by
23 the other spouse, as determined by the juvenile court
24 or court under section 600.5, subsection 7.

25 Sec. 105. Section 600.5, unnumbered paragraph 1,
26 Code 1997, is amended to read as follows:

27 An adoption petition shall be signed and verified
28 by the petitioner, shall be filed with the juvenile
29 court or court designated in section 600.3, and shall
30 state:

31 Sec. 106. Section 600.5, subsection 7, Code 1997,
32 is amended to read as follows:

33 7. A designation of the particular provision in
34 section 600.4 under which the petitioner is qualified
35 to adopt and, if under section 600.4, subsection 3,
36 paragraph "c", a request that the juvenile court or
37 court approve the petitioner's qualification to adopt.

38 Sec. 107. Section 600.7, subsection 1, unnumbered
39 paragraph 1, Code 1997, is amended to read as follows:

40 An adoption petition shall not be granted unless
41 the following persons consent to the adoption or
42 unless the juvenile court or court makes a
43 determination under subsection 4:

44 Sec. 108. Section 600.7, subsection 2, paragraphs
45 a and b, Code 1997, are amended to read as follows:

46 a. If by any minor person to be adopted who is
47 fourteen years of age or older, in the presence of the
48 juvenile court or court in which the adoption petition
49 is filed.

50 b. If by any other person, either in the presence

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1 of the juvenile court or court in which the adoption
2 petition is filed or before a notary public.

3 Sec. 109. Section 600.7, subsections 3 and 4, Code
4 1997, are amended to read as follows:

5 3. A consent to the adoption may be withdrawn
6 prior to the issuance of an adoption decree under
7 section 600.13 by the filing of an affidavit of
8 consent withdrawal with the juvenile court or court.
9 Such affidavit shall be treated in the same manner as
10 an attached verified statement is treated under
11 subsection 4.

12 4. If any person required to consent under this
13 section refuses to or cannot be located to give
14 consent, the petitioner may attach to the petition a
15 verified statement of such refusal or lack of
16 location. The juvenile court or court shall then
17 determine, at the adoption hearing prescribed in
18 section 600.12, whether, in the best interests of the
19 person to be adopted and the petitioner, any
20 particular consent shall be unnecessary to the
21 granting of an adoption petition.

22 Sec. 110. Section 600.8, subsection 2, paragraph
23 a, Code 1997, is amended to read as follows:

24 a. A preplacement investigation and report of the
25 investigation shall be completed and the prospective
26 adoption petitioner approved for a placement by the
27 person making the investigation prior to any agency or
28 independent placement of a minor person in the
29 petitioner's home in anticipation of an ensuing
30 adoption. A report of a preplacement investigation
31 that has approved a prospective adoption petitioner
32 for a placement shall not authorize placement of a
33 minor person with that petitioner after one year from
34 the date of the report's issuance. However, if the
35 prospective adoption petitioner is a relative within
36 the fourth degree of consanguinity who has assumed
37 custody of a minor person to be adopted, a
38 preplacement investigation of this petitioner and a
39 report of the investigation may be completed at a time
40 established by the juvenile court or court or may be
41 waived as provided in subsection 12.

42 Sec. 111. Section 600.8, subsections 4, 7, 8, 9,
43 and 12, Code 1997, are amended to read as follows:

44 4. A postplacement investigation and a background
45 information investigation and the reports of these
46 investigations shall be completed and the reports
47 filed with the juvenile court or court prior to the
48 holding of the adoption hearing prescribed in section
49 600.12. Upon the filing of an adoption petition
50 pursuant to section 600.5, the juvenile court or court

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1 shall immediately appoint the department, an agency,
2 or an investigator to conduct and complete the
3 postplacement and background information
4 investigations and reports. In addition to filing the
5 background information report with the juvenile court
6 or court prior to the holding of the adoption hearing,
7 the department, agency, or investigator appointed to
8 conduct the background information investigation shall
9 complete the background information investigation and
10 report and furnish a copy to the adoption petitioner
11 within thirty days after the filing of the adoption
12 petition. Any person, ~~including a juvenile court~~, who
13 has gained relevant background information concerning
14 a minor person subject to an adoption petition shall,
15 upon request, fully co-operate with the conducting of
16 the background information investigation and report by
17 disclosing any relevant background information,
18 whether contained in sealed records or not.

19 7. Any investigation or report required under this
20 section shall not apply when the person to be adopted
21 is an adult or when the prospective adoption
22 petitioner or adoption petitioner is a stepparent of
23 the person to be adopted. However, in the case of a
24 stepparent adoption, the juvenile court or court, upon
25 the request of an interested person or on its own
26 motion stating the reasons therefor of record, may
27 order an investigation or report pursuant to this
28 section.

29 8. Any person designated to make an investigation
30 and report under this section may request an agency or
31 state agency, within or outside this state, to conduct
32 a portion of the investigation or the report, as may
33 be appropriate, and to file a supplemental report of
34 such investigation or report with the juvenile court
35 or court. In the case of the adoption of a minor
36 person by a person domiciled or residing in any other
37 jurisdiction of the United States, any investigation
38 or report required under this section which has been
39 conducted pursuant to the standards of that other
40 jurisdiction shall be recognized in this state.

41 9. The department may investigate, on its own
42 initiative or on order of the juvenile court or court,
43 any placement made or adoption petition filed under
44 this chapter or chapter 600A and may report its
45 resulting recommendation to the juvenile court or
46 court.

47 12. Any investigation and report required under
48 subsection 1 of this section may be waived by the
49 juvenile court or court if the adoption petitioner is
50 related within the fourth degree of consanguinity to

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1 the person to be adopted.

2 Sec. 112. Section 600.9, subsection 2, unnumbered
3 paragraph 1, Code 1997, is amended to read as follows:

4 An adoption petitioner of a minor person shall file
5 with the juvenile court or court, prior to the
6 adoption hearing, a full accounting of all
7 disbursements of any thing of value paid or agreed to
8 be paid by or on behalf of the petitioner in
9 connection with the petitioned adoption. This
10 accounting shall be made by a report prescribed by the
11 juvenile court or court and shall be signed and
12 verified by the petitioner. Only expenses incurred in
13 connection with the following and any other expenses
14 approved by the juvenile court or court are allowable:

15 Sec. 113. Section 600.10, Code 1997, is amended to
16 read as follows:

17 600.10 MINIMUM RESIDENCE OF A MINOR CHILD.

18 The adoption of a minor person shall not be decreed
19 until that person has lived with the adoption
20 petitioner for a minimum residence period of one
21 hundred eighty days. However, the juvenile court or
22 court may waive this period if the adoption petitioner
23 is a stepparent or related to the minor person within
24 the fourth degree of consanguinity or may shorten this
25 period upon good cause shown when the juvenile court
26 or court is satisfied that the adoption petitioner and
27 the person to be adopted are suited to each other.

28 Sec. 114. Section 600.11, subsections 1 and 3,
29 Code 1997, are amended to read as follows:

30 1. The juvenile court or court shall set the time
31 and place of the adoption hearing prescribed in
32 section 600.12 upon application of the petitioner.
33 The juvenile court or court may continue the adoption
34 hearing if the notice prescribed in subsections 2 and
35 3 is given, except that such notice shall only be
36 given at least ten days prior to the date which has
37 been set for the continuation of the adoption hearing.

38 3. A notice of the adoption hearing shall state
39 the time, place, and purpose of the hearing and shall
40 be served in accordance with rule of civil procedure
41 56.1. Proof of the giving of notice shall be filed
42 with the juvenile court or court prior to the adoption
43 hearing. Acceptance of service by the party being
44 given notice shall satisfy the requirements of this
45 subsection.

46 Sec. 115. Section 600.12, subsections 2 and 3,
47 Code 1997, are amended to read as follows:

48 2. Only those persons notified under section
49 600.11 and their witnesses and legal counsel or
50 persons requested by the juvenile court or court to be

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1 present shall be admitted to the court chambers while
2 an adoption hearing is being conducted. The adoption
3 petitioner and the person to be adopted shall be
4 present at the hearing, unless the presence of either
5 is excused by the juvenile court or court.

6 3. Any person admitted to the hearing shall be
7 heard and allowed to present evidence upon request and
8 according to the manner in which the juvenile court or
9 court conducts the hearing.

10 Sec. 116. Section 600.13, subsections 1, 2, 3, 5,
11 and 6, Code 1997, are amended to read as follows:

12 1. At the conclusion of the adoption hearing, the
13 juvenile court or court shall:

14 a. Issue a final adoption decree;

15 b. Issue an interlocutory adoption decree; or,

16 c. Dismiss the adoption petition if the
17 requirements of this Act have not been met or if
18 dismissal of the adoption petition is in the best
19 interest of the person whose adoption has been
20 petitioned. Upon dismissal, the juvenile court or
21 court shall determine who is to be guardian or
22 custodian of a minor child, including the adoption
23 petitioner if it is in the best interest of the minor
24 person whose adoption has been petitioned.

25 2. An interlocutory adoption decree automatically
26 becomes a final adoption decree at a date specified by
27 the juvenile court or court in the interlocutory
28 adoption decree, which date shall not be less than one
29 hundred eighty days nor more than three hundred sixty
30 days from the date the interlocutory decree is issued.
31 However, an interlocutory adoption decree may be
32 vacated prior to the date specified for it to become
33 final. Also, the juvenile court or court may provide
34 in the interlocutory adoption decree for further
35 observation, investigation, and report of the
36 conditions of and the relationships between the
37 adoption petitioner and the person petitioned to be
38 adopted.

39 3. If an interlocutory adoption decree is vacated
40 under subsection 2, it shall be void from the date of
41 issuance and the rights, duties, and liabilities of
42 all persons affected by it shall, unless they have'
43 become vested, be governed accordingly. Upon vacation
44 of an interlocutory adoption decree, the juvenile
45 court or court shall proceed under the provisions of
46 subsection 1, paragraph "c".

47 5. An interlocutory or a final adoption decree
48 shall be entered with the clerk of the court. Such
49 decree shall set forth any facts of the adoption
50 petition which have been proven to the satisfaction of

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1 the juvenile court or court and any other facts
2 considered to be relevant by the juvenile court or
3 court and shall grant the adoption petition. If so
4 designated in the adoption decree, the name of the
5 adopted person shall be changed by issuance of that
6 decree. The clerk of the court shall, within thirty
7 days of issuance, deliver one certified copy of any
8 adoption decree to the petitioner, one copy of any
9 adoption decree to the department and any agency or
10 person making an independent placement who placed a
11 minor person for adoption, and one certification of
12 adoption as prescribed in section 144.19 to the state
13 registrar of vital statistics. Upon receipt of the
14 certification, the state registrar shall prepare a new
15 birth certificate pursuant to section 144.23 and
16 deliver to the parents named in the decree and any
17 adult person adopted by the decree a copy of the new
18 birth certificate. The parents shall pay the fee
19 prescribed in section 144.46. If the person adopted
20 was born outside the state, the state registrar shall
21 forward the certification of adoption to the
22 appropriate agency in the state or foreign nation of
23 birth. A copy of any interlocutory adoption decree
24 vacation shall be delivered and another birth
25 certificate shall be prepared in the same manner as a
26 certification of adoption is delivered and the birth
27 certificate was originally prepared.

28 6. The clerk of the ~~district~~ court shall attach to
29 the certified copy of the decree delivered to the
30 department, a copy of the adoption information form
31 required to be attached to the adoption petition under
32 section 600.6, subsection 5.

33 Sec. 117. Section 600.15, subsection 1, paragraphs
34 a and b, Code 1997, are amended to read as follows:

35 a. A decree establishing a parent-child
36 relationship by adoption which is issued pursuant to
37 due process of law by a juvenile court or court of any
38 other jurisdiction in the United States shall be
39 recognized in this state.

40 b. A decree terminating a parent-child
41 relationship which is issued pursuant to due process
42 of law by a juvenile court or court of any other
43 jurisdiction in the United States shall be recognized
44 in this state.

45 Sec. 118. Section 600.16A, subsection 2,
46 paragraphs b and c, Code 1997, are amended to read as
47 follows:

48 b. The juvenile court or court, for good cause,
49 shall order the opening of the permanent adoption
50 record of the juvenile court or court for the adopted

Page 8

1 person who is an adult and reveal the names of either
2 or both of the biological parents following
3 consideration of both of the following:

4 (1) A biological parent may file an affidavit
5 requesting that the juvenile court or court reveal or
6 not reveal the parent's identity. The juvenile court
7 or court shall consider any such affidavit in
8 determining whether there is good cause to order
9 opening of the records. To facilitate the biological
10 parents in filing an affidavit, the department shall,
11 upon request of a biological parent, provide the
12 biological parent with an adoption information packet
13 containing an affidavit for completion and filing with
14 the juvenile court or court.

15 (2) If the adopted person who applies for
16 revelation of the biological parents' identity has a
17 sibling who is a minor and who has been adopted by the
18 same parents, the juvenile court or court may deny the
19 application on the grounds that revelation to the
20 applicant may also indirectly and harmfully permit the
21 same revelation to the applicant's minor sibling.

22 c. A biological sibling of an adopted person may
23 file or may request that the department file an
24 affidavit in the juvenile court or court in which the
25 adopted person's adoption records have been sealed
26 requesting that the juvenile court or court reveal or
27 not reveal the sibling's name to the adopted person.
28 The juvenile court or court shall consider any such
29 affidavit in determining whether there is good cause
30 to order opening of the records upon application for
31 revelation by the adopted person. However, the name
32 of the biological sibling shall not be revealed until
33 the biological sibling has attained majority.

34 Sec. 119. Section 600.16A, subsection 3, paragraph
35 b, unnumbered paragraph 3, Code 1997, is amended to
36 read as follows:

37 Notwithstanding the provisions of this subsection,
38 if the adult adopted person has a sibling who is a
39 minor and who has also been adopted by the same
40 parents, the department, the clerk of court, or the
41 agency which made the placement may deny the request
42 of either the adult adopted person or the biological
43 parent to open the adoption records and to reveal the
44 identities of the parties pending determination by the
45 juvenile court or court that there is good cause to
46 open the records pursuant to subsection 2.

47 Sec. 120. Section 600.16A, subsection 4, Code
48 1997, is amended to read as follows:

49 4. An adopted person whose adoption became final
50 prior to July 4, 1941, and whose adoption record was

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1 not required to be sealed at the time when the
2 adoption record was completed, shall not be required
3 to show good cause for an order opening the adoption
4 record under this subsection, provided that the
5 juvenile court or court shall consider any affidavit
6 filed under this subsection.

7 Sec. 121. Section 600.18, unnumbered paragraph 1,
8 Code 1997, is amended to read as follows:

9 Any prospective adoptive parent desiring financial
10 assistance shall state this fact in the petition for
11 adoption. The department of human services shall
12 investigate the person petitioning for adoption and
13 the child and shall file with the juvenile court or
14 court a statement of whether the department will
15 provide assistance as provided in sections 600.17 to
16 600.22, the estimated amount, extent, and duration of
17 assistance, and any other information the juvenile
18 court or court may order.

19 Sec. 122. Section 602.8102, subsections 42 and 43,
20 Code Supplement 1997, are amended to read as follows:

21 42. Serve as clerk of the juvenile court and carry
22 out duties as provided in chapter 232 and article 7 of
23 this chapter.

24 43. Submit to the director of the division of
25 child and family services of the department of human
26 services a duplicate of the findings of the district
27 court related to adoptions as provided in section
28 235.3, subsection 7."

29 2. Page 4, line 35, by striking the words "of
30 the" and inserting the following: "of sections 1
31 through 7".

32 3. Page 5, line 1, by striking the word
33 "provisions".

34 4. Title page, line 1, by striking the words "to
35 provide" and inserting the following: "relating to"
36 certain court procedures by extending the jurisdiction
37 of the juvenile court to include adoption and
38 termination of parental rights proceedings and by
39 providing".

40 5. By renumbering as necessary.

KREIMAN of Davis

H-8621

1 Amend House Concurrent Resolution 109 as follows:

2 1. Page 1, by striking line 5 and inserting the
3 following: "the comprehensive management of solid
4 waste."

5 2. Page 2, by striking lines 6 through 9 and
6 inserting the following:

7 "The Governor, the director of the Department of
 8 Economic Development, the director of the Department
 9 of Natural Resources, the Association of Business and
 10 Industry, the Iowa Farm Bureau Federation, the Iowa
 11 Recycling Association, the Iowa Society of Solid Waste
 12 Operations, the Iowa chapter of the National Solid
 13 Waste Management Association, the Iowa State
 14 Association of Counties, the Iowa League of Cities,
 15 and the Iowa Waste Reduction Center are requested to
 16 appoint one member each; and".
 17 3. Page 2, line 15, by striking the word
 18 "regarding" and inserting the following: "addressing
 19 strategic issues of environmental protection, economic
 20 competitiveness, and program sustainability as they
 21 relate to the comprehensive management of solid waste.
 22 The special committee may consider".

BURNETT of Story

H-8622

1 Amend the amendment, H-8594, to Senate File 2331,
 2 as amended, passed, and reprinted by the Senate as
 3 follows:
 4 1. Page 1, by inserting after line 4, the
 5 following:
 6 "Section 1. NEW SECTION. 80.42 STANDARDS FOR
 7 PERSONS PROVIDING PRIVATE TRANSPORTATION OF PRISONERS.
 8 The department of public safety shall adopt rules
 9 which establish standards for persons engaged in this
 10 state in the business of transporting prisoners under
 11 a contract with the Iowa department of corrections or
 12 a county sheriff, a similar agency from another state,
 13 or the federal government. The rules shall include,
 14 but are not limited to, rules which establish age and
 15 character requirements and govern the carrying of
 16 weapons by persons transporting prisoners."
 17 2. Page 1, line 23, by inserting before the word
 18 "requirements" the following: "statutory".
 19 3. Page 1, by inserting after line 28, the
 20 following:
 21 "_. Title page, line 2, by inserting after the
 22 word "services" the following: "and providing for the
 23 adoption of rules."

BERNAU of Story

H-8624

1 Amend Senate File 2363, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting before line 30 the

4 following:

5 "Sec. ____ CHILD ABUSE RECORDS. There is
6 appropriated from the general fund of the state to the
7 department of human services for the fiscal year
8 beginning July 1, 1998, and ending June 30, 1999, the
9 following amount, or so much thereof as is necessary,
10 to be used for the purpose designated:

11 For processing of requests for correction of child
12 abuse information and for the holding of associated
13 hearings in accordance with the provisions of this
14 Act, including salaries, support, maintenance,
15 miscellaneous purposes, and for not more than the
16 following full-time equivalent positions:

17	\$	159,400
18	FTEs	4.00"

19 2. Title page, line 2, by inserting after the
20 word "information" the following: "and making an
21 appropriation".

22 3. By renumbering as necessary.

MURPHY of Dubuque

H-8627

1 Amend House File 2533 as follows:

2 1. Page 3, by inserting after line 13 the
3 following:

4 "From the funds appropriated in this subsection,
5 \$62,000 shall be used to supplement, not supplant, the
6 amount budgeted by the department of cultural affairs
7 for the fiscal year beginning July 1, 1998, for the
8 historical resource development program established
9 pursuant to section 303.16."

CHIODO of Polk

H-8633

1 Amend House File 2538 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 15E.192, subsection 2, Code
5 Supplement 1997, is amended to read as follows:

6 2. A city with a population of twenty-four
7 thousand or more, or a county seat city with a total
8 population that exceeds forty percent of the
9 population of the county or county seat cities located
10 in the same county with a combined total population
11 that exceeds forty percent of the population of the
12 county, as shown by the 1990 certified federal census,
13 may create an economic development enterprise zone as
14 authorized in this division, subject to certification
15 by the department of economic development, by

16 designating one or more contiguous census tracts, as
 17 determined in the most recent federal census, or
 18 designating other geographic units approved by the
 19 department of economic development for that purpose.
 20 If there is an area in the city which meets the
 21 requirements for eligibility for an urban or rural
 22 enterprise community under Title XIII of the federal
 23 Omnibus Budget Reconciliation Act of 1993, such area
 24 shall be designated by the state an economic
 25 development enterprise zone. The area meeting the
 26 requirements for eligibility for an urban or rural
 27 enterprise community shall not be included for the
 28 purpose of determining the area limitation pursuant to
 29 subsection 3. In creating an enterprise zone, a city
 30 with a population of twenty-four thousand or more, or
 31 a county seat city with a total population that
 32 exceeds forty percent of the population of the county
 33 or county seat cities located in the same county with
 34 a combined total population that exceeds forty percent
 35 of the population of the county, as shown by the 1990
 36 certified federal census, may designate as part of the
 37 area tracts or approved geographic units located in a
 38 contiguous city if such tracts or approved geographic
 39 units meet the criteria and the city agrees to being
 40 included. The city may establish more than one
 41 enterprise zone. Reference in this division to "city"
 42 means a city with a population of twenty-four thousand
 43 or more, or a county seat city with a total population
 44 that exceeds forty percent of the population of the
 45 county or county seat cities located in the same
 46 county with a combined total population that exceeds
 47 forty percent of the population of the county, as
 48 shown by the 1990 certified federal census."
 49 2. Title page, line 2, by inserting after the
 50 word "zones," the following: "qualifications for

Page 2

- 1 cities,".
- 2 3. By renumbering as necessary.

LARKIN of Lee

H-8634

- 1 Amend the amendment, H-8494, to House File 2533 as
- 2 follows:
- 3 1. Page 1, by striking lines 19 through 26 and
- 4 inserting the following: "The results of the
- 5 analysis,""

RANTS of Woodbury
 GARMAN of Story

GRIES of Crawford
 GIPP of Winneshiek

BLODGETT of Cerro Gordo
 THOMSON of Linn
 HEATON of Henry
 MURPHY of Dubuque

HANSEN of Pottawattamie
 NELSON of Marshall
 MASCHER of Johnson

H-8637

- 1 Amend Senate File 2363, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 25 through 29 and
- 4 inserting the following: "hearing. The officer
- 5 presiding over the hearing shall issue a decision
- 6 affirming or denying the request in whole or in part
- 7 within sixty calendar days of the hearing date."

MORELAND of Wapello

H-8638

- 1 Amend Senate File 2363, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 23, by striking the words "mutual
- 4 agreement between" and inserting the following:
- 5 "either".
- 6 2. Page 1, line 24, by striking the word "and"
- 7 and inserting the following: "or".

BRAND of Tama

H-8640

- 1 Amend the amendment, H-8558, to Senate File 2374,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 "Page 1, by inserting before line 1 the
- 7 following:
- 8 "Sec. 101. NEW SECTION. 80.42 STANDARDS FOR
- 9 PERSONS PROVIDING PRIVATE TRANSPORTATION OF PRISONERS.
- 10 The department of public safety shall adopt rules
- 11 which establish standards for persons engaged in this
- 12 state in the business of transporting prisoners under
- 13 a contract with the Iowa department of corrections or
- 14 a county sheriff, a similar agency from another state,
- 15 or the federal government. The rules shall include,
- 16 but not be limited to, rules which establish age and
- 17 character requirements and govern the carrying of
- 18 weapons by persons transporting prisoners.""
- 19 2. Page 1, line 25, by inserting after the word
- 20 "weapons," the following: "and providing for the
- 21 adoption of rules for private transportation of"

- 22 prisoners.”
 23 3. By renumbering as necessary.

BERNAU of Story

H-8643

- 1 Amend House File 2533 as follows:
 2 1. Page 26, by striking lines 31 through 34 and
 3 inserting the following: “providing support to the
 4 state of Iowa libraries online (SILO) program, the
 5 access plus program, and the open access program.”
 6 2. By renumbering as necessary.

SCHERRMAN of Dubuque
 HOLVECK of Polk
 BRAND of Tama
 MASCHER of Johnson

H-8644

- 1 Amend House File 2533 as follows:
 2 1. Page 28, by inserting after line 22 the
 3 following:
 4 “Sec. ____ Section 262.9, subsection 21, Code
 5 Supplement 1997, is amended by adding the following
 6 new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. The board shall work
 8 with the siouxland interstate metropolitan planning
 9 council to determine which of the institutions of
 10 higher learning under the board shall provide a master
 11 of social work program at the tristate graduate
 12 center. The board shall ensure that the program is
 13 offered to students beginning with the fiscal year
 14 commencing July 1, 1999.”
 15 2. By renumbering as necessary.

WARNSTADT of Woodbury

H-8645

- 1 Amend the Senate amendment, H-8625, to House File
 2 2272, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, line 20, by inserting after the word
 5 “requirements.” the following: “The state board shall
 6 also require that school districts and accredited
 7 nonpublic schools implement a policy that requires all
 8 students to be able to satisfactorily demonstrate,
 9 prior to receiving a diploma, the ability to

10 adequately read, write, and perform basic mathematical
 11 computation skills."

RANTS of Woodbury

H-8646

- 1 Amend the amendment, H-8616, to Senate File 2366,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 11 through 23.
- 5 2. By striking page 4, line 1, through page 5,
- 6 line 46.
- 7 3. By renumbering as necessary.

MASCHER of Johnson
 BUKTA of Clinton
 FALCK of Fayette
 KINZER of Scott
 WARNSTADT of Woodbury

BRAND of Tama
 COHOON of Des Moines
 FOEGE of Linn
 THOMAS of Clayton
 WISE of Lee

H-8653

- 1 Amend the amendment, H-8616, to Senate File 2366,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 22, by inserting after line 45 the
- 5 following:
- 6 "Sec. ____ Section 295.4, subsection 1, Code 1997,
- 7 is amended to read as follows:
- 8 1. School districts, as defined in section 295.2,
- 9 subsection 8, shall expend funds received pursuant to
- 10 section 295.2 for the acquisition, lease, lease-
- 11 purchase, installation, and maintenance of
- 12 instructional technology equipment, including hardware
- 13 and software, materials and supplies related to
- 14 instructional technology, and staff development and
- 15 training related to instructional technology, and
- 16 shall establish priorities for the use of the funds.
- 17 ~~However, funds~~ Funds received by a school district
- 18 pursuant to section 295.2 shall not be expended to add
- 19 a full-time equivalent position or otherwise increase
- 20 staffing, unless the position added is that of
- 21 computer systems analyst."
- 22 2. By renumbering as necessary.

FALCK of Fayette

H-8654

- 1 Amend the amendment, H-8616, to Senate File 2366,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

4 1. By striking page 2, line 13, through page 3,
5 line 50, and inserting the following:

6 "Sec. ____ NEW SECTION. 256.17A TEACHER
7 INTERNSHIP PILOT PROGRAM.

8 1. If the general assembly appropriates moneys for
9 the establishment and ongoing administration of a
10 teacher internship pilot program, the state board of
11 education shall establish and implement a competitive
12 pilot program approval process for a teacher
13 internship pilot program open to all Iowa colleges and
14 universities with master's programs in practitioner
15 preparation approved by the state board. An
16 internship program shall, at a minimum, include the
17 following:

18 a. A one-year teaching experience conducted in a
19 collaborating school district.

20 b. Application of best practices in diverse
21 settings and diverse student needs under the
22 mentorship of selected district teachers and
23 postsecondary personnel.

24 c. Seminars and special projects designed to meet
25 an intern's needs.

26 d. Support by master teachers.

27 e. Opportunity to attain coursework toward a
28 master's degree.

29 2. The amount of grant awarded to an institution
30 operating an approved teacher internship pilot program
31 shall be based upon the number of pilot program
32 participants at the institution, times the number of
33 credit hours generated up to a maximum of twelve
34 credit hours per participant, times two hundred
35 dollars.

36 3. Intern participants in a teacher internship
37 pilot program shall pay not more than two hundred
38 dollars per credit hour to the institution operating a
39 pilot program in accordance with this section.

40 4. a. There is appropriated from the general fund
41 of the state to the department of education for the
42 fiscal year beginning July 1, 1998, and ending June
43 30, 1999, the sum of two hundred twenty thousand
44 dollars for teacher internship pilot program grants.

45 b. There is appropriated from the general fund of
46 the state to the department of education for each
47 fiscal year of the fiscal period beginning July 1,
48 2000, and ending June 30, 2002, the sum of five
49 hundred seventy-five thousand dollars for teacher
50 internship pilot program grants."

Page 2

1 2. By renumbering as necessary.

H-8655

1 Amend House File 2498 as follows:

2 1. Page 12, by inserting after line 8 the
3 following:

4 "It is the intent of the general assembly that the
5 total number of licenses issued to conduct pari-mutuel
6 wagering at a dog or horse racetrack pursuant to
7 chapter 99D shall not exceed four until July 1, 2003.
8 However, with approval of the state racing and gaming
9 commission and notwithstanding section 99F.4A,
10 subsection 2, if a license to conduct pari-mutuel
11 wagering at a dog or horse racetrack or a license to
12 conduct gambling games within a dog or horse racetrack
13 enclosure, is surrendered, not renewed, or revoked, a
14 new license may be issued for operation in the same
15 county."

16 2. Page 12, by inserting after line 31 the
17 following:

18 "It is intent of the general assembly that the
19 total number of licenses issued to conduct gambling
20 games on excursion gambling boats pursuant to chapter
21 99F shall not exceed ten until July 1, 2003. However,
22 with approval of the commission, if a license to
23 conduct gambling games on an excursion gambling boat
24 is surrendered, not renewed, or revoked, a new license
25 may be issued for operation in the same county."

CHIODO of Polk

H-8656

1 Amend the amendment, H-8455, to Senate File 2406,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 4, line 41, by inserting after the word
5 "subsection." the following: "Terms of office of
6 community board members shall be three years."

FORD of Polk

H-8657

1 Amend the amendment, H-8455, to Senate File 2406,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 43, by inserting after the word
5 "board." the following: "At least one of the citizen
6 members shall be director of a nonprofit community
7 service organization."

8 2. Page 5, by inserting after line 10 the
9 following:

10 "___ A director of a nonprofit community service

- 11 organization.”
12 3. By renumbering as necessary.

FORD of Polk

H-8658

- 1 Amend House File 2533 as follows:
2 1. Page 7, line 26, by striking the figure
3 “2,937,098” and inserting the following: “3,137,098”.
4 2. Page 7, line 30, by striking the figure
5 “50,000” and inserting the following: “250,000”.
6 3. Page 9, by striking line 26, and inserting the
7 following:
8 “If legislation providing for the creation of an
9 Iowa empowerment board, an Iowa empowerment fund, and
10 for the appropriation of moneys to be administered by
11 a community empowerment area, is enacted by the
12 Seventy-seventh General Assembly, 1998 Session, funds
13 shall not be”.
14 4. By striking page 9, line 29 through page 10,
15 line 1.
16 5. Page 12, line 5, by striking the words
17 “conduct an audit” and inserting the following:
18 “require that audits of public school districts,
19 conducted in accordance with section 11.6, include an
20 examination and reporting”.
21 6. Page 12, line 9, by inserting after the word
22 “districts.” the following: “The auditor of state
23 shall compile information included in the individual
24 audit reports for submission by January 15, 1999, to
25 the general assembly.”
26 7. Page 26, by striking lines 29 through 34 and
27 inserting the following: “to the department of
28 education for allocation to assist school districts in
29 developing reading recovery programs. From the moneys
30 allocated in this subsection, \$100,000 shall be
31 distributed to the reading recovery center, and the
32 remaining balance shall be distributed to the area
33 education agencies in the proportion that the number
34 of children who are eligible for free or reduced price
35 meals under the federal National School Lunch Act and
36 the federal Child Nutrition Act of 1966, 42 U.S.C. §
37 1751-1785, in the basic enrollment of grades one
38 through six in the area served by an agency, bears to
39 the sum of the number of children who are eligible for
40 free or reduced price meals under the federal National
41 School Lunch Act and the federal Child Nutrition Act
42 of 1966, 42 U.S.C. § 1751-1785, in the basic
43 enrollments of grades one through six in all of the
44 areas served by area education agencies in the state
45 for the budget year.”
46 8. Page 34, by inserting after line 10 the

47 following:

48 "Sec. ____ CONTINGENT APPROPRIATION. If the
49 Seventy-seventh General Assembly, 1998 Session, does
50 not provide for the transfer or allocation of moneys

Page 2

1 in the interest for Iowa schools fund, under section
2 257B.1A, for purposes relating to the reading recovery
3 program, in addition to the allocations provided for
4 in section 294A.25, there is allocated to the
5 department of education for the fiscal year beginning
6 July 1, 1998, and ending June 30, 1999, from phase III
7 moneys, \$200,000, or so much thereof as is necessary,
8 for allocation to assist school districts in
9 developing reading recovery programs. From the moneys
10 allocated in this section, \$100,000 shall be
11 distributed to the reading recovery center, and the
12 remaining balance shall be distributed to the area
13 education agencies in the proportion that the number
14 of children who are eligible for free or reduced price
15 meals under the federal National School Lunch Act and
16 the federal Child Nutrition Act of 1966, 42 U.S.C. §
17 1751-1785, in the basic enrollment of grades one
18 through six in the area served by an agency, bears to
19 the sum of the number of children who are eligible for
20 free or reduced price meals under the federal National
21 School Lunch Act and the federal Child Nutrition Act
22 of 1966, 42 U.S.C. § 1751-1785, in the basic
23 enrollments of grades one through six in all of the
24 areas served by area education agencies in the state
25 for the budget year."
26 9. By renumbering as necessary.

GRUNDBERG of Polk

H-8664

1 Amend House File 2533 as follows:
2 1. Page 9, line 32, by striking the figure
3 "200,000" and inserting the following: "400,000".
4 2. Page 9, line 35, by striking the figure
5 "100,000" and inserting the following: "300,000".

MASCHER of Johnson

H-8667

1 Amend the amendment, H-8616, to Senate File 2366 as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 13 the
5 following:

6 "Of the funds appropriated in this subsection,
7 \$300,000 shall be used to provide grants in the amount
8 of \$50,000 each to six school districts for extended
9 year school pilot projects, and the department of
10 education shall expend up to \$60,000 to conduct a
11 study of the effectiveness of extended school years on
12 student achievement."

13 2. Page 4, by inserting after line 36 the
14 following:

15 "___ School districts shall expend funds received
16 for an extended school year pursuant to this section
17 to, at a minimum, install air conditioning in
18 attendance centers or finance other infrastructure
19 needs of the school district related to an extended
20 school year calendar, and to implement a calendar that
21 may include, but is not limited to, modification of
22 the current one-hundred-eighty-day calendar required
23 pursuant to section 279.10, subsection 1. The
24 modified calendar shall include a rotation of nine
25 weeks of attendance and three weeks of nonattendance
26 until the one-hundred-eighty-day calendar year
27 requirement is met."

28 3. By renumbering as necessary.

RICHARDSON of Warren

H-8675

1 Amend the amendment, H-8616, to Senate File 2366,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 15, by inserting after line 1 the
5 following:

6 "Sec. ___ **NEW SECTION. 257.51 SMALLER CLASS
7 SIZE INFRASTRUCTURE PROGRAM.**

8 1. A smaller class size infrastructure program
9 that provides additional funding for school districts
10 is established. A board of directors that wishes to
11 consider participating in the smaller class size
12 infrastructure program shall hold a public hearing on
13 the question of participation. The board shall set
14 forth its proposal, including the method that will be
15 used to fund the program, in a resolution and shall
16 publish the notice of the time and place of a public
17 hearing on the resolution. Notice of the time and
18 place of the public hearing shall be published not
19 less than ten nor more than twenty days before the
20 public hearing in a newspaper which is a newspaper of
21 general circulation in the school district. At the
22 hearing, or no later than thirty days after the date
23 of the hearing, the board shall take action to adopt a
24 resolution to participate in the smaller class size
25 infrastructure program for a period not exceeding five

26 years or to direct the county commissioner of
27 elections to submit the question of participation in
28 the program for a period not exceeding ten years to
29 the registered voters of the school district at the
30 next regular school election or at a special election.
31 If the board submits the question at an election and a
32 majority of those voting on the question favors
33 participation in the program, the board shall adopt a
34 resolution to participate and certify the results of
35 the election to the department of management.
36 2. If the board does not provide for an election
37 and adopts a resolution to participate in the smaller
38 class size infrastructure program, the district shall
39 participate in the smaller class size infrastructure
40 program unless within twenty-eight days following the
41 action of the board, the secretary of the board
42 receives a petition containing the required number of
43 signatures, asking that an election be called to
44 approve or disapprove the action of the board in
45 adopting the smaller class size infrastructure
46 program. The petition must be signed by eligible
47 electors equal in number to not less than one hundred
48 or thirty percent of the number of voters at the last
49 preceding regular school election, whichever is
50 greater. The board shall either rescind its action or

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1 direct the county commissioner of elections to submit
2 the question to the registered voters of the school
3 district at the next following regular school election
4 or a special election. If a majority of those voting
5 on the question at the election favors disapproval of
6 the action of the board, the district shall not
7 participate in the smaller class size infrastructure
8 program. If a majority of those voting on the
9 question favors approval of the action, the board
10 shall certify the results of the election to the
11 department of management and the district shall
12 participate in the program.
13 At the expiration of the twenty-eight day period,
14 if no petition is filed, the board shall certify its
15 action to the department of management and the
16 district shall participate in the program.
17 3. Participation in a smaller class size
18 infrastructure program is not affected by a change in
19 the boundaries of the school district, except as
20 otherwise provided in this section. If each school
21 district involved in a school reorganization under
22 chapter 275 has approved a smaller class size
23 infrastructure program, and if the voters have not
24 voted upon the question of participation in the
25 program in the reorganized district, the smaller class

26 size infrastructure program shall be in effect for the
27 reorganized district that has been approved for the
28 least amount and the shortest time in any of the
29 districts.

30 Sec. . NEW SECTION. 257.52 SMALLER CLASS SIZE
31 INFRASTRUCTURE FUNDING.

32 1. The additional funding for the smaller class
33 size infrastructure program for a budget year is
34 limited to an amount not exceeding ten percent of the
35 total of regular program district cost for the budget
36 year and moneys received under section 257.14 as a
37 budget adjustment for the budget year. Moneys
38 received by a district for the smaller class size
39 infrastructure program are miscellaneous income and
40 may be used for any general fund purpose. However,
41 moneys received by a district for the smaller class
42 size infrastructure program shall be expended solely
43 for smaller class size infrastructure needs.

44 2. Certification of a board's intent to
45 participate for a budget year, the method of funding,
46 and the amount to be raised shall be made to the
47 department of management not later than April 15 of
48 the base year. Funding for the smaller class size
49 infrastructure program shall be obtained from smaller
50 class size infrastructure state aid and from local

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1 funding using either a smaller class size
2 infrastructure income surtax or a combination of a
3 smaller class size infrastructure property tax and a
4 smaller class size infrastructure income surtax as
5 determined by the board of directors.

6 3. The smaller class size infrastructure income
7 surtax shall fund at least sixty percent of the local
8 funding costs of the program. Subject to the
9 limitation specified in section 298.14, for each
10 budget year the board shall determine the percent of
11 income surtax that will be imposed, expressed as full
12 percentage points, not to exceed twenty percent.

13 4. For purposes of sections 257.51 through 257.60,
14 "smaller class size infrastructure", means those
15 activities for which a school district is authorized
16 to contract indebtedness and issue general obligation
17 bonds under section 296.1, except those activities
18 related to a teacher's or superintendent's home or
19 homes. The activities include the construction,
20 reconstruction, repair, purchasing, or remodeling of
21 schoolhouses, stadiums, gyms, fieldhouses, and bus
22 garages, and the procurement of schoolhouse
23 construction sites and the making of site
24 improvements. Additionally, "school infrastructure"
25 includes the payment or retirement of outstanding

26 bonds previously issued for school infrastructure
27 purposes as described in this subsection, and the
28 maintenance of schoolhouses and school district
29 property.

30 Sec. ____ NEW SECTION. 257.53 SMALLER CLASS SIZE
31 INFRASTRUCTURE STATE AID APPROPRIATION.

32 1. In order to determine the amount of smaller
33 class size infrastructure state aid and the amount of
34 local funding for the smaller class size
35 infrastructure program for a district, the department
36 of management shall divide the total assessed
37 valuation in the state by the total budget enrollment
38 for the budget year in the state to determine a state
39 assessed valuation per pupil and shall divide the
40 assessed valuation in each district by the district's
41 budget enrollment for the budget year to determine the
42 district assessed valuation per pupil. The department
43 of management shall multiply the ratio of the state's
44 valuation per pupil to the district's valuation per
45 pupil by twenty-five hundredths and subtract that
46 result from one to determine the portion of the
47 smaller class size infrastructure program budget that
48 is local funding. The remaining portion of the budget
49 shall be funded by smaller class size infrastructure
50 state aid.

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1 . 2. Notwithstanding section 8.57, subsection 5,
2 paragraph "c", there is appropriated for each fiscal
3 year from the rebuild Iowa infrastructure fund to the
4 department of education, the sum of twenty million
5 dollars to pay smaller class size infrastructure state
6 aid as determined under subsection 1.

7 3. If the amount appropriated under subsection 2
8 is insufficient to pay the amount of smaller class
9 size infrastructure state aid determined under
10 subsection 1, the department of education shall
11 prorate the amount of the smaller class size
12 infrastructure state aid provided to each district.

13 4. Smaller class size infrastructure state aid
14 shall be paid at the same time and in the same manner
15 as foundation aid is paid under section 257.16.

16 Sec. ____ NEW SECTION. 257.54 COMPUTATION OF
17 SMALLER CLASS SIZE INFRASTRUCTURE AMOUNT.

18 1. The department of management shall establish
19 the amount of smaller class size infrastructure
20 property tax to be levied and the amount of smaller
21 class size infrastructure income surtax to be imposed
22 by a district in accordance with the decision of the
23 board under section 257.52 for each school year for
24 which the smaller class size infrastructure program is
25 authorized. The department of management shall

26 determine these amounts based upon the most recent
27 figures available for the district's valuation of
28 taxable property, individual state income tax paid,
29 and budget enrollment in the district, and shall
30 certify to the district's county auditor the amount of
31 smaller class size infrastructure property tax if a
32 smaller class size infrastructure property tax is to
33 be imposed, and to the director of revenue and finance
34 the amount of smaller class size infrastructure income
35 surtax to be imposed.

36 2. The smaller class size infrastructure income
37 surtax shall be imposed on the state individual income
38 tax for the calendar year during which the school's
39 budget year begins, or for a taxpayer's fiscal year
40 ending during the second half of that calendar year
41 and after the date the board adopts a resolution to
42 participate in the program or the first half of the
43 succeeding calendar year, and shall be imposed on all
44 individuals residing in the school district on the
45 last day of the applicable tax year. As used in this
46 section, "state individual income tax" means the taxes
47 computed under section 422.5, less the credits allowed
48 in sections 422.11A, 422.11B, 422.12, and 422.12B.

49 Sec. NEW SECTION. 257.55 STATUTES
50 APPLICABLE.

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1 The director of revenue and finance shall
2 administer the smaller class size infrastructure
3 income surtax imposed under this chapter, and sections
4 422.20, 422.22 to 422.31, 422.68, and 422.72 to 422.75
5 shall apply with respect to administration of the
6 smaller class size infrastructure income surtax.

7 Sec. NEW SECTION. 257.56 FORM AND TIME OF
8 RETURN.

9 The smaller class size infrastructure income surtax
10 shall be made a part of the Iowa individual income tax
11 return subject to the conditions and restrictions set
12 forth in section 422.21.

13 Sec. NEW SECTION. 257.57 DEPOSIT OF SMALLER
14 CLASS SIZE INFRASTRUCTURE INCOME SURTAX.

15 1. The director of revenue and finance shall
16 deposit all moneys received as smaller class size
17 infrastructure income surtax to the credit of each
18 district from which the moneys are received, in the
19 school district income surtax fund which is
20 established in section 298.14.

21 2. The director of revenue and finance shall
22 deposit smaller class size infrastructure income
23 surtax moneys received on or before November 1 of the
24 year following the close of the school budget year for
25 which the surtax is imposed to the credit of each
26 district from which the moneys are received in the

27 school district income surtax fund.
 28 3. Smaller class size infrastructure income surtax
 29 moneys received or refunded after November 1 of the
 30 year following the close of the school budget year for
 31 which the surtax is imposed shall be deposited in or
 32 withdrawn from the general fund of the state and shall
 33 be considered part of the cost of administering the
 34 smaller class size infrastructure income surtax.
 35 Sec. ____ NEW SECTION. 257.58 SMALLER CLASS SIZE
 36 INFRASTRUCTURE INCOME SURTAX CERTIFICATION.
 37 On or before October 20 each year, the director of
 38 revenue and finance shall make an accounting of the
 39 smaller class size infrastructure income surtax
 40 collected under this chapter applicable to tax returns
 41 for the last preceding calendar year, or for a
 42 taxpayer's fiscal year ending during the second half
 43 of that calendar year and after the date the board
 44 adopts a resolution to participate in the program, or
 45 the first half of the succeeding calendar year, from
 46 taxpayers in each school district in the state which
 47 has approved the smaller class size infrastructure
 48 program, and shall certify to the department of
 49 management and the department of education the amount
 50 of total smaller class size infrastructure income

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1 surtax credited from the taxpayers of each school
 2 district.
 3 Sec. ____ NEW SECTION. 257.59 SMALLER CLASS SIZE
 4 INFRASTRUCTURE INCOME SURTAX DISTRIBUTION.
 5 The director of revenue and finance shall draw
 6 warrants in payment of the amount of smaller class
 7 size infrastructure surtax in the manner provided in
 8 section 298.14.
 9 Sec. ____ NEW SECTION. 257.60 CONTINUATION OF
 10 SMALLER CLASS SIZE INFRASTRUCTURE PROGRAM.
 11 1. At the expiration of the period for which the
 12 smaller class size infrastructure program was adopted,
 13 the program may be extended for a period of not
 14 exceeding five or ten years in the manner provided in
 15 section 257.51.
 16 2. If the voters do not approve adoption of the
 17 smaller class size infrastructure program, the board
 18 shall wait at least one hundred twenty days following
 19 the election before taking action to adopt the program
 20 or resubmit the proposition."
 21 2. By renumbering as necessary.

WARNSTADT of Woodbury
 BUKTA of Clinton
 FALCK of Fayette
 KINZER of Scott
 THOMAS of Clayton

BRAND of Tama
 COHOON of Des Moines
 FOEGE of Linn
 MASCHER of Johnson
 WISE of Lee

H-8676

1 Amend House File 2533 as follows:

2 1. Page 7, line 26, by striking the figure
3 "2,937,098" and inserting the following: "3,137,098".

4 2. Page 7, line 30, by striking the figure
5 "50,000" and inserting the following: "250,000".

6 3. Page 9, by striking line 26, and inserting the
7 following:

8 "If legislation providing for the creation of an
9 Iowa empowerment board, an Iowa empowerment fund, and
10 for the appropriation of moneys to be administered by
11 a community empowerment area, is enacted by the
12 Seventy-seventh General Assembly, 1998 Session, funds
13 shall not be".

14 4. By striking page 9, line 29 through page 10,
15 line 1.

16 5. Page 12, line 5, by striking the words
17 "conduct an audit" and inserting the following:
18 "require that audits of public school districts,
19 conducted in accordance with section 11.6, include an
20 examination and reporting".

21 6. Page 12, line 9, by inserting after the word
22 "districts." the following: "The auditor of state
23 shall compile information included in the individual
24 audit reports for submission by January 15, 1999, to
25 the general assembly."

26 7. Page 26, by striking lines 29 through 34 and
27 inserting the following: "to the department of
28 education for allocation to assist school districts in
29 developing reading recovery programs. From the moneys
30 allocated in this subsection, \$100,000 shall be
31 distributed to the reading recovery center, and the
32 remaining balance shall be distributed to the area
33 education agencies in the proportion that the number
34 of children who are eligible for free or reduced price
35 meals under the federal National School Lunch Act and
36 the federal Child Nutrition Act of 1966, 42 U.S.C. §
37 1751-1785, in the basic enrollment of grades one
38 through six in the area served by an agency, bears to
39 the sum of the number of children who are eligible for
40 free or reduced price meals under the federal National
41 School Lunch Act and the federal Child Nutrition Act
42 of 1966, 42 U.S.C. § 1751-1785, in the basic
43 enrollments of grades one through six in all of the
44 areas served by area education agencies in the state
45 for the budget year."

46 8. Page 34, by inserting after line 10 the
47 following:

48 "Sec. ____ CONTINGENT APPROPRIATION. In the event
49 the funds appropriated in section 257B.1A are not
50 received by the department of education in the fiscal

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1 year beginning July 1, 1998, and ending June 30, 1999,
 2 for allocation to assist school districts in
 3 developing reading recovery programs, in addition to
 4 the allocations provided for in section 294A.25, there
 5 is allocated to the department of education for the
 6 fiscal year beginning July 1, 1998, and ending June
 7 30, 1999, from phase III moneys, \$200,000, or so much
 8 thereof as is necessary, for allocation to assist
 9 school districts in developing reading recovery
 10 programs. From the moneys allocated in this section,
 11 \$100,000 shall be distributed to the reading recovery
 12 center, and the remaining balance shall be distributed
 13 to the area education agencies in the proportion that
 14 the number of children who are eligible for free or
 15 reduced price meals under the federal National School
 16 Lunch Act and the federal Child Nutrition Act of 1966,
 17 42 U.S.C. § 1751-1785, in the basic enrollment of
 18 grades one through six in the area served by an
 19 agency, bears to the sum of the number of children who
 20 are eligible for free or reduced price meals under the
 21 federal National School Lunch Act and the federal
 22 Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785, in
 23 the basic enrollments of grades one through six in all
 24 of the areas served by area education agencies in the
 25 state for the budget year."

26 9. By renumbering as necessary.

GRUNDBERG of Polk

H-8681

1 Amend the amendment, H-8616, to Senate File 2366,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 2, by inserting after line 12 the
 5 following:

6 "Sec. ____ STATE BOARD OF REGENTS. There is
 7 appropriated from the general fund of the state to the
 8 state board of regents for the fiscal year beginning
 9 July 1, 1998, and ending June 30, 1999, the following
 10 amount, or so much thereof as is necessary, to be used
 11 for the purposes designated:

12 For purposes of practitioner preparation program
 13 reform at the institutions of higher learning under
 14 the control of the state board of regents, including
 15 but not limited to, implementation of instructional
 16 technology improvements:

17 \$ 1,500,000"

18 2. By renumbering as necessary.

MASCHER of Johnson
 WISE of Lee

H-8684

- 1 Amend Senate File 2313, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 28, by inserting after line 19 the
 4 following:
 5 "DIVISION XI
 6 VISITATION - DEVIATION FROM GUIDELINES
 7 Sec. ____ Section 598.21, Code Supplement 1997, is
 8 amended by adding the following new subsection:
 9 NEW SUBSECTION. 4C. Notwithstanding subsection 4,
 10 if visitation is awarded to a parent in excess of the
 11 average liberal visitation rights award, the court
 12 shall deviate from the guidelines in calculating the
 13 child support obligation."

BODDICKER of Cedar
 MILLAGE of Scott

H-8692

- 1 Amend the amendment, H-8616, to Senate File 2366,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. By striking page 2, line 13, through page 3,
 5 line 50, and inserting the following:
 6 "Sec. ____ NEW SECTION. 256.17A TEACHER
 7 INTERNSHIP PILOT PROGRAM.
 8 1. If the general assembly appropriates moneys for
 9 the establishment and ongoing administration of a
 10 teacher internship pilot program, the state board of
 11 education shall establish and implement a competitive
 12 pilot program approval process for a teacher
 13 internship pilot program open to all Iowa colleges and
 14 universities with master's programs in practitioner
 15 preparation approved by the state board. An
 16 internship program shall, at a minimum, include the
 17 following:
 18 a. A one-year teaching experience conducted in a
 19 collaborating school district.
 20 b. Application of best practices in diverse
 21 settings and diverse student needs under the
 22 mentorship of selected district teachers and
 23 postsecondary personnel.
 24 c. Seminars and special projects designed to meet
 25 an intern's needs.
 26 d. Support by master teachers.
 27 e. Opportunity to attain coursework toward a
 28 master's degree.
 29 2. The amount of grant awarded to an institution
 30 operating an approved teacher internship pilot program
 31 shall be based upon the number of pilot program
 32 participants at the institution, times the number of

33 credit hours generated up to a maximum of twelve
 34 credit hours per participant, times two hundred
 35 dollars.
 36 3. Intern participants in a teacher internship
 37 pilot program shall pay not more than two hundred
 38 dollars per credit hour to the institution operating a
 39 pilot program in accordance with this section.
 40 4. a. There is appropriated from the general fund
 41 of the state to the department of education for the
 42 fiscal year beginning July 1, 1998, and ending June
 43 30, 1999, the sum of two hundred twenty thousand
 44 dollars for teacher internship pilot program grants.
 45 b. There is appropriated from the general fund of
 46 the state to the department of education for each
 47 fiscal year of the fiscal period beginning July 1,
 48 1999, and ending June 30, 2001, the sum of five
 49 hundred seventy-five thousand dollars for teacher
 50 internship pilot program grants."

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1 2. By renumbering as necessary.

FALCK of Fayette

H-8695

1 Amend the amendment, H-8616, to Senate File 2366,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 21, by inserting after line 41 the
 5 following:
 6 "4. Notwithstanding subsections 2 and 3, for the
 7 fiscal year beginning July 1, 1999, and each
 8 succeeding year, the total minimum salary supplement
 9 paid to a school district under phase I for the school
 10 year shall be reduced by the amount of five hundred
 11 dollars per teacher per year until the total minimum
 12 salary supplement amount equals the amount paid to the
 13 school district for the school year beginning July 1,
 14 1997, and ending June 30, 1998. This subsection shall
 15 not be construed to permit a negative impact on a
 16 teacher's annual salary as specified in a teacher's
 17 contract pursuant to the salary schedule adopted by
 18 the board of directors or negotiated under chapter 20,
 19 or to otherwise control a teacher's placement on a
 20 salary schedule adopted by the board of directors or
 21 negotiated under chapter 20."
 22 2. Page 21, by striking lines 47 and 48 and
 23 inserting the following: "salary supplement, in
 24 accordance with section 294A.5, to be paid to".
 25 3. By renumbering as necessary.

GRUNDBERG of Polk

H-8698

- 1 Amend the amendment, H-8658, to House File 2533 as
 2 follows:
 3 1. Page 1, line 3, by striking the figure
 4 "3,137,098" and inserting the following: "3,172,098".
 5 2. Page 1, line 5, by striking the figure
 6 "250,000" and inserting the following: "285,000".
 7 3. Page 1, by inserting after line 15, the
 8 following:
 9 "_. Page 10, by striking lines 17 through 23."
 10 4. Page 1, line 24, by striking the figure "1999"
 11 and inserting the following: "2000".
 12 5. Page 1, by inserting after line 45 the
 13 following:
 14 "_. Page 30, line 25, by striking the word
 15 "subsection" and inserting the following:
 16 "subsections".
 17 "_. Page 30, by inserting after line 25 the
 18 following:
 19 "NEW SUBSECTION. 10A. For the fiscal year
 20 beginning July 1, 1998, and ending June 30, 1999, the
 21 amount of thirty-five thousand dollars from phase III
 22 moneys to the department of education for allocation
 23 to the Sioux City community school district for
 24 purposes of developing and implementing a listening
 25 curriculum.""
 26 6. By striking page 1, line 48 through page 2,
 27 line 3, and inserting the following:
 28 "Sec. . CONTINGENT APPROPRIATION. In the event
 29 the funds transferred in accordance with section
 30 257B.1A, as amended by 1998 Iowa Acts, House File
 31 2533, if enacted, are not received by the department
 32 of education in the fiscal year beginning July 1,
 33 1998, and ending June 30, 1999, for allocation to
 34 assist school districts in developing reading recovery
 35 programs, in addition to the allocations provided
 36 for".
 37 7. By renumbering as necessary.

GRUNDBERG of Polk

H-8701

- 1 Amend House File 2533 as follows:
 2 1. Page 27, by inserting after line 3 the
 3 following:
 4 "Sec. . Section 260C.14, Code Supplement 1997,
 5 is amended by adding the following new subsection:
 6 NEW SUBSECTION. 22. By July 1, 1999, adopt a
 7 written policy under which the community college shall
 8 carry out drug testing of student or prospective
 9 students prior to issuing state-supported loans,

10 grants, or scholarships to a student or prospective
11 student. The written policy shall be provided to a
12 student or prospective student prior to drug testing
13 carried out in accordance with this subsection. The
14 community colleges shall require students or
15 prospective students to submit to a test for the
16 presence of drugs, as defined in section 730.5, prior
17 to the issuance of a state-supported loan, grant, or
18 scholarship. A positive result on the drug test makes
19 the student ineligible for a state-sponsored loan,
20 grant, or scholarship. Students and prospective
21 students shall be provided an opportunity to provide
22 any information that may be considered relevant to the
23 test, including identification of prescription or
24 nonprescription drugs currently or recently used, or
25 other relevant medical information. To assist a
26 student or prospective student in providing the
27 information described in this subsection, the
28 community college shall provide a student or
29 prospective student with a list of the drugs to be
30 tested. Drug testing shall include confirmation of
31 any initial positive test results. For drug testing,
32 confirmation shall be by use of a different chemical
33 process than was used in the initial screen for drugs.
34 The confirmatory drug test shall be a chromatographic
35 technique such as gas chromatography or mass
36 spectrometry, or another comparably reliable
37 analytical method.

38 All communications received by the community
39 college relevant to a student's or prospective
40 student's drug test results, or otherwise received
41 through the community college's drug testing program,
42 are confidential communications and shall not be used
43 or received in evidence, obtained in discovery, or
44 disclosed in any public or private proceeding, except
45 as otherwise provided or authorized by this
46 subsection. A student or a prospective student, who
47 is the subject of a drug test conducted under this
48 subsection and for whom a confirmed positive test
49 result is reported, shall, upon written request, have
50 access to any records relating to the individual's

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1 drug test, including records of the laboratory where
2 the testing was conducted and any records relating to
3 the results of any relevant certification or review by
4 a medical review officer. Except as necessary to
5 conduct drug testing under this subsection and to file
6 a report, a laboratory and a medical review officer
7 conducting drug testing under this subsection shall
8 not use or disclose to any person any personally
9 identifiable information regarding such testing,

10 including the names of individuals tested, even if
11 unaccompanied by the results of the test.”
12 2. Page 28, by inserting after line 22 the
13 following:
14 “Sec. ____ Section 262.9, Code Supplement 1997, is
15 amended by adding the following new subsection:
16 NEW SUBSECTION. 30. Direct the institutions of
17 higher learning under its control to carry out drug
18 testing within the terms of a written policy each
19 institution shall adopt by July 1, 1999, and provide
20 to every student or prospective student prior to
21 testing. The institutions shall require students to
22 submit to a test for the presence of drugs, as defined
23 in section 730.5, prior to the issuance of a state-
24 supported loan, grant, or scholarship. A positive
25 result on the drug test makes the student ineligible
26 for a state-sponsored loan, grant, or scholarship.
27 Students and prospective students shall be provided an
28 opportunity to provide any information that may be
29 considered relevant to the test, including
30 identification of prescription or nonprescription
31 drugs currently or recently used, or other relevant
32 medical information. To assist a student or
33 prospective student in providing the information
34 described in this subsection, the institution shall
35 provide a student or prospective student with a list
36 of the drugs to be tested. Drug testing shall include
37 confirmation of any initial positive test results.
38 For drug testing, confirmation shall be by use of a
39 different chemical process than was used in the
40 initial screen for drugs. The confirmatory drug test
41 shall be a chromatographic technique such as gas
42 chromatography or mass spectrometry, or another
43 comparably reliable analytical method.
44 All communications received by the institution
45 relevant to a student's or prospective student's drug
46 test results, or otherwise received through the
47 institution's drug testing program, are confidential
48 communications and shall not be used or received in
49 evidence, obtained in discovery, or disclosed in any
50 public or private proceeding, except as otherwise

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1 provided or authorized by this subsection. A student
2 or a prospective student, who is the subject of a drug
3 test conducted under this subsection and for whom a
4 confirmed positive test result is reported, shall,
5 upon written request, have access to any records
6 relating to the individual's drug test, including
7 records of the laboratory where the testing was
8 conducted and any records relating to the results of
9 any relevant certification or review by a medical

10 review officer. Except as necessary to conduct drug
11 testing under this subsection and to file a report, a
12 laboratory and a medical review officer conducting
13 drug testing under this subsection shall not use or
14 disclose to any person any personally identifiable
15 information regarding such testing, including the
16 names of individuals tested, even if unaccompanied by
17 the results of the test.”
18 3. By renumbering as necessary.

BRUNKHORST of Bremer
THOMSON of Linn

H-8708

1 Amend the amendment, H-8616, to Senate File 2366,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 13, by inserting after line 18 the
5 following:
6 “Sec. ____ Section 257.1, subsection 2, unnumbered
7 paragraph 3, Code 1997, is amended to read as follows:
8 For the budget ~~year~~ years commencing July 1, ~~1995~~
9 1998, and July 1, 1999, the department of management
10 shall add the amount of the additional budget
11 adjustment computed in section 257.14, subsection 2,
12 to the combined foundation base.”
13 2. Page 14, by striking line 42 and inserting the
14 following:
15 “2. For the budget ~~year~~ years beginning July 1,
16 ~~1995 1998, and July 1.~~”
17 3. By renumbering as necessary.

WEIGEL of Chickasaw

H-8709

1 Amend Senate File 2381, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1, Page 8, by inserting after line 13 the
4 following:
5 “Of the amount appropriated in this subsection and
6 as much that is necessary but not to exceed \$500,000
7 shall be used to implement soil conservation practices
8 in the watershed of Backbone lake located at Backbone
9 state park.”

KREMER of Buchanan
THOMAS of Clayton

H-8710

1 Amend the amendment, H-8616, to Senate File 2366,

- 2 as amended, passed, and reprinted by the Senate, as
3 follows:
- 4 1. Page 21, by inserting after line 41 the
5 following:
- 6 "4. Notwithstanding subsections 2 and 3, for the
7 fiscal year beginning July 1, 1999, and each
8 succeeding year, the total minimum salary supplement
9 paid to a school district under phase I for the school
10 year shall be reduced by the amount of five hundred
11 dollars per teacher per year until the total minimum
12 salary supplement amount equals the amount paid to the
13 school district for the school year beginning July 1,
14 1997, and ending June 30, 1998. This subsection shall
15 not be construed to permit a negative impact on a
16 teacher's annual salary as specified in a teacher's
17 contract pursuant to the salary schedule adopted by
18 the board of directors or negotiated under chapter 20,
19 or to otherwise control a teacher's placement on a
20 salary schedule adopted by the board of directors or
21 negotiated under chapter 20. The total amount of the
22 annual reduction required under this section for the
23 previous fiscal year shall be considered a
24 supplemental allocation amount for purposes of
25 sections 294A.9 and 294A.25."
- 26 2. Page 21, by striking lines 47 and 48 and
27 inserting the following: "salary supplement, in
28 accordance with section 294A.5, to be paid to".
- 29 3. By renumbering as necessary.

GRUNDBERG of Polk

H-8718

- 1 Amend Senate File 2397, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 5, by inserting after line 29 the
4 following:
- 5 "Sec. ____ Section 910.1, subsection 5, Code
6 Supplement 1997, is amended to read as follows:
- 7 5. "Victim" means a person who has suffered
8 pecuniary damages as a result of the offender's
9 criminal activities. ~~However, for purposes of this~~
10 ~~chapter, an insurer is not a victim and does not have~~
11 ~~a right of subrogation.~~ The crime victim compensation
12 program is not an insurer for purposes of this
13 chapter, and the right of subrogation provided by
14 section 912.12 does not prohibit restitution to the
15 crime victim compensation program."
- 16 2. By renumbering as necessary.

WARNSTADT of Woodbury

H-8719

- 1 Amend the amendment, H-8616, to Senate File 2366,

- 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 5, line 30, by inserting after the word
 5 "rights," the following: "section 280.21 relating to
 6 corporal punishment,".
 7 2. By renumbering as necessary.

SCHERRMAN of Dubuque

H-8722

- 1 Amend Senate File 2329, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Sec. ____ Section 910.1, subsection 5, Code
 6 Supplement 1997, is amended to read as follows:
 7 5. "Victim" means a person who has suffered
 8 pecuniary damages as a result of the offender's
 9 criminal activities. ~~However, for purposes of this~~
 10 ~~chapter, an insurer is not a victim and does not have~~
 11 ~~a right of subrogation. The crime victim compensation~~
 12 program is not an insurer for purposes of this
 13 chapter, and the right of subrogation provided by
 14 section 912.12 does not prohibit restitution to the
 15 crime victim compensation program."
 16 2. By renumbering as necessary.

WARNSTADT of Woodbury

H-8731

- 1 Amend the amendment, H-8616, to Senate File 2366,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. By striking page 21, line 5 through page 22,
 5 line 18.
 6 2. Page 22, by inserting after line 39 the
 7 following:
 8 "Sec. ____ Section 294A.25, Code Supplement 1997,
 9 is amended by adding the following new subsection:
 10 NEW SUBSECTION. 2A. For the fiscal year beginning
 11 July 1, 1998, and ending June 30, 1999, a supplemental
 12 allocation amount of two million four hundred thousand
 13 dollars for phase II distribution as provided in
 14 section 294A.9."
 15 3. By renumbering as necessary.

GARMAN of Story

H-8736

- 1 Amend House File 2498 as follows:

- 2 1. Page 12, by inserting after line 8 the
 3 following:
 4 "It is the intent of the general assembly that
 5 pari-mutuel advertising shall not focus on children,
 6 shall inform the public on the uses of pari-mutuel
 7 wagering and slot machine proceeds, and shall focus on
 8 pari-mutuel wagering and slot machines as
 9 entertainment in lieu of potential winnings."

MURPHY of Dubuque

H-8739

- 1 Amend Senate File 58, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 2, by striking the word "English"
 4 and inserting the following: "American".
 5 2. Page 1, line 4, by striking the words "the
 6 English" and inserting the following: "the American".
 7 3. Page 1, line 4, by striking the words "This
 8 English" and inserting the following: "This
 9 American".
 10 4. Page 1, line 10, by striking the word
 11 "English" and inserting the following: "American".
 12 5. Page 1, line 12, by striking the word
 13 "English" and inserting the following: "American".
 14 6. Page 1, line 14, by striking the word
 15 "English" and inserting the following: "American".
 16 7. Page 1, line 31, by striking the word
 17 "English" and inserting the following: "American".
 18 8. Page 1, line 32, by striking the word "non-
 19 English" and inserting the following: "non-American".
 20 9. Title page, line 1, by striking the word
 21 "English" and inserting the following: "American".

DODERER of Johnson
 WITT of Black Hawk
 WISE of Lee
 COHOON of Des Moines
 WHITEAD of Woodbury
 DOTZLER of Black Hawk
 BERNAU of Story
 MASCHER of Johnson
 RICHARDSON of Warren
 MYERS of Johnson
 KREIMAN of Davis
 SCHERRMAN of Dubuque

CONNORS of Polk
 JOCHUM of Dubuque
 FORD of Polk
 LARKIN of Lee
 FOEGE of Linn
 TAYLOR of Linn
 CHIODO of Polk
 FALLON of Polk
 KOENIGS of Mitchell
 OSTERHAUS of Jackson
 KINZER of Scott

H-8744

- 1 Amend the amendment, H-8616, to Senate File 2366,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 22, by inserting after line 50 the
5 following:
6 "Sec. ____ DEPARTMENT OF EDUCATION STUDY. Subject
7 to an appropriation of sufficient funds by the general
8 assembly, the director of the department of education
9 shall convene a study committee to survey existing
10 assessment tools used for measuring career options for
11 high school students and identify or develop and
12 distribute an assessment tool that measures students'
13 unique and general aptitudes and abilities,
14 personality characteristics, personal interests, and
15 other characteristics which assist students to better
16 understand how their individual intellectual,
17 emotional, and personality attributes affect career
18 pathway options. The assessment tool identified or
19 developed in accordance with this section shall be
20 age-appropriate for middle and secondary school
21 students, including but not limited to at-risk
22 students and talented and gifted students. However,
23 the assessment tool shall also be capable of
24 addressing the lifelong learning needs of Iowa's
25 citizens, and the needs of social welfare recipients
26 and individuals within the correctional system. The
27 assessment tool shall be valid and reliable under
28 current educational standards, and aligned with the
29 United States secretary of labor's commission on
30 achieving necessary skills, and with the guidelines
31 published by the national career development
32 association and other national validation groups. The
33 assessment tool shall also reflect the current range
34 of career choices in the marketplace, with provision
35 made for updating or adapting the assessment tool to
36 meet the needs of a changing marketplace. In
37 addition, the assessment tool shall provide the
38 student with a basis for a portfolio and planning
39 guide for a variety of career options.
40 The director of education shall appoint members to
41 the committee that represent business and industry,
42 labor organizations, school-to-work programs, the
43 council on human investment, the department of
44 education, the vocational rehabilitation services
45 division, the institute for physical research and
46 technology, the department of economic development,
47 the department of workforce development, and the
48 institutions of higher learning under the control of
49 the state board of regents. The director shall serve
50 as chairperson of the committee.

Page 2

1 By January 1, 1999, the department shall provide
2 the assessment tools to public school districts upon

- 3 receiving a written request."
4 2. By renumbering as necessary.

FALCK of Fayette

H-8745

- 1 Amend House File 2498 as follows:
2 1. Page 12, by inserting after line 8 the
3 following:
4 "It is the intent of the general assembly that any
5 person serving as chairperson of the board of
6 directors of a nonprofit corporation which is licensed
7 to conduct pari-mutuel wagering pursuant to chapter
8 99D, shall not participate in or receive directly or
9 indirectly any money or valuable thing from horse
10 racing, dog racing, or pari-mutuel wagering at the
11 facility licensed for gambling activities by the state
12 racing and gaming commission. A person who knowingly
13 violates the provisions of this paragraph shall
14 forfeit the person's position on the board of
15 directors of the affected nonprofit corporation."

CHIODO of Polk

H-8747

- 1 Amend Senate File 187, as passed by the Senate, as
2 follows:
3 1. Page 2, by inserting after line 11 the
4 following:
5 "Sec. ____ Section 481A.130, subsection 1,
6 paragraph c, Code 1997, is amended to read as follows:
7 c. For each bird or animal or the raw pelt or
8 plumage of such bird or animal for which damages are
9 not otherwise prescribed, fifty dollars. If a value
10 higher than the value prescribed in this section is
11 established for a bird or animal, the higher value
12 shall be reimbursed to the state."
13 2. By renumbering as necessary.

BARRY of Harrison

H-8753

- 1 Amend Senate File 58, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 6, by inserting after the word
4 "language," the following: "to communications
5 utilizing the international language Esperanto,".

BERNAU of Story

H-8762

- 1 Amend House File 2498 as follows:
- 2 1. Page 12, by inserting after line 31 the
- 3 following:
- 4 "It is the intent of the general assembly that
- 5 excursion gambling boat advertising shall not focus on
- 6 children, shall inform the public on the uses of
- 7 excursion boat gambling tax proceeds, and shall focus
- 8 on excursion boat gambling as entertainment in lieu of
- 9 potential winnings."

MURPHY of Dubuque

H-8765

- 1 Amend Senate File 367, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 11, by inserting after the word
- 4 "owner" the following: "or during the preceding three
- 5 years, whichever time period is greater".

WEIGEL of Chickasaw

H-8767

- 1 Amend Senate File 2380, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 29 through 32 and
- 4 inserting the following: "carrier's average
- 5 intrastate access service rates. In determining
- 6 economic costs of access service the".

WEIGEL of Chickasaw

H-8768

- 1 Amend Senate File 2380, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 13, by striking the figure "
- 4 (3),".
- 5 2. By striking page 2, line 10, through page 3,
- 6 line 13.
- 7 3. Page 3, by striking lines 23 through 35.
- 8 4. By striking page 4, line 29, through page 5,
- 9 line 6.
- 10 5. By renumbering as necessary.

WEIGEL of Chickasaw

H-8771

- 1 Amend Senate File 2380, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 5, by striking the word "ninety"
4 and inserting the following: "one hundred fifty".

KOENIGS of Mitchell

H-8772

- 1 Amend Senate File 58, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 5 the
4 following:
5 "Sec. ____ NEW SECTION. 1.19 COMMON SYSTEM OF
6 MEASUREMENT.
7 The common system of units, weights, and
8 measurements of the state shall be those established
9 by the federal Omnibus Trade and Competitiveness Act
10 of 1988. All official procurements, grants, and other
11 business-related activities shall utilize the metric
12 system of measurement beginning July 1, 2002. If
13 conversion to the metric system of measurement
14 pursuant to this section is determined not to be
15 economically feasible by July 1, 2002, then prior to
16 July 1, 2002, an alternative date shall be
17 designated."
18 2. Title page, line 1, by striking the word
19 "state." and inserting the following: "state, and a
20 common system of measurement."

TAYLOR of Linn

H-8773

- 1 Amend Senate File 58, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 5 the
4 following:
5 "Sec. ____ Sections 618.1 and 618.2, Code 1997,
6 are repealed."

TAYLOR of Linn

H-8775

- 1 Amend the amendment, H-8455, to Senate File 2406,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 8, lines 38 and 39, by striking the words
5 "under the authority of the Iowa empowerment board".
6 2. Page 8, by striking lines 46 through 50 and
7 inserting the following:
8 "2. A school ready children grants account is
9 created in the Iowa empowerment fund under the
10 authority of the director of the department of

11 education. Moneys credited to the account shall be
12 distributed in the form of grants to community
13 empowerment areas as recommended by the Iowa board in
14 accordance with law.

15 3. An early childhood programs grant account is
16 created in the Iowa empowerment fund under the
17 authority of the director of human services. Moneys
18 credited to the account shall be distributed in the
19 form of grants to community empowerment areas as
20 recommended by the Iowa board in accordance with law."

21 3. Page 10, line 37 by inserting after the word
22 "Act." the following: "The Iowa board shall submit to
23 the governor and the general assembly a proposed
24 funding formula for distribution of school ready
25 children grant moneys as necessary for statewide
26 implementation of the grant program for the fiscal
27 year beginning July 1, 1999, and subsequent fiscal
28 years."

29 4. Page 11, line 46 by inserting after the word
30 "may" the following: "recommend that the appropriate
31 department".

32 5. By renumbering as necessary.

HOUSER of Pottawattamie

H-8778

1 Amend Senate File 2280, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 20, by striking lines 14 through 16.

BLODGETT of Cerro Gordo
MAY of Worth

H-8779

1 Amend House File 2539 as follows:
2 1. Page 1, by striking line 10 and inserting the
3 following:
4 " \$ 7,537,328"

MURPHY of Dubuque

H-8781

1 Amend Senate File 58, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 13, by striking the word "state."
4 and inserting the following: "state, and shall
5 provide funding for the excess costs of instruction of
6 non-English-speaking students pursuant to section
7 280.4, subsection 3, for an additional year."

8 2. Page 2, by inserting after line 5 the
 9 following:
 10 "Sec. ____ Section 280.4, subsection 3, Code 1997,
 11 is amended to read as follows:
 12 3. In order to provide funds for the excess costs
 13 of instruction of limited English proficient students
 14 above the costs of instruction of pupils in a regular
 15 curriculum, students identified as limited English
 16 proficient shall be assigned an additional weighting
 17 that shall be included in the weighted enrollment of
 18 the school district of residence for a period not
 19 exceeding ~~three~~ four years. However, the school
 20 budget review committee may grant supplemental aid or
 21 modified allowable growth to a school district to
 22 continue funding a program for students after the
 23 expiration of the ~~three-year~~ four-year period. The
 24 school budget review committee shall calculate the
 25 additional amount for the weighting to the nearest
 26 one-hundredth of one percent so that to the extent
 27 possible the moneys generated by the weighting will be
 28 equivalent to the moneys generated by the two-tenths
 29 weighting provided prior to July 2, 1991."

RANTS of Woodbury
GRUNDBERG of Polk

H-8782

1 Amend Senate File 2296, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 7, by inserting after line 16 the
 4 following:
 5 "Beginning September 30, 1998, the department shall
 6 file a report quarterly with the general assembly in a
 7 manner consistent with section 7A.11 and with the
 8 chairpersons and ranking members of the joint
 9 appropriations subcommittee on economic development
 10 regarding moneys expended by the department during the
 11 previous three months on China-related activities.
 12 The report shall list the expenses in a line-item
 13 format."

CORMACK of Webster

H-8783

1 Amend House File 2539 as follows:
 2 1. Page 27, by striking line 26 and inserting the
 3 following:
 4 " \$ 136,000"

BELL of Jasper

H-8784

1 Amend the amendment, H-8701, to House File 2533 as
2 follows:

3 1. Page 1, by inserting after line 1 the
4 following:

5 "_. Page 26, by inserting after line 3 the
6 following:

7 "Sec. ____ Section 125.7, Code 1997, is amended by
8 adding the following new subsection:

9 NEW SUBSECTION. 8. By July 1, 1999, adopt a
10 written policy under which the Iowa board of substance
11 abuse certification in the substance abuse and health
12 promotion division of the department of public health
13 shall carry out drug testing of applicants for
14 certification, or renewal of certification, as a
15 prevention specialist. The written policy shall be
16 provided to an applicant prior to drug testing carried
17 out in accordance with this subsection. The
18 commission shall require applicants to submit to a
19 test for the presence of drugs, as defined in section
20 730.5, prior to receiving certification or renewal of
21 certification as a prevention specialist. A positive
22 result on the drug test makes the applicant ineligible
23 for certification or renewal under this subsection.
24 Applicants shall be provided an opportunity to provide
25 any information that may be considered relevant to the
26 test, including identification of prescription or
27 nonprescription drugs currently or recently used, or
28 other relevant medical information. To assist an
29 applicant in providing the information described in
30 this subsection, the Iowa board of substance abuse
31 certification shall provide an applicant with a list
32 of the drugs to be tested. Drug testing shall include
33 confirmation of any initial positive test results.
34 For drug testing, confirmation shall be by use of a
35 different chemical process than was used in the
36 initial screen for drugs. The confirmatory drug test
37 shall be a chromatographic technique such as gas
38 chromatography or mass spectrometry, or another
39 comparably reliable analytical method.

40 All communications received by the Iowa board of
41 substance abuse certification relevant to an
42 applicant's drug test results, or otherwise received
43 through the drug testing program, are confidential
44 communications and shall not be used or received in
45 evidence, obtained in discovery, or disclosed in any
46 public or private proceeding, except as otherwise
47 provided or authorized by this subsection. An
48 applicant who is the subject of a drug test conducted
49 under this subsection and for whom a confirmed
50 positive test result is reported, shall, upon written

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- 1 request, have access to any records relating to the
- 2 applicant's drug test, including records of the
- 3 laboratory where the testing was conducted and any
- 4 records relating to the results of any relevant
- 5 certification or review by a medical review officer.
- 6 Except as necessary to conduct drug testing under this
- 7 subsection and to file a report, a laboratory and a
- 8 medical review officer conducting drug testing under
- 9 this subsection shall not use or disclose to any
- 10 person any personally identifiable information
- 11 regarding such testing, including the names of
- 12 individuals tested, even if unaccompanied by the
- 13 results of the test."
- 14 2. By renumbering as necessary.

WISE of Lee
MORELAND of Wapello

H-8785

- 1 Amend House File 2539 as follows:
- 2 1. Page 33, by inserting after line 9 the
- 3 following:
- 4 "10. It is the intent of the general assembly that
- 5 the department of public safety form a task force to
- 6 coordinate the development of a highway interdiction
- 7 team to target the transportation of methamphetamine
- 8 into this state by way of Interstate 35, Interstate
- 9 80, and other interstate highway connections. The
- 10 task force shall include representatives from the
- 11 divisions of narcotics enforcement and the Iowa state
- 12 patrol of the department of public safety, and the
- 13 federal drug enforcement agency."
- 14 2. By renumbering as necessary.

MILLAGE of Scott

H-8790

- 1 Amend House File 2518 as follows:
- 2 1. Page 2, line 14, by striking the words "of
- 3 funding for" and inserting the following: "of
- 4 \$150,000 or the amount of funding needed to
- 5 implement".

MURPHY of Dubuque
BRAND of Tama

H-8793

- 1 Amend House File 2538 as follows:

- 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 15E.193, subsection 1,
 5 paragraph a, Code Supplement 1997, is amended to read
 6 as follows:
 7 a. Is not a retail business, a business holding a
 8 sales tax permit, or a business where entrance is
 9 limited by a cover charge or membership requirement."
 10 2. By renumbering as necessary.

WARNSTADT of Woodbury
 WHITEAD of Woodbury

H-8795

- 1 Amend the amendment, H-8783, to House File 2539 as
 2 follows:
 3 1. Page 1, by striking lines 2 through 4 and
 4 inserting the following:
 5 "_. Page 28, by inserting after line 4 the
 6 following:
 7 "Sec. __. COMMUNITY GRANT FUND - DRUG ABUSE
 8 RESISTANCE EDUCATION. Notwithstanding any provision
 9 of section 232.190 to the contrary, there is
 10 appropriated from the community grant fund established
 11 in section 232.190 to the Iowa law enforcement academy
 12 for the fiscal year beginning July 1, 1998, and ending
 13 June 30, 1999, the following amount, or so much
 14 thereof as is necessary, to be used for the purpose
 15 designated:
 16 For salaries, support, maintenance, and
 17 miscellaneous purposes to provide statewide
 18 coordination of the drug abuse resistance education
 19 (D.A.R.E.) program:
 20 \$ 56,000"
 21 _ . By renumbering as necessary."

CARROLL of Poweshiek

H-8804

- 1 Amend the amendment, H-8729, to House File 2498 as
 2 follows:
 3 1. Page 1, line 10, by inserting after the word
 4 "city." the following: "In formulating the
 5 recommendation, an analysis shall be made of the
 6 benefits of state governmental departments being
 7 located in the Des Moines area and the costs and
 8 benefits of relocating certain state governmental
 9 departments to other areas of the state."

RANTS of Woodbury

H-8806

- 1 Amend House File 2539 as follows:
 2 1. Page 30, by striking line 26 and inserting the
 3 following:
 4 "..... \$ 11,532,123"

GARMAN of Story

H-8808

- 1 Amend House File 2539 as follows:
 2 1. Page 27, by inserting after line 26 the
 3 following:
 4 "..... For costs associated with providing training
 5 and education to state and local law enforcement
 6 personnel regarding the recognition of and response to
 7 persons with Alzheimer's disease:
 8 \$ 12,000"
 9 2. By renumbering as necessary.

NELSON of Marshall
MARTIN of Scott

H-8812

- 1 Amend the Senate amendment, H-8758, to House File
 2 2290, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, line 50, by striking the words "seven
 5 thousand five hundred" and inserting the following:
 6 "six thousand".
 7 2. Page 2, line 1, by inserting after the word
 8 "licenses." the following: "Five hundred of the
 9 licenses shall be issued for antlerless deer only."

DOTZLER of Black Hawk

H-8813

- 1 Amend the Senate amendment, H-8758, to House File
 2 2290, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 2, line 1, by inserting after the word
 5 "licenses." the following: "Six hundred twenty-five
 6 of the licenses shall be issued to nonresident archery
 7 hunters only."

DOTZLER of Black Hawk

H-8815

- 1 Amend Senate File 58, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 5 the
4 following:

5 "___ To the continued utilization of the Latin
6 phrases "novus ordo seclorum", "annuit coeptis", and
7 "e pluribus unum" on denominations of United States
8 coins and currency in circulation throughout the
9 state."

WITT of Black Hawk

H-8819

1 Amend Senate File 2374, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 7, by inserting before line 12 the
4 following:

5 "Sec. ___ NEW SECTION. 356.50 PRIVATE
6 TRANSPORTATION OF PRISONERS.

7 If a county sheriff contracts with a private person
8 or entity for the transportation of prisoners to or
9 from a county jail, the contract shall include
10 provisions which require the following:

11 1. The private person or any officers or employees
12 of the private person or private entity shall not have
13 been convicted of any of the following:

14 a. A felony.

15 b. Within the three-year period immediately
16 preceding the date of the execution of the contract, a
17 violation of the laws pertaining to operation of motor
18 vehicles punishable as a serious misdemeanor or
19 greater offense.

20 c. Domestic abuse assault in which bodily injury
21 was inflicted or attempted to be inflicted.

22 d. A crime involving illegal manufacture, use,
23 possession, sale, or an attempt to illegally
24 manufacture, use, possess, or sell alcohol or a
25 controlled substance or other drug.

26 2. The person or persons actually transporting the
27 prisoners shall be trained and proficient in the safe
28 use of firearms.

29 3. Any employees of a private entity which has
30 entered into the contract for transportation of
31 prisoners shall only possess and use security and
32 restraint equipment, including any firearms, which has
33 been issued by the private entity.

34 4. The person or persons actually transporting the
35 prisoners shall be trained and proficient in
36 appropriate transportation procedures.

37 5. The person or entity complies, within one year
38 of publication, with any applicable standards for the
39 transportation of prisoners promulgated by the
40 American corrections association."

- 41 2. Page 8, by inserting before line 12 the
 42 following:
 43 "Sec. ____, NEW SECTION. 904.320 PRIVATE
 44 TRANSPORTATION OF PRISONERS.
 45 1. If the director contracts with a private person
 46 or entity for the transportation of inmates to or from
 47 an institution, the contract shall include provisions
 48 which require the following:
 49 a. The private person or any officers or employees
 50 of the private person or private entity shall not have

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- 1 been convicted of any of the following:
 2 (1) A felony.
 3 (2) Within the three-year period immediately
 4 preceding the date of the execution of the contract, a
 5 violation of the laws pertaining to operation of motor
 6 vehicles punishable as a serious misdemeanor or
 7 greater offense.
 8 (3) Domestic abuse assault in which bodily injury
 9 was inflicted or attempted to be inflicted.
 10 (4) A crime involving illegal manufacture, use,
 11 possession, sale, or an attempt to illegally
 12 manufacture, use, possess, or sell alcohol or a
 13 controlled substance or other drug.
 14 b. The person or persons actually transporting the
 15 prisoners shall be trained and proficient in the safe
 16 use of firearms.
 17 c. Any employees of a private entity which has
 18 entered into the contract for transportation of
 19 prisoners shall only possess and use security and
 20 restraint equipment, including any firearms, which has
 21 been issued by the private entity.
 22 d. The person or persons actually transporting the
 23 prisoners shall be trained and proficient in
 24 appropriate transportation procedures.
 25 e. The person or entity complies, within one year
 26 of publication, with any applicable standards for the
 27 transportation of prisoners promulgated by the
 28 American corrections association.
 29 2. The department shall adopt rules pertaining to
 30 contracts with private persons or entities providing
 31 transportation of inmates of institutions under the
 32 control of the department."
 33 3. Title page, line 4, by inserting after the
 34 word "investigators," the following: "providing for
 35 certain contractual requirements for the
 36 transportation of prisoners and the adoption of rules
 37 by the department of corrections."
 38 4. By renumbering as necessary.

H-8820

1 Amend the amendment, H-8796, to Senate File 2391,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. By striking page 6, line 50, through page 7,
5 line 9, and inserting the following:
6 "d. Violation of this subsection, with respect to
7 any other controlled substances, counterfeit
8 substances, or simulated controlled substances
9 classified in schedule IV or V is an aggravated
10 misdemeanor and persons convicted of violating this
11 subsection shall also perform not less than eighty
12 hours of unpaid community service. However, violation
13 of this subsection involving fifty kilograms or less
14 of marijuana, is a class "D" felony, and in addition
15 to the provisions of section 902.9, subsection 4,
16 shall be punished by a fine of not less than one
17 thousand dollars nor more than five seven thousand
18 five hundred dollars and shall perform not less than
19 three hundred twenty hours of unpaid community
20 service."

21 2. Page 7, by striking lines 12 through 48 and
22 inserting the following:

23 "5. It is unlawful for any person knowingly or
24 intentionally to possess a controlled substance unless
25 such substance was obtained directly from, or pursuant
26 to, a valid prescription or order of a practitioner
27 while acting in the course of the practitioner's
28 professional practice, or except as otherwise
29 authorized by this chapter. Any person who violates
30 this subsection is guilty of a serious misdemeanor for
31 a first offense and shall also perform not less than
32 forty hours of unpaid community service. A person who
33 commits a violation of this subsection and who has
34 previously been convicted of violating this subsection
35 is guilty of an aggravated misdemeanor and shall also
36 perform not less than eighty hours of unpaid community
37 service. A person who commits a violation of this
38 subsection and has previously been convicted two or
39 more times of violating this subsection is guilty of a
40 class "D" felony and shall also perform not less than
41 three hundred twenty hours of unpaid community
42 service.

43 PARAGRAPH DIVIDED. If the controlled substance is
44 marijuana, the punishment shall be by imprisonment in
45 the county jail for not more than six months or by a
46 fine of not more than one thousand dollars, or by both
47 such fine and imprisonment for a first offense and the
48 person shall also perform not less than forty hours of
49 unpaid community service. If the controlled substance
50 is marijuana and the person has been previously

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1 convicted of a violation of this subsection in which
 2 the controlled substance was marijuana, the punishment
 3 shall be as provided in section 903.1, subsection 1,
 4 paragraph "b", and the person shall perform not less
 5 than sixty hours of unpaid community service. If the
 6 controlled substance is marijuana and the person has
 7 been previously convicted two or more times of a
 8 violation of this subsection in which the controlled
 9 substance was marijuana, the person is guilty of an
 10 aggravated misdemeanor and shall perform not less than
 11 eighty hours of unpaid community service.
 12 PARAGRAPH DIVIDED. All Except for any mandatory
 13 community service performance requirements, all or any
 14 part of a sentence imposed pursuant to this section
 15 subsection may be suspended and the person placed upon
 16 probation upon such terms and conditions as the court
 17 may impose including the active participation by such
 18 person in a drug treatment, rehabilitation or
 19 education program approved by the court."
 20 3. Page 12, line 2, by inserting after the word
 21 "offenses" the following: "and requiring community
 22 service for certain other controlled substance
 23 violations".

KREIMAN of Davis

H-8821

1 Amend the amendment, H-8796, Senate File 2391, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 7, line 4, by inserting after the word
 5 "misdemeanor" the following: "and the violator shall
 6 be imprisoned in the county jail for not less than
 7 seven days".
 8 2. Page 7, line 9, by inserting after the word
 9 "dollars" the following: "and imprisonment of not
 10 less than thirty days".
 11 3. Page 7, line 20, by inserting after the word
 12 "offense" the following: ", and shall be imprisoned
 13 in the county jail for not less than forty-eight
 14 hours".
 15 4. Page 7, line 23, by inserting after the word
 16 "misdemeanor" the following: ", and shall be
 17 imprisoned in the county jail for not less than seven
 18 days".
 19 5. Page 7, line 26, by inserting after the word
 20 "felony" the following: ", and shall be imprisoned
 21 for not less than thirty days".
 22 6. Page 7, line 29, by inserting after the word
 23 "for" the following: "not less than forty-eight hours".

- 24 and".
 25 7. Page 7, line 36, by inserting after the word
 26 "b" the following: "except that the person shall
 27 also be imprisoned in the county jail for not less
 28 than forty-eight hours".
 29 8. Page 7, line 41, by inserting after the word
 30 "misdemeanor" the following: "and shall be
 31 imprisoned in the county jail for not less than seven
 32 days".
 33 9. Page 7, line 42, by striking the word "All"
 34 and inserting the following: "All Except for any
 35 mandatory minimum term of imprisonment, all".
 36 10. Page 12, line 2, by striking the word
 37 "methamphetamine".

KREIMAN of Davis

H-8822

- 1 Amend the amendment, H-8796, to Senate File 2391,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 9, by inserting before line 4 the
 5 following:
 6 "Sec. ____ Section 811.2, subsection 1, Code 1997,
 7 is amended by adding the following new unnumbered
 8 paragraph:
 9 NEW UNNUMBERED PARAGRAPH. Any bailable defendant
 10 who is charged with unlawful possession, manufacture,
 11 delivery, or distribution of a controlled substance or
 12 other drug under chapter 124 or 125 and is ordered
 13 released shall be required, as a condition of that
 14 release, to submit to a substance abuse evaluation and
 15 follow any recommendations proposed in the evaluation
 16 for appropriate substance abuse treatment."
 17 2. Page 12, line 7, by inserting after the word
 18 "appeal" the following: "and certain bailable
 19 defendants are subject to certain bail conditions".
 20 3. By numbering and renumbering as necessary.

KREIMAN of Davis

H-8823

- 1 Amend the Senate amendment, H-8758, to House File
 2 2290, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 2, line 1, by inserting after the word
 5 "licenses" the following: "Two hundred fifty of the
 6 licenses shall be issued to nonresident archery
 7 hunters only."

DOTZLER of Black Hawk

H-8834

- 1 Amend Senate File 58, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 5 the
- 4 following:
- 5 "___ To any oral communication or written
- 6 publication of the department of human services
- 7 relating to matters within the scope of the
- 8 department's authority."

BERNAU of Story

H-8835

- 1 Amend Senate File 58, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 5 the
- 4 following:
- 5 "___ To any oral communication or written
- 6 publication of the Iowa department of public health
- 7 relating to matters within the scope of the
- 8 department's authority."

BERNAU of Story

H-8836

- 1 Amend Senate File 58, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 5 the
- 4 following:
- 5 "___ To any publication of the civil rights
- 6 commission. Written material produced by the civil
- 7 rights commission relating to the law, citizens'
- 8 rights, commission services, or any other matter
- 9 within the scope of the commission's authority may be
- 10 published in any language the commission currently
- 11 utilizes or may find necessary to utilize in the
- 12 future in order to effectively communicate with the
- 13 intended recipient of the material."

BERNAU of Story

H-8837

- 1 Amend Senate File 58, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 22, by striking the word
- 4 "system." and inserting the following: "system,
- 5 contested case hearings, or agency investigations."

BERNAU of Story

H-8839

- 1 Amend Senate File 58, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 2, by striking the word "English"
- 4 and inserting the following: "Ebonics".
- 5 2. Page 1, line 4, by striking the words "the
- 6 English" and inserting the following: "the Ebonics".
- 7 3. Page 1, line 4, by striking the words "This
- 8 English" and inserting the following: "This Ebonics".
- 9 4. Page 1, line 10, by striking the word
- 10 "English" and inserting the following: "Ebonics".
- 11 5. Page 1, line 12, by striking the word
- 12 "English" and inserting the following: "Ebonics".
- 13 6. Page 1, line 14, by striking the word
- 14 "English" and inserting the following: "Ebonics".
- 15 7. Page 1, line 31, by striking the word
- 16 "English" and inserting the following: "Ebonics".
- 17 8. Page 1, line 32, by striking the word "non-
- 18 English" and inserting the following: "non-Ebonics".
- 19 9. Title page, line 1, by striking the word
- 20 "English" and inserting the following: "Ebonics".

FORD of Polk

H-8840

- 1 Amend Senate File 2363, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 20, by striking the word "ninety"
- 4 and inserting the following: "one hundred twenty".
- 5 2. Page 1, line 22, by striking the word "ninety"
- 6 and inserting the following: "one hundred twenty".

FORD of Polk

H-8844

- 1 Amend Senate File 2259, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 32, by inserting after the word
- 4 "information." the following: "Any property seized
- 5 pursuant to a search warrant issued pursuant to this
- 6 section shall be forfeited in the manner prescribed in
- 7 chapter 809A."
- 8 2. Page 1, by inserting after line 32 the
- 9 following:
- 10 "Sec. ____ Section 809A.17, subsection 3, Code
- 11 1997, is amended to read as follows:
- 12 3. Forfeited property may be used by the
- 13 department of justice in the enforcement of the
- 14 criminal law. The department may give, sell, or trade
- 15 property to any other state agency or to any other law

16 enforcement agency within the state if, in the opinion
 17 of the attorney general, it will enhance law
 18 enforcement within the state. If the property is cash
 19 or is sold or otherwise converted to cash, the
 20 department of justice shall distribute at least ninety
 21 percent of the funds to the agency or agencies which
 22 originally seized the property."
 23 3. Title page, line 1, by inserting after the
 24 words "relating to" the following: "searches and
 25 seizures, by affecting the allocation of seized and
 26 forfeited property and the issuance of".

LARSON of Linn	LAMBERTI of Polk
TEIG of Hamilton	RANTS of Woodbury
GIFF of Winneshiek	DOLECHECK of Ringgold
BRAUNS of Muscatine	KREMER of Buchanan
HOUSER of Pottawattamie	DIX of Butler
CARROLL of Poweshiek	VANDE HOEF of Osceola
DRAKE of Pottawattamie	HEATON of Henry
MUNDIE of Webster	WELTER of Jones
KLEMME of Plymouth	HOLMES of Scott
VEENSTRA of Sioux	LORD of Dallas
GRIES of Crawford	HAHN of Muscatine
RAYHONS of Hancock	MERTZ of Kossuth
VAN FOSSEN of Scott	RICHARDSON of Warren
HANSEN of Pottawattamie	ARNOLD of Lucas
CORMACK of Webster	BARRY of Harrison

H-8846

1 Amend the amendment, H-8745, to House File 2498 as
 2 follows:
 3 1. Page 1, by striking lines 4 through 15 and
 4 inserting the following:
 5 "It is the intent of the general assembly that the
 6 board of directors of a nonprofit corporation, which
 7 is licensed to conduct pari-mutuel wagering pursuant
 8 to chapter 99D, shall adopt rules regarding conflict
 9 of interest involving members of the board of
 10 directors. The rules shall be filed with the state
 11 racing and gaming commission and shall be considered
 12 public records subject to inspection."

LAMBERTI of Polk
 HUSER of Polk

H-8850

1 Amend Senate File 58, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting after line 5 the
 4 following:
 5 "Consistent with the designation of English as the

6 common language of the state, all instructors at
 7 institutions of higher education governed by the state
 8 board of regents must be proficient in the use of the
 9 English language with respect to both oral and written
 10 communication."

GRIES of Crawford

H-8851

1 Amend Senate File 58, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting after line 5 the
 4 following:
 5 " _____. To the name of any city, county, or township
 6 which is derived from a native American language."

GRIES of Crawford

H-8852

1 Amend Senate File 2296, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, line 5, by striking the figure
 4 "6,806,774" and inserting the following: "6,749,774".
 5 2. Page 13, line 9, by striking the figure
 6 "2,902,693" and inserting the following: "2,959,693".
 7 3. Page 13, line 10, by striking the figure
 8 "93.00" and inserting the following: "94.00".

HOLVECK of Polk
 DOTZLER of Black Hawk
 REYNOLDS-KNIGHT of Van Buren
 WISE of Lee

H-8855

1 Amend the Senate amendment, H-8758, to House File
 2 2290, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by inserting after line 21 the
 5 following:
 6 " _____. Page 1, by inserting after line 12 the
 7 following:
 8 "Sec. _____. Section 481C.1, Code Supplement 1997,
 9 is amended to read as follows:
 10 481C.1 WILD ANIMAL DEPREDATION UNIT.
 11 A wild animal depredation unit is established
 12 within the fish and wildlife division of the
 13 department of natural resources. The unit shall be
 14 comprised of ~~two~~ four wild animal depredation

15 biologists. The biologists shall serve under the
16 director of the department of natural resources.””

DOTZLER of Black Hawk

H-8856

1 Amend Senate File 2380, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, line 28, by striking the words
4 “economic costs in”.
5 2. Page 3, by striking lines 30 through 35 and
6 inserting the following: “may consider offsetting
7 such reductions by increases in other prices provided
8 that price increases for basic communications services
9 do not exceed those permitted by subparagraphs (4) and
10 (5).”

BRAND of Tama

H-8857

1 Amend Senate File 2380, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, line 28, by striking the words
4 “economic costs in”.
5 2. Page 3, line 29, by striking the words “The
6 board”.
7 3. Page 3, by striking lines 30 through 35.

BRAND of Tama

H-8858

1 Amend Senate File 2380, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, line 28, by striking the words
4 “economic costs in”.
5 2. Page 3, by striking lines 30 through 35 and
6 inserting the following: “may consider offsetting
7 such reductions by increases in other prices provided
8 that price increases for basic communications services
9 do not exceed those permitted by subparagraph (5).”

BRAND of Tama

H-8859

1 Amend Senate File 58, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 “Section 1. NEW SECTION. 1.18 COMMON LANGUAGE OF

6 STATE.

7 The common language of the state shall be the
8 English language."

DOTZLER of Black Hawk
FOEGLER of Linn

H-8860

1 Amend Senate File 2296, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, line 5, by striking the figure
4 "6,806,774" and inserting the following: "6,766,174".

5 2. Page 13, by striking lines 27 through 32 and
6 inserting the following:

7 "3. For salaries, support, maintenance,
8 miscellaneous purposes, for not more than the
9 following full-time equivalent position for the
10 workforce development state and regional boards, and
11 for an allocation of \$40,600 to pay for a regional
12 board statewide conference:

13	\$	147,529
14	FTE	1.00"

DOTZLER of Black Hawk	HOLVECK of Polk
REYNOLDS-KNIGHT of Van Buren	WISE of Lee
WITT of Black Hawk	THOMAS of Clayton
HUSER of Polk	KINZER of Scott
FALCK of Fayette	SHOULTZ of Black Hawk
MYERS of Johnson	COHOON of Des Moines
WHITEAD of Woodbury	MORELAND of Wapello
TAYLOR of Linn	KOENIGS of Mitchell
KREIMAN of Davis	FALLON of Polk
CONNORS of Polk	BELL of Jasper
BRAND of Tama	JOCHUM of Dubuque
DODERER of Johnson	FOEGE of Linn
BURNETT of Story	MASCHER of Johnson
SCHERRMAN of Dubuque	LARKIN of Lee
MERTZ of Kossuth	WARNSTADT of Woodbury
MURPHY of Dubuque	CATALDO of Polk
CHIODO of Polk	FORD of Polk
BERNAU of Story	OSTERHAUS of Jackson

H-8861

1 Amend Senate File 2296, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, line 5, by striking the figure
4 "6,806,774" and inserting the following: "6,751,574".

5 2. Page 13, by striking lines 27 through 32 and
6 inserting the following:

7 "3. For salaries, support, maintenance,
8 miscellaneous purposes, for not more than the

9	following full-time equivalent position for the	
10	workforce development state and regional boards, and	
11	for an allocation of \$55,200 to pay expenses of	
12	regional board members:	
13	.....	\$ 162,129
14	..... FTE	1.00"

DOTZLER of Black Hawk	HOLVECK of Polk
REYNOLDS-KNIGHT of Van Buren	WISE of Lee
CHIODO of Polk	HUSER of Polk
OSTERHAUS of Jackson	FALLON of Polk
FALCK of Fayette	SHOULTZ of Black Hawk
MYERS of Johnson	COHOON of Des Moines
WHITEAD of Woodbury	MORELAND of Wapello
TAYLOR of Linn	KOENIGS of Mitchell
KREIMAN of Davis	CONNORS of Polk
BELL of Jasper	BRAND of Tama
JOCHUM of Dubuque	DODERER of Johnson
FOEGE of Linn	BURNETT of Story
MASCHER of Johnson	SCHERRMAN of Dubuque
LARKIN of Lee	MERTZ of Kossuth
WARNSTADT of Woodbury	MURPHY of Dubuque
CATALDO of Polk	FORD of Polk
BERNAU of Story	FREVERT of Palo Alto
WITT of Black Hawk	THOMAS of Clayton
KINZER of Scott	

H-8862

- 1 Amend Senate File 2296, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 5, by striking the figure
- 4 "6,806,774" and inserting the following: "6,684,281".
- 5 2. Page 13, line 9, by striking the figure
- 6 "2,902,693" and inserting the following: "3,025,186".
- 7 3. Page 13, line 10, by striking the figure
- 8 "93.00" and inserting the following: "98.00".

REYNOLDS-KNIGHT of Van Buren	DOTZLER of Black Hawk
HOLVECK of Polk	WISE of Lee
WARNSTADT of Woodbury	DREES of Carroll
BRAND of Tama	BUKTA of Clinton
KREIMAN of Davis	OSTERHAUS of Jackson
O'BRIEN of Boone	CHAPMAN of Linn
MORELAND of Wapello	FALLON of Polk
FALCK of Fayette	KINZER of Scott
WITT of Black Hawk	SHOULTZ of Black Hawk
KOENIGS of Mitchell	MURPHY of Dubuque
CONNORS of Polk	DODERER of Johnson
JOCHUM of Dubuque	MASCHER of Johnson
BURNETT of Story	FOEGE of Linn
TAYLOR of Linn	HUSER of Polk
CATALDO of Polk	CHIODO of Polk

FORD of Polk
 MUNDIE of Webster
 WHITEAD of Woodbury
 SCHRADER of Marion
 BERNAU of Story
 COHOON of Des Moines

MERTZ of Kossuth
 LARKIN of Lee
 MYERS of Johnson
 WEIGEL of Chickasaw
 SCHERRMAN of Dubuque

H-8869

- 1 Amend the Committee amendment, H-8505, to Senate
- 2 File 187, as passed by the Senate, as follows:
- 3 1. Page 1, line 12, by striking the words "six
- 4 thousand" and inserting the following: "seven
- 5 thousand five hundred".
- 6 2. Page 1, line 14, by inserting after the word
- 7 "licenses." the following: "At least one-third of the
- 8 licenses shall be issued for antlerless deer only."

KLEMME of Plymouth

H-8873

- 1 Amend Senate File 58, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 5 the
- 4 following:
- 5 "Consistent with the designation of English as the
- 6 common language of the state, roman catholic priests
- 7 shall perform mass, and all other religious services,
- 8 in the English language, rather than Latin."

FALLON of Polk

H-8874

- 1 Amend Senate File 187, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by inserting after line 11 the
- 4 following:
- 5 "Sec. ____ Section 481C.1, Code Supplement 1997,
- 6 is amended to read as follows:
- 7 481C.1 WILD ANIMAL DEPREDATION UNIT.
- 8 A wild animal depredation unit is established
- 9 within the fish and wildlife division of the
- 10 department of natural resources. The unit shall be
- 11 comprised of ~~two~~ four wild animal depredation
- 12 biologists. The biologists shall serve under the
- 13 director of the department of natural resources."

DOTZLER of Black Hawk

H-8878

- 1 Amend Senate File 58, as amended, passed, and

- 2 reprinted by the Senate, as follows:
3 1. By striking page 1, line 3, through page 2,
4 line 5, and inserting the following: "language."

DOTZLER of Black Hawk
FOEGE of Linn

H-8883

- 1 Amend Senate File 2296, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 16, by inserting before line 25 the
4 following:
5 "Sec. ____ Section 403.15, subsection 5, Code
6 1997, is amended to read as follows:
7 5. The mayor or chairperson of the board, as
8 applicable, shall designate a chairperson and vice
9 chairperson from among the commissioners. An agency
10 may employ an executive director, technical experts
11 and such other agents and employees, permanent and
12 temporary, as it may require, and the agency may
13 determine their qualifications, duties and
14 compensation. For such legal service as it may
15 require, an agency may employ or retain its own
16 counsel and legal staff. An agency authorized to
17 transact business and exercise powers under this
18 chapter shall file, with the local governing body, on
19 or before September 30 of each year, a report of its
20 activities for the preceding fiscal year, which report
21 shall include a complete financial statement setting
22 forth its assets, liabilities, income and operating
23 expense as of the end of such fiscal year. At the
24 time of filing the report, the agency shall publish in
25 a newspaper of general circulation in the city or
26 county, as applicable, a notice to the effect that
27 such report has been filed with the municipality, and
28 that the report is available for inspection during
29 business hours in the office of the city clerk or
30 county auditor, as applicable, and in the office of
31 the agency. On or before September 30 of each year,
32 an agency shall submit the annual financial report
33 prepared pursuant to this section to the department of
34 economic development and to the county auditor of the
35 county in which the agency is located. In addition to
36 the other requirements of this section, the report
37 shall list each project within an urban renewal area;
38 the amount of loans, advances, indebtedness, or bonds
39 which qualified for payment from the special fund for
40 each urban renewal project in the preceding fiscal
41 year; the total of such amount for each urban renewal
42 area located in the municipality; the expiration of
43 the urban renewal area, if applicable, or otherwise
44 the term of the indebtedness; and the amount of
45 incremental assessed valuation in an urban renewal

46 area that is subject to the division of taxes in
 47 section 403.19, subsection 2 and, if available, the
 48 portion of the incremental value due to new
 49 construction and the portion due to revaluation. The
 50 department of economic development, in consultation

Page 2

1 with the legislative fiscal bureau, shall determine
 2 reporting criteria for reports filed with the
 3 department pursuant to this subsection."
 4 2. By renumbering as necessary.

DIX of Butler
 HEATON of Henry

H-8884

1 Amend Senate File 58, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting after line 5 the
 4 following:
 5 "Consistent with the designation of English as the
 6 common language of the state, Greek orthodox priests
 7 shall perform liturgy, and all other religious
 8 services, in the English language, rather than Greek."

FALLON of Polk

H-8885

1 Amend the Committee amendment, H-8505, to Senate
 2 File 187, as passed by the Senate, as follows:
 3 1. Page 1, line 12, by striking the words "six
 4 thousand" and inserting the following: "seven
 5 thousand five hundred".
 6 2. Page 1, line 14, by inserting after the word
 7 "licenses." the following: "After the first five
 8 thousand licenses are issued annually, all additional
 9 licenses shall be issued for antlerless deer only."

KLEMME of Plymouth

H-8886

1 Amend Senate File 2277, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 17, by inserting after the word
 4 "risk." the following: "This subsection shall not
 5 apply to claims based upon gross negligence."

FALLON of Polk	LAMBERTI of Polk
VANDE HOEF of Osceola	HUSER of Polk
REYNOLDS-KNIGHT of Van Buren	DOTZLER of Black Hawk
CORMACK of Webster	

H-8895

1 Amend the amendment, H-8847, to House File 2506 as
2 follows:
3 1. Page 1, by inserting after line 38 the
4 following:
5 "The department may also consider establishing two
6 refuge areas for mussels at various locations along
7 the Mississippi river in cooperation with the
8 departments of natural resources of the states of
9 Wisconsin and Illinois. If two refuge areas are
10 established, the refuge area with the healthiest
11 environment and the refuge area with the most polluted
12 environment may be closed for the purpose of
13 collecting data for the study. The department may
14 establish additional refuge in unique areas along the
15 river."

DOTZLER of Black Hawk

H-8896

1 Amend the amendment, H-8711, to Senate File 2296,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 25 the
5 following:
6 "Sec. ____ Section 15E.83, Code 1997, is amended
7 to read as follows:
8 15E.83 SEED CAPITAL CORPORATION.
9 1. The Iowa seed capital corporation shall be
10 incorporated under chapter 504A. ~~The purpose of the~~
11 ~~corporation shall be to provide seed capital to start-~~
12 ~~up and emerging growth companies in Iowa that are~~
13 ~~bringing new products and processes to the~~
14 ~~marketplace, and it shall be the goal of the~~
15 ~~corporation to financially support the establishment~~
16 ~~and growth of start up and emerging growth companies~~
17 ~~that can contribute to the economic diversity of the~~
18 ~~state and provide general and specific economic~~
19 ~~benefits to the state. The corporation shall only~~
20 ~~provide seed capital or financial assistance to Iowa~~
21 ~~businesses. The corporation shall not be regarded as~~
22 ~~a state agency, except for purposes of chapters 17A~~
23 ~~and 69, and a member of the board is not considered a~~
24 ~~state employee, except for purposes of chapter 669.~~
25 ~~An individual employed by the corporation is a state~~
26 ~~employee for purposes of the Iowa public employees'~~
27 ~~retirement system, state health and dental plans, and~~
28 ~~other state employee benefit plans and chapter 669.~~
29 ~~Chapters 8, 18, 19A, and 20 and other provisions of~~
30 ~~law that relate to requirements or restrictions~~
31 ~~dealing with state personnel or state funds do not~~

~~32 apply to the corporation and any employees of the
33 board or corporation except to the extent provided in
34 this division. Chapters 21 and 22 shall apply to
35 activities of the corporation and to employees of the
36 board or corporation except to the extent provided in
37 this division.~~

38 2. The corporation shall be governed by a board of
39 seven directors who shall serve a term of four years.
40 ~~Of the seven directors, four shall be persons
41 experienced in business finance and employed at a bank
42 or other financial institution, be a certified public
43 accountant, be an attorney, or be a licensed
44 stockbroker. Each director shall serve at the
45 pleasure of the governor and shall be appointed by the
46 governor, subject to confirmation by the senate
47 pursuant to section 2.32. A director is eligible for
48 reappointment. A vacancy on the board of directors
49 shall be filled in the same manner as an original
50 appointment.~~

Page 2

1 ~~3. The board of directors shall annually elect one
2 member as chairperson and one member as secretary.
3 The board may elect other officers of the corporation
4 as necessary. Members shall be reimbursed for
5 necessary expenses incurred in the performance of
6 duties from funds appropriated to the corporation.~~

7 4 3. Each director of the corporation shall take
8 an oath of office and the record of each oath shall be
9 filed in the office of the secretary of state.

10 5 4. The corporation shall receive information and
11 cooperate with other agencies of the state and the
12 political subdivisions of the state.

13 Sec. ____ Section 15E.85, Code 1997, is amended to
14 read as follows:

15 15E.85 BOARD OF DIRECTORS.

16 The powers of the corporation are vested in and
17 shall be exercised by the board of directors. ~~Four
18 members of the board constitute a quorum and an
19 affirmative vote of at least four of the members
20 present at a meeting is necessary before an action may
21 be taken by the board.~~ An action taken by the board
22 shall be authorized by resolution at a regular or
23 special meeting and takes effect immediately unless
24 the resolution specifies otherwise. Notice of a
25 meeting shall be given orally or in writing not less
26 than forty-eight hours prior to the meeting.

27 Sec. ____ Section 15E.87, Code 1997, is amended to
28 read as follows:

29 15E.87 CORPORATE PURPOSE - POWERS.

30 The purpose of the corporation is to stimulate and
31 encourage the development of new products within Iowa

32 by the infusion of financial aid for invention and
 33 innovation in situations in which financial aid would
 34 not otherwise be reasonably available from commercial
 35 sources. For this purpose the corporation has the
 36 following powers:

37 1. To have perpetual succession as a corporate
 38 body and to adopt bylaws, policies, and procedures for
 39 the regulation of its affairs and conduct of its
 40 business consistent with the purposes of this
 41 division.

42 ~~2. To enter into venture agreements with persons~~
 43 ~~doing business in Iowa upon conditions and terms which~~
 44 ~~are consistent with the purposes of this division for~~
 45 ~~the advancement of financial aid to the persons. The~~
 46 ~~financial aid advanced shall be for the development of~~
 47 ~~specific products, procedures, and techniques which~~
 48 ~~are to be developed and produced in this state. The~~
 49 ~~corporation shall condition the agreements upon~~
 50 ~~contractual assurances that the benefits of increasing~~

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1 ~~or maintaining employment and tax revenues shall~~
 2 ~~remain in Iowa.~~

3 ~~3. To receive and accept aid or contributions from~~
 4 ~~a source of money, property, labor, or other things of~~
 5 ~~value to be used to carry out the purposes of this~~
 6 ~~division including gifts or grants from a department~~
 7 ~~or agency of the United States or any state.~~

8 ~~4. To issue notes and bonds as provided under this~~
 9 ~~division.~~

10 ~~5 2. To hold patents, copyrights, trademarks, or~~
 11 ~~other evidences of protection or exclusivity issued~~
 12 ~~under the laws of this state or the United States to~~
 13 ~~any products.~~

14 ~~6 3. To employ assistants, agents, and other~~
 15 ~~employees and to engage consultants, attorneys, and~~
 16 ~~appraisers as necessary or desirable to carry out the~~
 17 ~~purposes of the corporation.~~

18 ~~7 4. To make and enter into contracts and~~
 19 ~~agreements necessary or incidental to its performance~~
 20 ~~of the duties and the powers granted to the~~
 21 ~~corporation.~~

22 ~~8 5. To sue and be sued, plead, and adopt a seal.~~

23 ~~9 6. With the approval of the treasurer of state,~~
 24 ~~to invest funds which are not needed for immediate use~~
 25 ~~or disbursement, including funds held in reserve, in~~
 26 ~~obligations issued or guaranteed by the state or the~~
 27 ~~United States.~~

28 ~~10 7. To procure insurance against a loss in~~
 29 ~~connection with its property and other assets.~~

30 ~~11 8. To the extent permitted under a corporation~~
 31 ~~contract with other persons, to consent to a~~

32 termination, modification, forgiveness, or other
33 change in the terms of a contractual right, payment,
34 royalty, contract, or agreement.

35 12 9. To take necessary action to render bonds
36 issued under this division more marketable."

37 2. Page 3, by striking lines 13 through 49 and
38 inserting the following:

39 " "Sec. ____ LIQUIDATION OF THE IOWA SEED CAPITAL
40 CORPORATION. Notwithstanding sections 15E.81 through
41 15E.94, sections 15E.181 through 15E.184, and 1997
42 Iowa Acts, chapter 143, sections 5 and 6, it is the
43 intent of the general assembly that the Iowa seed
44 capital corporation shall be liquidated or sold in an
45 orderly manner. On May 31, 1998, the terms of the
46 board members of the Iowa seed capital corporation
47 shall terminate, the Iowa seed capital corporation
48 shall be renamed the ISCC liquidation corporation, and
49 a three-person board shall be constituted to complete
50 the orderly liquidation or sale of the assets of the

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1 ISCC liquidation corporation. The ISCC liquidation
2 corporation board shall consist of the commissioner of
3 insurance or the commissioner's designee, the
4 superintendent of banking or the superintendent's
5 designee, and the treasurer of state or the
6 treasurer's designee. The members of the ISCC
7 liquidation corporation board and any staff providing
8 assistance to the board shall not be liable for their
9 acts or omissions in connection with the liquidation
10 or sale of the corporation. The ISCC liquidation
11 corporation board shall close the corporation offices
12 at 200 East Grand, Des Moines, Iowa, by June 30, 1998,
13 terminate the officers and staff of the corporation by
14 June 30, 1998, and shall not hire a new permanent or
15 temporary staff to operate this corporation.

16 The staff of the treasurer of state shall provide
17 administrative support to the ISCC liquidation
18 corporation board and the corporation shall reimburse
19 the treasurer of state for the reasonable costs of
20 providing administrative support. The attorney
21 general shall be consulted and shall provide legal
22 support throughout the liquidation and sale process
23 and the corporation shall reimburse the attorney
24 general for the reasonable costs of providing any such
25 consultation and legal support.

26 The ISCC liquidation corporation board's goals in
27 supervising the liquidation or sale of the corporation
28 are to maximize the net revenue to the state and
29 minimize the impact to the companies involved. The
30 board shall not make any new investments during the
31 liquidation period, except for those necessary to

32 protect and maintain its current holdings.
 33 The ISCC liquidation corporation board is
 34 authorized to contract for the services, including
 35 brokers, other financial advisors or consultants, or
 36 legal advisors, necessary to complete the orderly
 37 liquidation or sale of the ISCC liquidation
 38 corporation.
 39 The ISCC liquidation corporation board may
 40 determine the potential administrative and legal costs
 41 for the liquidation or sale of the corporation and may
 42 reserve from liquid assets of the corporation a fund
 43 for such purposes. The remainder of the liquid assets
 44 shall be transferred to the strategic investment fund
 45 established in section 15.313.
 46 Following the complete liquidation and dissolution
 47 of the corporation or the sale of the corporation, all
 48 remaining moneys shall be transferred to the strategic
 49 investment fund. Upon transfer of the remaining
 50 moneys to the strategic investment fund, the ISCC

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1 liquidation corporation board shall be dissolved." "
 2 3. Page 3, by inserting after line 49 the
 3 following:
 4 "_. Page 19, by inserting after line 26 the
 5 following:
 6 "Sec. _. Section 15E.86, Code 1997, is
 7 repealed." "

LARSON of Linn

H-8899

1 Amend Senate File 2313 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 28, by inserting after line 19, the
 4 following:
 5 "DIVISION XI
 6 CUSTODY - PARENT'S DEATH OR INCOMPETENCE
 7 Sec. __. Section 598.41, subsection 6, Code
 8 Supplement 1997, is amended to read as follows:
 9 6. a. When a parent awarded legal custody or
 10 physical care of a child cannot act as custodian or
 11 caretaker because the parent has died or has been
 12 judicially adjudged incompetent, the court shall award
 13 legal custody including physical care of the child to
 14 the surviving parent unless the court finds that such
 15 an award is not in the child's best interest.
 16 b. The court may find that such an award is not in
 17 the child's best interest if the court finds that the
 18 surviving parent has not maintained significant and
 19 meaningful contact with the child, as evidenced by

20 consistent visitation and communication with the child
 21 and by prompt payment of support obligations.
 22 c. Prior to awarding such custody, the court shall
 23 order an investigation of the home conditions,
 24 parenting capabilities, and other matters pertinent to
 25 the best interests of the child to determine if the
 26 award of custody would provide a safe, healthy and
 27 nurturing environment for the child.
 28 d. The court shall appoint an attorney to
 29 represent the interests of the minor child. The
 30 attorney may make independent investigations of
 31 matters pertinent to the interests of the child."
 32 2. By renumbering as necessary.

RAYHONS of Hancock

H-8916

1 Amend the Committee amendment, H-8505, to Senate
 2 File 187, as passed by the Senate, as follows:
 3 1. Page 1, line 12, by striking the words "six
 4 thousand" and inserting the following: "seven
 5 thousand five hundred".
 6 2. Page 1, line 14, by inserting after the word
 7 "licenses." the following: "After the first six
 8 thousand licenses are issued annually, all additional
 9 licenses shall be issued for antlerless deer only."

DOLECHECK of Ringgold

H-8917

1 Amend Senate File 187, as passed by the Senate, as
 2 follows:
 3 1. Page 9, by inserting after line 5 the
 4 following:
 5 "Sec. ____ Section 483A.19, Code 1997, is amended
 6 to read as follows:
 7 483A.19 SHOWING LICENSE TO OFFICER.
 8 Every person shall, while fishing, hunting, or fur
 9 harvesting, show the person's license, certificate, or
 10 permit, to any peace officer or the owner or person in
 11 lawful control of the land or water upon which
 12 licensee may be hunting, fishing, or fur harvesting
 13 when requested by the persons to do so. Any failure
 14 to so carry or refusal to show or so exhibit the
 15 person's license, certificate, or permit shall be a
 16 violation of this chapter. However, a person charged
 17 with violating this section shall not be convicted if
 18 the person produces in court, within a reasonable
 19 time, a license, certificate, or permit for hunting,
 20 fishing, or fur harvesting issued to that person and

21 valid when the person was charged with a violation of
 22 this section."

WEIDMAN of Cass
 HAHN of Muscatine

H-8919

1 Amend Senate File 2380, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by striking lines 17 through 21 and
 4 inserting the following: "~~Prior to January 1, 1998,~~
 5 ~~the board shall use the gross domestic product price~~
 6 ~~index, as published by the federal government, for an~~
 7 ~~inflation measure, and two and six-tenths percentage~~
 8 ~~points for a productivity measure. After~~ Prior to
 9 January 1, 2003, the board shall use the gross
 10 domestic product price index, as published by the
 11 federal government, for an inflation measure, and two
 12 and six-tenths percentage points for a productivity
 13 measure for a local exchange carrier with fewer than
 14 five hundred thousand access lines in this state, and
 15 five percentage points for a productivity measure for
 16 a local exchange carrier with five hundred thousand or
 17 more access lines in this state. On or after January
 18 1, 1998 2003, the board by rule may adopt".

WEIGEL of Chickasaw

H-8920

1 Amend Senate File 2410 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 22, by inserting after line 31 the
 4 following:
 5 " . The department shall include payment for
 6 smoking cessation products under the medical
 7 assistance program. The department shall consult with
 8 the drug utilization review commission to establish
 9 and implement prior authorization criteria for these
 10 products. The department shall adopt emergency rules
 11 to implement this subsection."
 12 2. By renumbering as necessary.

OSTERHAUS of Jackson

H-8921

1 Amend Senate File 2410, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 31, line 24, by inserting after the word
 4 "beds." the following: "Of the moneys allocated in
 5 this paragraph, \$50,000 shall be used for an

6 independent evaluation of the existing programs
 7 providing highly structured juvenile program beds.
 8 The evaluation shall include but is not limited to a
 9 review of the curriculum used by the programs, the
 10 recidivism rate of juveniles who have completed the
 11 programs, and a comparison with the curriculum and
 12 recidivism rates in the state training schools, Iowa
 13 juvenile home, private group foster care providers,
 14 and other comparable providers. A report of the
 15 evaluation shall be submitted to the general assembly
 16 by January 1, 1999."

FOEGE of Linn

H-8922

1 Amend Senate File 2410, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 30, line 30, by striking the figure
 4 "96,744,904" and inserting the following:
 5 "96,934,500".
 6 2. Page 31, line 6, by striking the figure
 7 "30,923,872" and inserting the following:
 8 "31,113,468".

FOEGE of Linn

H-8923

1 Amend Senate File 2410 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 82, by inserting after line 2 the
 4 following:
 5 "Sec. ____ NEW SECTION. 514J.1 TITLE.
 6 This chapter shall be known and may be cited as
 7 "Third-party Payor Liability Act".
 8 Sec. ____ NEW SECTION. 514J.2 DEFINITIONS.
 9 As used in this chapter, unless the context
 10 otherwise requires:
 11 1. "Appropriate and medically necessary" means the
 12 standard for health care services as determined by a
 13 physician or health care provider consistent with
 14 accepted practices and standards of care provided by
 15 the medical profession in the community.
 16 2. "Enrollee" means an individual who is enrolled
 17 in a health care plan, including covered dependents.
 18 3. "Health care plan" means a plan under which a
 19 person undertakes to provide, arrange for, pay for, or
 20 reimburse any part of the cost of any health care
 21 services.
 22 4. "Health care provider" means a person licensed
 23 or certified under chapter 147, 148, 148A, 148C, 149,
 24 150, 150A, 151, 152, 153, 154, 154B, or 155A to

25 provide in this state professional health care service
26 to an individual during that individual's medical
27 care, treatment, or confinement.

28 5. "Health care treatment decision" means a
29 determination made when medical services are actually
30 provided by the health care plan and a decision which
31 affects the quality of the diagnosis, care, or
32 treatment provided to the plan's insureds or
33 enrollees.

34 6. "Health insurance carrier" means an entity
35 subject to the insurance laws and regulations of this
36 state, or subject to the jurisdiction of the
37 commissioner of insurance, that contracts or offers to
38 contract, or that subcontracts or offers to
39 subcontract, to provide, deliver, arrange for, pay
40 for, or reimburse any of the costs of health care
41 services, including an insurance company offering
42 sickness and accident plans, a health maintenance
43 organization, a nonprofit health service corporation,
44 or any other entity providing a plan of health
45 insurance, health benefits, or health services.

46 7. "Health maintenance organization" means a
47 health maintenance organization as defined in section
48 514B.1.

49 8. "Insured" means an individual who is covered by
50 a health care plan provided by a health insurance

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1 carrier.

2 9. "Managed care entity" means an entity that
3 provides a health care plan that selects and contracts
4 with health care providers; manages and coordinates
5 health care delivery; monitors necessity,
6 appropriateness, and quality of health care delivered
7 by health care providers; and performs utilization
8 review and cost control.

9 10. "Ordinary care" means, in the case of a third-
10 party payor, that degree of care that a third-party of
11 ordinary prudence would provide under the same or
12 similar circumstances. In the case of a person who is
13 an employee, agent, or representative of a third-party
14 payor, "ordinary care" means that degree of care that
15 a person of ordinary prudence in the same profession,
16 specialty, or area of practice as such person would
17 use in the same or similar circumstances.

18 11. "Organized delivery system" means an organized
19 delivery system as licensed by the director of public
20 health.

21 12. "Physician" means an individual licensed under
22 the provisions of chapter 148, 150, or 150A to
23 practice medicine and surgery, osteopathy, or
24 osteopathic medicine and surgery.

25 13. "Third-party payor" means a health insurance
26 carrier, health maintenance organization, managed care
27 entity, or organized delivery system.

28 Sec. ____ NEW SECTION. 514J.3 THIRD-PARTY PAYOR
29 LIABILITY.

30 1. A third-party payor has the duty to exercise
31 ordinary care when making health care treatment
32 decisions and is liable for damages for harm to an
33 insured or enrollee proximately caused by the third-
34 party payor's failure to exercise such ordinary care.

35 2. A third-party payor is also liable for damages
36 for harm to an insured or enrollee proximately caused
37 by the health care treatment decisions made by an
38 employee, agent, or representative of the third-party
39 payor who is acting on behalf of the third-party payor
40 and over whom the third-party payor has the right to
41 exercise influence or control or has actually
42 exercised influence or control if such decision
43 results in the failure to exercise ordinary care.

44 3. It is a defense in an action brought pursuant
45 to this section against a third-party payor that
46 neither the third-party payor, nor an employee, agent,
47 or representative of the third-party payor controlled,
48 influenced, or participated in the health care
49 treatment decision; or that the third-party payor did
50 not deny or delay payment for any treatment prescribed

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1 or recommended by a health care provider to the
2 insured or enrollee.

3 4. Subsections 1 and 2 do not create an obligation
4 on the part of the third-party payor to provide
5 treatment to an insured or enrollee which is not
6 covered by the health care plan offered by the third-
7 party payor.

8 5. This chapter does not create any liability on
9 the part of an employer, or an employer group
10 purchasing organization that purchases coverage or
11 assumes risk on behalf of its employees.

12 6. A third-party payor shall not remove a
13 physician or health care provider from its plan or
14 refuse to renew the physician or health care provider
15 under its plan for advocating appropriate and
16 medically necessary health care for the insured or
17 enrollee.

18 7. A third-party payor shall not enter into a
19 contract with a physician, hospital, or other health
20 care provider or pharmaceutical company which includes
21 an indemnification or hold harmless clause for the
22 acts or conduct of the third-party payor. Any such
23 indemnification or hold harmless clause in an existing
24 contract is void.

25 8. A provision under state law prohibiting a
 26 third-party payor from practicing medicine or being
 27 licensed to practice medicine shall not be asserted as
 28 a defense by such third-party payor in an action
 29 brought against it pursuant to this section or any
 30 other applicable law.

31 9. In an action against a third-party payor, a
 32 finding that a physician or other health care provider
 33 is an employee, agent, or representative of such
 34 third-party payor shall not be based solely on proof
 35 that such person's name appears in a listing of
 36 approved physicians or health care providers made
 37 available to an insured or enrollee under a health
 38 care plan.

39 10. This chapter does not apply to workers'
 40 compensation coverage."

41 2. By renumbering as necessary.

OSTERHAUS of Jackson
 JOCHUM of Dubuque
 BURNETT of Story
 FOEGE of Linn

H-8926

1 Amend Senate File 58, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 5 the
 4 following: "Consistent with the designation of
 5 English as the common language of the state, Jewish
 6 rabbis shall perform worship services, and all other
 7 religious services, in the English language, rather
 8 than in Hebrew."

FALLON of Polk

H-8927

1 Amend Senate File 58, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, lines 2 and 3, by striking the words
 4 "English language" and inserting the following: "Sac
 5 and Fox languages".

6 2. Page 1, line 4, by striking the words "English
 7 language. This English" and inserting the following:
 8 "Sac and Fox languages. This Sac and Fox".

9 3. Page 1, lines 10 and 11, by striking the words
 10 "English language" and inserting the following: "Sac
 11 and Fox languages".

12 4. Page 1, line 12, by striking the words
 13 "English language" and inserting the following: "Sac
 14 and Fox languages".

- 15 5. Page 1, line 14, by striking the word
 16 "English" and inserting the following: "the Sac and
 17 Fox languages".
 18 6. Page 1, line 31, by striking the word
 19 "English" and inserting the following: "Sac and Fox".
 20 7. Page 1, line 32, by striking the word "non-
 21 English" and inserting the following: "non-Sac-and-
 22 Fox".
 23 8. Title page, line 1, by striking the word
 24 "English" and inserting the following: "the Sac and
 25 Fox languages".

FALLON of Polk

H-8928

- 1 Amend Senate File 58, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 2, by striking the word "English"
 4 and inserting the following: "Meskwaki".
 5 2. Page 1, line 4, by striking the words "the
 6 English" and inserting the following: "the Meskwaki".
 7 3. Page 1, line 4, by striking the words "This
 8 English" and inserting the following: "This
 9 Meskwaki".
 10 4. Page 1, line 10, by striking the word
 11 "English" and inserting the following: "Meskwaki".
 12 5. Page 1, line 12, by striking the word
 13 "English" and inserting the following: "Meskwaki".
 14 6. Page 1, line 14, by striking the word
 15 "English" and inserting the following: "Meskwaki".
 16 7. Page 1, line 31, by striking the word
 17 "English" and inserting the following: "Meskwaki".
 18 8. Page 1, line 32, by striking the word "non-
 19 English" and inserting the following: "non-Meskwaki".
 20 9. Title page, line 1, by striking the word
 21 "English" and inserting the following: "Meskwaki".

BERNAU of Story
 BRAND of Tama

H-8930

- 1 Amend Senate File 2410 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 21, line 34, by inserting after the word
 4 "authorization" the following: ", with the exception
 5 of smoking cessation products,".
 6 2. Page 22, by inserting after line 2 the
 7 following:
 8 "____. The department shall include payment for
 9 smoking cessation products under the medical
 10 assistance program. The department shall consult with

- 11 the drug utilization review commission in expanding
12 the drug prior authorization program to include
13 smoking cessation products. The department shall
14 adopt emergency rules to implement this subsection."
15 3. By renumbering as necessary.

OSTERHAUS of Jackson

H-8938

- 1 Amend House File 2538 as follows:
2 1. Page 3, by inserting after line 23 the
3 following:
4 "Sec. ____ NEW SECTION. 15E.193B ALTERNATIVE
5 ELIGIBLE BUSINESS CRITERIA.
6 1. A business which is not located in an
7 enterprise zone is eligible to receive incentives and
8 assistance under section 15E.196 if the business has
9 not closed or reduced its operation in one area of the
10 state and relocated substantially the same operation
11 in a location which qualifies the business under this
12 section and if the business meets all of the following
13 criteria:
14 a. Satisfies the requirements in section 15E.193,
15 subsection 1, paragraphs "a", "b", "d", and "e".
16 b. Is located in a city with a population between
17 eight thousand five hundred and twenty-four thousand.
18 c. Is located in a city which is not more than
19 thirty-five miles from an existing enterprise zone in
20 this state or an equivalent zone in an adjacent state.
21 d. Satisfies the requirement in section 15.329,
22 subsection 1, paragraph "d".
23 2. A business which is eligible under this section
24 may submit an application for incentives and
25 assistance to the department of economic development.
26 As part of the application, the business shall submit
27 information relating the requirements listed in
28 subsection 1 and in section 15E.193, subsection 2.
29 The department may approve, defer, or deny the
30 application.
31 3. If a business has received incentives or
32 assistance under section 15E.196 and fails to maintain
33 the requirements of subsection 1 to be an eligible
34 business, the business is subject to repayment of all
35 or a portion of the incentives and assistance that it
36 has received. The city or county, as applicable,
37 shall have the authority to take action to recover the
38 value of taxes not collected as a result of an
39 exemption provided by the community to the business.
40 The department of revenue and finance shall have the
41 authority to recover the value of state taxes or
42 incentives provided under section 15E.196. The value
43 of state incentives provided under section 15E.196

44 includes applicable interest and penalties. The
45 department of economic development and the city and
46 county, as applicable, shall enter into agreements
47 with the business specifying the method for
48 determining the amount of incentives or assistance
49 paid which will be repaid in the event of failure to
50 maintain the requirements of subsection 1. In

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1 addition, a business that fails to maintain the
2 requirements of subsection 1 shall not receive
3 incentives or assistance for each year during which
4 the business is not in compliance.

5 4. In making its decision regarding an
6 application, the department of economic development
7 shall consider the impact of the eligible business on
8 other businesses in competition with it and compare
9 the compensation package of businesses in competition
10 with the business being considered for incentives or
11 assistance. The department shall make a good faith
12 effort to identify existing Iowa businesses within an
13 industry in competition with the business being
14 considered for incentives or assistance. The
15 department shall also make a good faith effort to
16 determine the probability that the proposed incentives
17 or assistance will displace employees of existing
18 businesses. In determining the impact on businesses
19 in competition with the business seeking incentives or
20 assistance, jobs created as a result of other jobs
21 being displaced elsewhere in the state shall not be
22 considered direct jobs created.

23 However, if the department finds that an eligible
24 business has a record of violations of the law,
25 including but not limited to environmental and worker
26 safety statutes, rules, and regulations, over a period
27 of time that tends to show a consistent pattern, the
28 eligible business shall not qualify for incentives or
29 assistance under section 15E.196, unless the
30 department finds that the violations did not seriously
31 affect public health or safety or the environment, or
32 if it did that there were mitigating circumstances.

33 In making the findings and determinations regarding
34 violations, mitigating circumstances, and whether an
35 eligible business is eligible for incentives or
36 assistance under section 15E.196, the department is
37 exempt from chapter 17A. If requested by the
38 department, the business shall provide copies of
39 materials documenting the type of violation, any fees
40 or penalties assessed, court filings, final
41 disposition of any findings, and any other information
42 which would assist the department in assessing the
43 nature of any violation.

- 44 5. A business that is approved to receive
 45 incentives or assistance shall, for the length of its
 46 designation as an enterprise zone business, certify
 47 annually to the department of economic development its
 48 compliance with the requirements of this section.”
 49 2. By renumbering as necessary.

WISE of Lee

H-8940

- 1 Amend the amendment, H-8851, to Senate File 58, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 5, by striking the words “or
 5 township” and inserting the following: “township,
 6 river, creek, or tributary”.

GRIES of Crawford

H-8942

- 1 Amend Senate File 2280, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 22, line 2, through page 23,
 4 line 24.
 5 2. Page 24, by striking lines 3 and 4 and
 6 inserting the following: “subsection 3, shall be
 7 deposited in a”.
 8 3. Page 24, by striking lines 14 through 17.

BRUNKHORST of Bremer
CORMACK of Webster

H-8944

- 1 Amend the amendment, H-8881, to Senate File 2280,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 2, by inserting after line 4 the
 5 following:
 6 “The funds appropriated in this paragraph shall be
 7 utilized by the Iowa department of public health to
 8 establish a competitive grant program to increase the
 9 availability of public health nurses throughout the
 10 state, and shall be in addition to those funds
 11 allocated pursuant to existing contracts entered into
 12 between the department and the local boards of health
 13 and boards of supervisors.
 14 A county may submit an application to the
 15 department for a grant to expand the county's existing
 16 public health nursing program by October 1, 1998, on
 17 application forms to be developed by the department.

18 Grant award criteria shall include the extent to which
19 existing allocations to the county have successfully
20 been utilized to maintain and expand the public health
21 nursing program for elderly and low-income persons,
22 the proportion of elderly and low-income persons
23 living in the county in relation to the total number
24 of elderly and low-income persons living in the state,
25 and proposals submitted by the county for expanding
26 existing services and programs to meet the particular
27 needs of the elderly and low-income persons residing
28 within the county. A county receiving a grant award
29 may utilize the grant moneys to expand existing
30 subcontracts with a nonprofit nurses' association,
31 independent nonprofit agency, or other entity to
32 provide public health nursing care, or for new
33 programs and services as proposed in the grant
34 application.

35 The department shall submit a report to the general
36 assembly by January 1, 2000, regarding the
37 effectiveness of the competitive grant program in
38 expanding public health nursing care, and containing
39 recommendations regarding future utilization or
40 expansion of the program."

DOTZLER of Black Hawk

H-8947

1 Amend Senate File 2377, as passed by the Senate, as
2 follows:

- 3 1. Page 1, line 5, by striking the words "in this
4 section".
- 5 2. Page 1, by striking lines 9 through 14 and
6 inserting the following: "sentencing order for each
7 person who is sentenced to the custody of the director
8 of the department of corrections and whose sentence is
9 suspended. The court shall retain jurisdiction to
10 establish the amount of restitution, approve the plan
11 of restitution, and for reconsideration of the
12 original sentence. The court shall also retain
13 jurisdiction".
- 14 3. Page 1, line 16, by striking the word
15 "information" and inserting the following:
16 "informations".
- 17 4. Page 1, line 17, by inserting after the word
18 "counsel." the following: "If a person is not
19 sentenced to the custody of the director of the
20 department of corrections, the probation violation
21 sanctioning jurisdiction shall not be transferred and
22 the court shall retain the jurisdiction over those
23 matters."
- 24 5. By striking page 1, line 18, through page 2,
25 line 7.

- 26 6. Page 2, by striking lines 21 through 24 and
 27 inserting the following: "may receive the complaint,
 28 ~~issue an arrest warrant, or~~ conduct the initial
 29 appearance and probable cause hearing and probation
 30 revocation hearing. The ~~initial appearance,~~ probable
 31 cause hearing, and probation revocation hearing, ~~or~~
 32 ~~any of them,~~ may, at the discretion of".
- 33 7. Page 2, by striking lines 27 through 35 and
 34 inserting the following: "will not be prejudiced by
 35 the merger. An administrative parole and probation
 36 judge may".
- 37 8. Page 3, line 4, by inserting after the word
 38 "if" the following: "reconsideration is deemed
 39 appropriate and".
- 40 9. Page 9, line 24, by striking the figure "1999"
 41 and inserting the following: "2000".
- 42 10. Page 9, line 25, by striking the figure
 43 "1999" and inserting the following: "2000".

SUKUP of Franklin

H-8948

- 1 Amend Senate File 2410, as amended, passed, and
 2 reprinted by the Senate, as follows:
- 3 1. Page 31, line 26, by inserting after the word
 4 "care." the following: "The department shall provide
 5 for performance of an independent evaluation of the
 6 existing programs providing highly structured juvenile
 7 program beds. The evaluation shall include but is not
 8 limited to a review of the curriculum used by the
 9 programs, the recidivism rate of juveniles who have
 10 completed the programs, and a comparison with the
 11 curriculum and recidivism rates in the state training
 12 schools, Iowa juvenile home, private group foster care
 13 providers, and other comparable providers. A report
 14 of the evaluation shall be submitted to the general
 15 assembly by January 1, 1999."

FOEGE of Linn

H-8953

- 1 Amend Senate Joint Resolution 2004, as passed by
 2 the Senate, as follows:
- 3 1. Page 4, by inserting before line 12 the
 4 following:
 5 "Sec. ____ The following amendment to the
 6 Constitution of the State of Iowa is proposed:
 7 Section 1 of Article X of the Constitution of the
 8 State of Iowa is amended to read as follows:
 9 HOW PROPOSED - SUBMISSION. Section 1. Any
 10 amendment or amendments to this constitution may be

11 proposed in either house of the general assembly; and
 12 if the same shall be amendment or amendments are
 13 agreed to by a majority at least three-fifths of the
 14 members elected to each of the two houses, such
 15 proposed amendment shall be entered on their journals,
 16 with the yeas and nays taken thereon, and referred to
 17 the legislature to be chosen at the next general
 18 election, and shall be published, as provided by law,
 19 for three months previous to the time of making such
 20 choice; and if, in the general assembly so next chosen
 21 as aforesaid, such the proposed amendment or
 22 amendments shall be are agreed to, by a majority at
 23 least three-fifths of all the members elected to each
 24 house, then it shall be the duty of the general
 25 assembly to submit such proposed amendment or
 26 amendments to the people, in such manner, and at such
 27 time as the general assembly shall provide; and if the
 28 people shall approve and ratify such the amendment or
 29 amendments, by a majority of the electors qualified to
 30 vote for members of the general assembly, voting
 31 thereon, such amendment or amendments shall become a
 32 part of the constitution of this state.”
 33 2. By renumbering as necessary.

JOCHUM of Dubuque

H-8957

1 Amend Senate File 2410 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 21, line 28, by inserting after the word
 4 “include” the following: “three members of the senate
 5 and three members of the house of representatives.”

BLODGETT of Cerro Gordo

H-8961

1 Amend the amendment, H-8881, to Senate File 2280,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 2; by inserting after line 4 the
 5 following:
 6 “The funds appropriated in this paragraph shall be
 7 utilized by the Iowa department of public health to
 8 establish a competitive grant program to increase the
 9 availability of public health nurses throughout the
 10 state, and shall be in addition to funding allocated
 11 pursuant to existing contracts entered into between
 12 the department and the local boards of health and
 13 boards of supervisors. One-half of the funds
 14 appropriated shall be awarded to county applicants
 15 with a county population of less than 25,000, and the

16 remaining one-half shall be awarded to county
 17 applicants with a county population of 25,000 or more.
 18 A county may submit an application to the
 19 department for a grant to expand the county's existing
 20 public health nursing program by October 1, 1998, on
 21 application forms to be developed by the department.
 22 Grant award criteria shall include the extent to which
 23 existing allocations to the county have successfully
 24 been utilized to maintain and expand the public health
 25 nursing program for elderly and low-income persons,
 26 the proportion of elderly and low-income persons
 27 living in the county in relation to the total number
 28 of elderly and low-income persons living in the state,
 29 and proposals submitted by the county for expanding
 30 existing services and programs to meet the particular
 31 needs of the elderly and low-income persons residing
 32 within the county. A county receiving a grant award
 33 may utilize the grant moneys to expand existing
 34 subcontracts with a nonprofit nurses' association,
 35 independent nonprofit agency, or other entity to
 36 provide public health nursing care, or for new
 37 programs and services as proposed in the grant
 38 application.

39 The department shall submit a report to the general
 40 assembly by January 1, 2000, regarding the
 41 effectiveness of the competitive grant program in
 42 expanding public health nursing care, and containing
 43 recommendations regarding future utilization or
 44 expansion of the program."

MURPHY of Dubuque
 DOTZLER of Black Hawk

H-8962

- 1 Amend the amendment, H-8881, to Senate File 2280,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
- 4 1. Page 2, by striking lines 5 through 23.
 - 5 2. Page 3, line 19, by striking the word "three-
 - 6 tenths" and inserting the following: "four-tenths".
 - 7 3. Page 3, line 27, by striking the word "three-
 - 8 tenths" and inserting the following: "~~three-tenths~~
 - 9 four-tenths".
 - 10 4. Page 3, line 29, by striking the word "~~three-~~
 - 11 tenths" and inserting the following: "four-tenths".
 - 12 5. Page 3, line 43, by striking the words "one
 - 13 million nine" and inserting the following: "two
 - 14 million five".
 - 15 6. Page 3, line 49, by striking the word "Three-
 - 16 tenths" and inserting the following: "~~Three-tenths~~
 - 17 Four-tenths".
 - 18 7. By renumbering as necessary.

MURPHY of Dubuque

H-8965

1 Amend Senate File 2410 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 21, by striking lines 23 through 32, and
4 inserting the following: "subsection 1, the
5 legislative council is requested to appoint an interim
6 committee to conduct a review of the medical
7 assistance prior authorization and prospective drug
8 utilization review systems. If created, the interim
9 committee shall submit a report, including any
10 recommendations for modifications of the systems, to
11 the general assembly in January 1999. The members of
12 the interim committee should include three members of
13 the senate and three members of the house of
14 representatives, and should include the participation
15 of one representative of the department of human
16 services, one representative of the drug utilization
17 review commission, two pharmacists, two physicians,
18 one consumer, one representative of the medical
19 assistance fiscal agent, and two representatives of
20 the pharmaceutical industry."

BLODGETT of Cerro Gordo

H-8969

1 Amend Senate File 2410, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 48, line 11, by striking the figure
4 "8,594,500" and inserting the following: "8,681,500".
5 2. Page 56, line 26, by striking the word "paid"
6 and inserting the following: "established".
7 3. Page 56, line 27, by striking the word "two"
8 and inserting the following: "three".

VEENSTRA of Sioux.
VANDE HOEF of Osceola

H-8973

1 Amend the Senate amendment, H-8760, to House File
2 2514, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, line 33, by inserting before the word
5 "five" the following: "two thousand".
6 2. By renumbering as necessary.

MASCHER of Johnson

H-8976

1 Amend Senate File 58, as amended, passed, and

2 reprinted by the Senate, as follows:

- 3 1. Page 2, by inserting after line 5 the
4 following:
5 "_. To any effort to promote, identify,
6 celebrate, or increase public awareness of local
7 community heritage throughout the state, including the
8 promotion of the ethnic heritage of a community or
9 series of communities in order to establish that
10 community or series of communities as a center for
11 tourism."

CHIODO of Polk

H-8977

1 Amend Senate File 58, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 2, by inserting after line 5 the
4 following:
5 "_. To any publication intended for native
6 American populations or settlements, to the extent not
7 already exempt from the requirements of this section
8 by federal law."

CHIODO of Polk

H-8978

1 Amend Senate File 58, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 4, by striking the words "This
4 English".
5 2. Page 1, by striking lines 5 through 9 and
6 inserting the following: "To foster the inclusion of
7 individuals whose".
8 3. Page 1, line 13, by striking the words "The
9 requirements of this".
10 4. By striking page 1, line 14, through page 2,
11 line 5.

CHIODO of Polk

H-8979

1 Amend House File 334, as passed by the House, as
2 follows:

- 3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. NEW SECTION. 537A.10 FRANCHISE
6 AGREEMENTS.
7 1. DEFINITIONS.
8 When used in this section, unless the context
9 otherwise requires:

10 a. "Affiliate" means a person controlling,
 11 controlled by, or under common control with another
 12 person, every officer or director of such a person,
 13 and every person occupying a similar status or
 14 performing similar functions.

15 b. "Business day" means a day other than a
 16 Saturday, Sunday, or federal holiday.

17 c. (1) "Franchise" means either of the following:

18 (a) An oral or written agreement, either express
 19 or implied, which provides all of the following:

20 (i) Grants the right to distribute goods or
 21 provide services under a marketing plan prescribed or
 22 suggested in substantial part by the franchisor.

23 (ii) Requires payment of a franchise fee to a
 24 franchisor or its affiliate.

25 (iii) Allows the franchise business to be
 26 substantially associated with a trademark, service
 27 mark, trade name, logotype, advertisement, or other
 28 commercial symbol of or designating the franchisor or
 29 its affiliate.

30 (b) A master franchise.

31 (2) "Franchise" does not include any business that
 32 is operated under a lease or license on the premises
 33 of the lessor or licensor as long as such business is
 34 incidental to the business conducted by the lessor or
 35 licensor on such premises, including, without
 36 limitation, leased departments, licensed departments,
 37 and concessions and the leased or licensed department
 38 operates only under the trademark, trade name, service
 39 mark, or other commercial symbol designating the
 40 lessor or licensor.

41 (3) "Franchise" also does not include any contract
 42 under which a petroleum retailer or petroleum
 43 distributor is authorized or permitted to occupy
 44 leased marketing premises, which premises are to be
 45 employed in connection with the sale, consignment, or
 46 distribution of motor fuel under a trademark which is
 47 owned or controlled by a refiner which is regulated by
 48 the federal Petroleum Marketing Practices Act, 15
 49 U.S.C. § 2801 et seq. The term "refiner" means any
 50 person engaged in the refining of crude oil to produce

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1 motor fuel, and includes any affiliate of such person.
 2 "Franchise" also does not include a contract entered
 3 into by any person regulated under chapter 123, 322,
 4 322A, 322B, 322C, 322D, 322F, 522, or 543B, or a
 5 contract establishing a franchise relationship with
 6 respect to the sale of construction equipment, lawn or
 7 garden equipment, or real estate.

8 d. "Franchise fee" means a direct or indirect
 9 payment to purchase or operate a franchise. Franchise

10 fee does not include any of the following:

11 (1) Payment of a reasonable service charge to the
12 issuer of a credit card by an establishment accepting
13 the credit card.

14 (2) Payment to a trading stamp company by a person
15 issuing trading stamps in connection with a retail
16 sale.

17 (3) An agreement to purchase at a bona fide
18 wholesale price a reasonable quantity of tangible
19 goods for resale.

20 (4) The purchase or agreement to purchase, at a
21 fair market value, any fixtures, equipment, leasehold
22 improvements, real property, supplies, or other
23 materials reasonably necessary to enter into or
24 continue a business.

25 (5) Payments by a purchaser pursuant to a bona
26 fide loan from a seller to the purchaser.

27 (6) Payment of rent which reflects payment for the
28 economic value of leased real or personal property.

29 (7) The purchase or agreement to purchase
30 promotional or demonstration supplies, materials, or
31 equipment furnished at fair market value and not
32 intended for resale.

33 e. "Franchisee" means a person to whom a franchise
34 is granted. Franchisee includes the following:

35 (1) A subfranchisor with regard to its
36 relationship with a franchisor.

37 (2) A subfranchisee with regard to its
38 relationship with a subfranchisor.

39 f. "Franchisor" means a person who grants a
40 franchise or master franchise, or an affiliate of such
41 a person. Franchisor includes a subfranchisor with
42 regard to its relationship with a franchisee, unless
43 stated otherwise in this section.

44 g. "Marketing plan" means a plan or system
45 concerning a material aspect of conducting business.

46 Indicia of a marketing plan include any of the
47 following:

48 (1) Price specification, special pricing systems,
49 or discount plans.

50 (2) Sales or display equipment or merchandising

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1 devices.

2 (3) Sales techniques.

3 (4) Promotional or advertising materials or
4 cooperative advertising.

5 (5) Training regarding the promotion, operation,
6 or management of the business.

7 (6) Operational, managerial, technical, or
8 financial guidelines or assistance.

9 h. "Master franchise" means an agreement by which

- 10 a person pays a franchisor for the right to sell or
11 negotiate the sale of franchises.
- 12 i. "Offer" or "offer to sell" means every attempt
13 to offer or to dispose of, or solicitation of an offer
14 to buy, a franchise or interest in a franchise for
15 value.
- 16 j. "Person" means a person as defined in section
17 4.1, subsection 20.
- 18 k. "Sale" or "sell" means every contract or
19 agreement of sale of, contract to sell or disposition
20 of, a franchise or interest in a franchise for value.
- 21 l. "Subfranchise" means an agreement by which a
22 person pays a franchisor for the right to sell or
23 negotiate the sale of franchises.
- 24 m. "Subfranchisee" means a person who is granted a
25 franchise from a subfranchisor.
- 26 n. "Subfranchisor" means a person who is granted a
27 master franchise.
- 28 2. APPLICABILITY. This section applies to a new
29 or existing franchise that is operated in the state of
30 Iowa. For purposes of this section, the franchise is
31 operated in this state only if the premises from which
32 the franchise is operated is physically located in
33 this state. For purposes of this section, a franchise
34 including marketing rights in or to this state, is
35 deemed to be operated in this state only if the
36 franchisee's principal business office is physically
37 located in this state. This section does not apply to
38 a franchise solely because an agreement relating to
39 the franchise provides that the agreement is subject
40 to or governed by the laws of this state. The
41 provisions of this section do not apply to any
42 existing or future contracts between Iowa franchisors
43 and franchisees who operate franchises located out of
44 state.
- 45 3. JURISDICTION OF DISPUTES.
- 46 a. A provision in a franchise agreement
47 restricting jurisdiction to a forum outside this state
48 is void with respect to a claim otherwise enforceable
49 under this section.
- 50 b. A civil action or proceeding arising out of a

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- 1 franchise may be commenced wherever jurisdiction over
2 the parties or subject matter exists, even if the
3 agreement limits actions or proceedings to a
4 designated jurisdiction.
- 5 4. WAIVERS VOID. A condition, stipulation, or
6 provision requiring a franchisee to waive compliance
7 with or relieving a person of a duty or liability
8 imposed by or a right provided by this section or a
9 rule or order under this section is void. This

10 subsection shall not affect the settlement of
11 disputes, claims, or civil lawsuits arising or brought
12 pursuant to this section.

13 5. TRANSFER OF FRANCHISE.

14 a. A franchisee may transfer the franchised
15 business and franchise to a transferee, provided that
16 the transferee satisfies the reasonable current
17 qualifications of the franchisor for new franchisees.
18 For the purposes of this subsection, a reasonable
19 current qualification for a new franchisee is a
20 qualification based upon a legitimate business reason.
21 If the proposed transferee does not meet the
22 reasonable current qualifications of the franchisor,
23 the franchisor may refuse to permit the transfer,
24 provided that the refusal of the franchisor to consent
25 to the transfer is not arbitrary or capricious.

26 b. (1) A franchisee may transfer less than a
27 controlling interest in the franchise to an employee
28 stock ownership plan, or employee incentive plan
29 provided that more than fifty percent of the entire
30 franchise is held by those who meet the franchisor's
31 reasonable current qualifications for franchisees, and
32 such transfer is approved by the franchisor. Approval
33 of such transfer shall not be unreasonably withheld.

34 (2) If pursuant to such a transfer less than fifty
35 percent of the entire franchise would be owned by
36 persons who meet the franchisor's reasonable current
37 qualifications, the franchisor may refuse to authorize
38 the transfer, provided that enforcement of the
39 reasonable current qualifications is not arbitrary or
40 capricious.

41 (3) Participation by an employee in an employee
42 stock ownership plan or employee incentive plan
43 established pursuant to this subsection does not
44 confer upon such employee any right to access trade
45 secrets protected under the franchise agreement which
46 access the employee would not otherwise have if the
47 employee did not participate in such plan.

48 c. A franchisor may require as a condition of a
49 transfer any of the following:

50 (1) That the transferee successfully complete a

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1 training program.

2 (2) That a transfer fee be paid to reimburse the
3 franchisor for the franchisor's actual expenses
4 directly attributable to the transfer.

5 (3) That the franchisee pay or make provision
6 acceptable to the franchisor to pay any amount due the
7 franchisor or the franchisor's affiliate.

8 (4) That the financial terms of the transfer
9 comply at the time of the transfer with the

10 franchisor's current financial requirements for
11 franchisees.

12 d. A franchisee shall give the franchisor no less
13 than sixty days' written notice of a transfer which is
14 subject to this subsection, and on request from the
15 franchisor shall provide in writing the ownership
16 interests of all persons holding or claiming an
17 equitable or beneficial interest in the franchise
18 subsequent to the transfer or the franchisee, as
19 appropriate. A franchisee shall not circumvent the
20 intended effect of a contractual provision governing
21 the transfer of the franchise or an interest in the
22 franchise by means of a management agreement, lease,
23 profit-sharing agreement, conditional assignment, or
24 other similar device.

25 e. A transfer by a franchisee is deemed to be
26 approved sixty days after the franchisee submits the
27 request for consent to the transfer unless the
28 franchisor withholds consent to the transfer as
29 evidenced in writing, specifying the reason or reasons
30 for withholding the consent. The written notice must
31 be delivered to the franchisee prior to the expiration
32 of the sixty-day period. Any such notice is
33 privileged and is not actionable based upon a claim of
34 defamation.

35 f. The following occurrences shall not be
36 considered transfers requiring the consent of the
37 franchisor under a franchise agreement, and shall not
38 result in the imposition of any penalties or make
39 applicable any right of first refusal by the
40 franchisor:

41 (1) The succession of ownership of a franchise
42 upon the death or disability of a franchisee, or of an
43 owner of a franchise, to the surviving spouse, child
44 or children, or a partner active in the management of
45 the franchisee unless the successor fails to meet
46 within one year the then current reasonable
47 qualifications of the franchisor for franchisees and
48 the enforcement of the reasonable current
49 qualifications is not arbitrary or capricious.

50 (2) Incorporation of a proprietorship franchisee,

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1 provided that such incorporation does not prohibit a
2 franchisor from requiring a personal guaranty by the
3 franchisee of obligations related to the franchise.

4 (3) A transfer within an existing ownership group
5 of a franchise provided that more than fifty percent
6 of the franchise is held by persons who meet the
7 franchisor's reasonable current qualifications for
8 franchisees. If less than fifty percent of the
9 franchise would be owned by persons who meet the

10 franchisor's reasonable current qualifications, the
11 franchisor may refuse to authorize the transfer,
12 provided that enforcement of the reasonable current
13 qualifications is not arbitrary or capricious.

14 (4) A transfer of less than a controlling interest
15 in the franchise to the franchisee's spouse or child
16 or children, provided that more than fifty percent of
17 the entire franchise is held by those who meet the
18 franchisor's reasonable current qualifications. If
19 less than fifty percent of the franchise would be
20 owned by persons who meet the franchisor's reasonable
21 current qualifications, the franchisor may refuse to
22 authorize the transfer, provided that enforcement of
23 the reasonable current qualifications is not arbitrary
24 or capricious.

25 6. ENCROACHMENT.

26 a. If a franchisor develops, or grants to a
27 franchisee the right to develop, a new outlet or
28 location which sells essentially the same goods or
29 services under the same trademark, service mark, trade
30 name, logotype, or other commercial symbol as an
31 existing franchisee and the new outlet or location has
32 an adverse effect on the gross sales of the existing
33 franchisee's outlet or location, the existing
34 adversely affected franchisee has a cause of action
35 for monetary damages in an amount calculated pursuant
36 to paragraph "d", unless any of the following apply:

37 (1) The franchisor has first offered the new
38 outlet or location to the existing franchisee on the
39 same basic terms and conditions available to the other
40 potential franchisee and such franchisee meets the
41 reasonable current qualifications of the franchisor
42 including any financial requirements, or, if the new
43 outlet or location is to be owned by the franchisor,
44 on the terms and conditions that would ordinarily be
45 offered to a franchisee for a similarly situated
46 outlet or location.

47 (2) The adverse impact on the existing
48 franchisee's annual gross sales, based on a comparison
49 to the annual gross sales from the existing outlet or
50 location during the twelve-month period immediately

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1 preceding the opening of the new outlet or location,
2 is determined to have been less than six percent
3 during the first twelve months of operation of the new
4 outlet or location.

5 (3) The existing franchisee, at the time the
6 franchisor develops, or grants to a franchisee the
7 right to develop, a new outlet or location, is not in
8 compliance with the franchisor's then current
9 reasonable criteria for eligibility for a new

10 franchise, not including any financial requirements.

11 (4) The existing franchisee has been granted
12 reasonable territorial rights and the new outlet or
13 location does not violate those territorial rights.

14 b. (1) The franchisor, with respect to claims
15 made under paragraph "a", shall establish both of the
16 following:

17 (a) A formal procedure for hearing and acting upon
18 claims by an existing franchisee with regard to a
19 decision by the franchisor to develop, or grant to a
20 franchisee the right to develop, a new outlet or
21 location, prior to the opening of the new outlet or
22 location.

23 (b) A reasonable formal procedure for mediating
24 compensation or other form of consideration to a
25 franchisee to offset all or a portion of the
26 franchisee's lost profits caused by the establishment
27 of the new outlet or location. The procedure shall
28 involve a neutral third-party mediator. The procedure
29 shall be deemed reasonable if approved by a majority
30 of the franchisor's franchisees in the United States.

31 (2) A dispute submitted to a formal procedure
32 under subparagraph (1) does not diminish the rights of
33 a franchisor or franchisee to bring a cause of action
34 for a violation of this subsection if no settlement
35 results from such procedure.

36 c. A franchisor shall establish and make available
37 to its franchisees a written policy setting forth its
38 reasonable criteria to be used by the franchisor to
39 determine whether an existing franchisee is eligible
40 for a franchise for an additional outlet or location.

41 d. (1) In establishing damages under a cause of
42 action brought pursuant to this subsection, the
43 franchisee has the burden of proving the amount of
44 lost profits attributable to the compensable sales.
45 In any action brought under this subsection, the
46 damages payable shall be limited to no more than three
47 years of the proven lost profits. For purposes of
48 this paragraph, "compensable sales" means the annual
49 gross sales from the existing outlet or location
50 during the twelve-month period immediately preceding

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1 the opening of the new outlet or location less both of
2 the following:

3 (a) Six percent.

4 (b) The actual gross sales from the operation of
5 the existing outlet or location for the twelve-month
6 period immediately following the opening of the new
7 outlet or location.

8 (2) Compensable sales shall exclude any amount
9 attributable to factors other than the opening and

10 operation of the new outlet or location.

11 e. Any cause of action brought under this
12 subsection must be filed within eighteen months of the
13 opening of the new outlet or location or within thirty
14 days after the completion of the procedure under
15 paragraph "b", subparagraph (1), whichever is later.

16 f. Upon petition by the franchisor or the
17 franchisee, the district court may grant a permanent
18 or preliminary injunction to prevent injury or
19 threatened injury for a violation of this subsection
20 or to preserve the status quo pending the outcome of
21 the formal procedure under paragraph "b", subparagraph
22 (1), subparagraph subdivision (b).

23 7. TERMINATION.

24 a. Except as otherwise provided by this section, a
25 franchisor shall not terminate a franchise prior to
26 the expiration of its term except for good cause. For
27 purposes of this subsection, "good cause" is cause
28 based upon a legitimate business reason. "Good cause"
29 includes the failure of the franchisee to comply with
30 any material lawful requirement of the franchise
31 agreement, provided that the termination by the
32 franchisor is not arbitrary or capricious when
33 compared to the actions of the franchisor in other
34 similar circumstances. The burden of proof of showing
35 that action of the franchisor is arbitrary or
36 capricious shall rest with the franchisee.

37 b. Prior to termination of a franchise for good
38 cause, a franchisor shall provide a franchisee with
39 written notice stating the basis for the proposed
40 termination. After service of written notice, the
41 franchisee shall have a reasonable period of time to
42 cure the default, which in no event shall be less than
43 thirty days or more than ninety days. In the event of
44 nonpayment of moneys due under the franchise
45 agreement, the period to cure need not exceed thirty
46 days.

47 c. Notwithstanding paragraph "b", a franchisor may
48 terminate a franchisee upon written notice and without
49 an opportunity to cure if any of the following apply:

50 (1) The franchisee or the business to which the

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1 franchise relates is declared bankrupt or judicially
2 determined to be insolvent.

3 (2) All or a substantial part of the assets of the
4 franchise or the business to which the franchisee
5 relates are assigned to or for the benefit of any
6 creditor which is subject to chapter 681. An
7 assignment for the benefit of any creditor pursuant to
8 this subparagraph does not include the granting of a
9 security interest in the normal course of business.

10 (3) The franchisee voluntarily abandons the
11 franchise by failing to operate the business for five
12 consecutive business days during which the franchisee
13 is required to operate the business under the terms of
14 the franchise, or any shorter period after which it is
15 not unreasonable under the facts and circumstances for
16 the franchisor to conclude that the franchisee does
17 not intend to continue to operate the franchise,
18 unless the failure to operate is due to circumstances
19 beyond the control of the franchisee.

20 (4) The franchisor and franchisee agree in writing
21 to terminate the franchise.

22 (5) The franchisee knowingly makes any material
23 misrepresentations or knowingly omits to state any
24 material facts relating to the acquisition or
25 ownership or operation of the franchise business.

26 (6) After three material breaches of a franchise
27 agreement occurring within a twelve-month period, for
28 which the franchisee has been given notice and an
29 opportunity to cure, the franchisor may terminate upon
30 any subsequent material breach within the twelve-month
31 period without providing an opportunity to cure,
32 provided that the action is not arbitrary and
33 capricious.

34 (7) The franchised business or business premises
35 of the franchisee are lawfully seized, taken over, or
36 foreclosed by a government authority or official.

37 (8) The franchisee is convicted of a felony or any
38 other criminal misconduct which materially and
39 adversely affects the operation, maintenance, or
40 goodwill of the franchise in the relevant market.

41 (9) The franchisee operates the franchised
42 business in a manner that imminently endangers the
43 public health and safety.

44 8. NONRENEWAL OF A FRANCHISE.

45 a. A franchisor shall not refuse to renew a
46 franchise unless both of the following apply:

47 (1) The franchisee has been notified of the
48 franchisor's intent not to renew at least six months
49 prior to the expiration date or any extension of the
50 franchise agreement.

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1 (2) Any of the following circumstances exist:

2 (a) Good cause exists, provided that the refusal
3 of the franchisor to renew is not arbitrary or
4 capricious. For purposes of this subsection, "good
5 cause" means cause based on a legitimate business
6 reason.

7 (b) The franchisor and franchisee agree not to
8 renew the franchise.

9 (c) The franchisor completely withdraws from

10 directly or indirectly distributing its products or
11 services in the geographic market served by the
12 franchisee, provided that upon expiration of the
13 franchise, the franchisor agrees not to seek to
14 enforce any covenant of the nonrenewed franchisee not
15 to compete with the franchisor or franchisees of the
16 franchisor.

17 b. As a condition of renewal of the franchise, a
18 franchise agreement may require that the franchisee
19 meet the then current requirements for franchises and
20 that the franchisee execute a new agreement
21 incorporating the then current terms and fees for new
22 franchises.

23 9. FRANCHISEE'S RIGHT TO ASSOCIATE. A franchisor
24 shall not restrict a franchisee from associating with
25 other franchisees or from participating in a trade
26 association, and shall not retaliate against a
27 franchisee for engaging in these activities.

28 10. DUTY OF GOOD FAITH. A franchise imposes on
29 the parties a duty of good faith in performance and
30 enforcement of the franchise agreement. "Good faith"
31 means honesty in fact and the observance of reasonable
32 commercial standards of fair dealing in the trade.

33 The duty of good faith applies where the franchisor
34 opens a new outlet or location, or channel of
35 distribution, which has an adverse impact on an
36 existing franchisee.

37 11. PRIVATE CIVIL ACTION. A person who violates a
38 provision of this section or order issued under this
39 section is liable for damages caused by the violation,
40 including, but not limited to, costs and reasonable
41 attorneys' and experts' fees, and subject to other
42 appropriate relief including injunctive and other
43 equitable relief.

44 12. CHOICE OF LAW. A condition, stipulation, or
45 provision requiring the application of the law of
46 another state in lieu of this section is void.

47 13. CONSTRUCTION WITH OTHER LAW. This section
48 does not limit any liability that may exist under
49 another statute or at common law. Prior law governs
50 all actions based on facts occurring before July 1,

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1 1998.

2 14. CONSTRUCTION. This section shall be liberally
3 construed to effectuate its purposes.

4 15. SEVERABILITY. If any provision or clause of
5 this section or any application of this section to any
6 person or circumstances is held invalid, such
7 invalidity shall not affect other provisions or
8 applications of the section which can be given effect
9 without the invalid provision or application, and to

10 this end the provisions of this section are declared
 11 to be severable.
 12 Sec. 2. Chapter 523H, Code 1997, is repealed."

Senate Amendment

H-8981

1 Amend the amendment, H-8881, to Senate File 2280,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. By striking page 1, line 38, through page 2,
 5 line 2, and inserting the following:

6 "_. By striking page 22, line 3, through page
 7 23, line 14, and inserting the following:

8 "1. There is appropriated from the general fund of
 9 the state to the Iowa department of public health for
 10 the fiscal year beginning July 1, 1998, and ending
 11 June 30, 1999, an amount equivalent to the moneys
 12 remaining in the gambling treatment fund pursuant to
 13 section 99E.10, subsection 1, paragraph "a", Code
 14 Supplement 1997, for use as provided in subsection 2.

15 2. In addition to the amount appropriated in
 16 subsection 1, an amount sufficient for full funding of
 17 the amounts allocated in this subsection shall be
 18 encumbered from the moneys appropriated to the Iowa
 19 department of public health pursuant to section
 20 99E.10, subsection 1, paragraph "a", as amended by
 21 this Act. However, if the total amount appropriated
 22 to the department pursuant to section 99E.10,
 23 subsection 1, paragraph "a", as amended by this Act,
 24 is insufficient for full funding of the allocations,
 25 the allocations shall be prorated proportionately.
 26 The moneys appropriated in subsection 1 and encumbered
 27 pursuant to this subsection are allocated as
 28 follows:"

29 2. Page 3, by striking lines 27 through 46 and
 30 inserting the following:

31 "a. An amount equal to three-tenths of one percent
 32 of the gross lottery revenue, and the amount equal to
 33 three-tenths of one percent of the adjusted gross
 34 receipts from excursion boat and racetrack wagering
 35 allocated pursuant to section 99F.11, subsection 3,
 36 shall be deposited in a gambling treatment fund in the
 37 office of the treasurer of state. The director of the
 38 ~~Iowa department~~ of public health shall administer the
 39 fund and shall provide that receipts are allocated on
 40 a monthly basis to fund administrative costs and to
 41 provide programs which may include, but are not
 42 limited to, outpatient and follow-up treatment for
 43 persons affected by problem gambling, rehabilitation
 44 and residential treatment programs, information and
 45 referral services, and education and preventive

46 services, and financial management services. Receipts
 47 deposited in excess of one million nine hundred
 48 thousand dollars are appropriated to the Iowa
 49 department of public health to be expended at the
 50 discretion of the director of public health. In the

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1 event that receipts deposited in the gambling
 2 treatment fund for a fiscal year are less than one
 3 million nine hundred thousand dollars, there is
 4 appropriated from the general fund of the state to the
 5 gambling treatment fund an amount sufficient to make
 6 up the difference."

MURPHY of Dubuque

H-8992

1 Amend Senate File 367, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, line 9, by striking the figure
 4 "558A.4," and inserting the following: "558A.4."
 5 2. Page 2, by striking lines 10 and 11.
 6 3. Page 2, by striking lines 22 through 32 and
 7 inserting the following:
 8 "3. A cause of action shall arise against a
 9 seller, real estate broker, or salesperson for the
 10 failure to disclose to a buyer or other transferee of
 11 real estate that the transferred real estate is or
 12 might be stigmatized real estate if such seller,
 13 broker, or salesperson knows that the fact that the
 14 property is or might be stigmatized real estate is
 15 unknown to the buyer or could not be known by the
 16 buyer through diligent attention or observation. This
 17 section shall not be".
 18 4. Page 2, line 33, by striking the words "such
 19 broker" and inserting the following: "such seller,
 20 broker,".
 21 5. Title page, line 2, by striking the word
 22 "not".

HOLVECK of Polk

H-8993

1 Amend Senate File 2410, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, line 33, by striking the word "The"
 4 and inserting the following: "In addition to the
 5 full-time equivalent positions authorized in this Act,
 6 1.0 FTE is authorized and the".
 7 2. Page 7, line 1, by inserting after the word

8 "states." the following: "Notwithstanding any other
9 legislation enacted by the Seventy-seventh General
10 Assembly, 1998 Session, any retailer fees established
11 shall not apply to any electronic benefit transfer
12 pilot project until such time as the department begins
13 mandatory statewide implementation of the electronic
14 benefit transfer program. An acquirer's fee for each
15 transaction shall also not apply to any electronic
16 benefit transfer pilot project until such time as the
17 department begins mandatory statewide implementation
18 of the electronic benefit transfer program."

19 3. Page 7, line 15, by striking the word "forty-
20 eight" and inserting the following: "thirty-six".

21 4. Page 9, line 34, by striking the word "The"
22 and inserting the following: "In addition to the
23 full-time equivalent positions authorized in this Act,
24 1.0 FTE is authorized and the".

25 5. Page 17, line 35, by inserting after the
26 figure "1999." the following: "The department shall
27 provide not more than \$50,000 in funding for
28 administrative expenses, ongoing expenses,
29 consultation costs, and other support of the work
30 group."

31 6. Page 18, line 16, by striking the word "A".

32 7. Page 18, by striking lines 17 through 22 and
33 inserting the following: "The waiver shall be limited
34 in".

35 8. Page 18, line 26, by inserting after the word
36 "days." the following: "The base number of persons to
37 be served under this waiver at any one time is 35. In
38 addition, a maximum of ten persons with physical
39 disabilities who are at imminent risk of placement in
40 a medical institution shall be approved for waiver
41 services."

42 9. Page 19, by striking lines 17 through 24.

43 10. Page 20, line 6, by inserting after the
44 figure "1998," the following: "contingent upon
45 receiving federal approval,".

46 11. Page 20, line 10, by inserting after the word
47 "employment" the following: "and other services".

48 12. Page 20, line 12, by inserting after the word
49 "employment" the following: "and other services".

50 13. Page 21, line 32, by inserting after the word

Page 2

1 "industry." the following: "Prior to submission of
2 the report, the task force shall receive input
3 concerning the recommendations and findings from
4 interested legislators convened by the co-chairpersons
5 of the joint appropriations subcommittee on human
6 services."

7 14. Page 36, line 24, by striking the figure

8 "1998" and inserting the following: "1997".

9 15. Page 37, by inserting after line 23 the
10 following:

11 "It is the intent of the general assembly that the
12 admissions requirements of the consent decree shall
13 also be applied to the state university of Iowa
14 hospital-school for children with disabilities. The
15 state board of regents shall submit to the general
16 assembly proposed amendments to chapter 263 to codify
17 the admissions requirements of the consent decree."

18 16. Page 54, by striking lines 33 and 34 and
19 inserting the following:

20 "j. when applying the reimbursement increases
21 authorized in this subsection, the".

22 17. Page 56, line 26, by striking the word "paid"
23 and inserting the following: "established".

24 18. Page 58, line 4, by inserting after the word
25 "appropriateness" the following: "and the level".

26 19. Page 66, by inserting after line 27 the
27 following:

28 "Sec. ____ FRAUD AND RECOUPMENT ACTIVITIES.

29 During the fiscal year beginning July 1, 1998,
30 notwithstanding the restrictions in section 234B.11,
31 the department of human services may expend recovered
32 moneys generated through fraud and recoupment
33 activities for additional fraud and recoupment
34 activities performed by the department of human
35 services or the department of inspections and appeals,
36 subject to both of the following conditions:

37 1. The director of human services or the director
38 of inspections and appeals determines that the
39 investment can reasonably be expected to increase
40 recovery of assistance paid in error, due to
41 fraudulent or nonfraudulent actions, in excess of the
42 amount recovered in the fiscal year beginning July 1,
43 1997.

44 2. The amount expended for the additional fraud
45 and recoupment activities shall not exceed the amount
46 of the projected increase in assistance recovered."

47 20. Page 81, by inserting after line 14 the
48 following:

49 "Sec. ____ Section 234.12A, if enacted by 1998
50 Iowa Acts, House File 2468, is amended by adding the

Page 3

1 following new subsection:

2 **NEW SUBSECTION.** 3. For the purposes of this
3 section, "retailer" means a business authorized by the
4 United States department of agriculture to accept food
5 stamp benefits."

6 21. Page 83, by inserting after line 25 the
7 following:

8 " ____ Section 15, subsection 18, paragraph "b",
9 relating to authority to use moneys for support of the
10 child welfare services work group."

11 22. By renumbering, relettering, or redesignating
12 and correcting internal references as necessary.

HOUSER of Pottawattamie
OSTERHAUS of Jackson

H-8998

1 Amend House File 2537 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 257.6, subsection 5, Code
5 1997, is amended to read as follows:

6 5. WEIGHTED ENROLLMENT. Weighted enrollment is
7 the budget enrollment plus the district's additional
8 enrollment because of special education calculated on
9 December 1 of the base year plus additional pupils
10 added due to the application of the supplementary
11 weighting plus the district's additional enrollment
12 for transportation costs based upon the sparsity
13 factor calculated under subsection 6.

14 Weighted enrollment for special education support
15 services costs is equal to the weighted enrollment
16 minus the additional pupils added due to the
17 application of the supplementary weighting.

18 Sec. 2. Section 257.6, Code 1997, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 6. SPARSITY FACTOR. For budget
21 years beginning on or after July 1, 1998, a school
22 district having fewer than three and five-tenths
23 resident public school pupils per square mile on
24 December 1 of the base year shall receive additional
25 enrollment for transportation costs because of the
26 sparsity factor. This additional enrollment is equal
27 to one-tenth of the school district's actual
28 enrollment for the base year."

29 2. By renumbering as necessary.

DOLECHECK of Ringgold
ARNOLD of Lucas

H-9000

1 Amend Senate File 58, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 5 the
4 following: "Consistent with the designation of
5 English as the common language of the state, the use
6 of roman numerals in official proceedings, records,
7 and publications is prohibited."

BUKTA of Clinton

H-9001

- 1 Amend the Committee amendment, H-8505, to Senate
 2 File 187, as passed by the Senate, as follows:
 3 1. Page 1, line 12, by striking the words "six
 4 thousand" and inserting the following: "seven
 5 thousand five hundred".
 6 2. Page 1, line 14, by inserting after the word
 7 "licenses." the following: "Of the first six thousand
 8 nonresident deer licenses issued, not more than
 9 thirty-five percent of the licenses shall be bow
 10 season licenses and, after the first six thousand
 11 nonresident deer licenses have been issued, all
 12 additional licenses shall be issued for antlerless
 13 deer only."

ARNOLD of Lucas
 DOTZLER of Black Hawk

H-9002

- 1 Amend the amendment, H-8801, to Senate File 2061,
 2 as passed by the Senate, as follows:
 3 1. Page 1, line 17, by striking the words
 4 "without charge" and inserting the following: "for a
 5 reasonable fee negotiated by the treasurer".

HUSER of Polk

H-9004

- 1 Amend Senate File 2410, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 27, line 8, by striking the words "The
 4 proposal" and inserting the following: "In developing
 5 the proposal, the administrators shall study a single
 6 provider rate and reimbursement system. The findings
 7 of the rate and reimbursement system study and the
 8 proposal".

HUSER of Polk

H-9012

- 1 Amend Senate File 58, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting after line 5 the
 4 following: "Consistent with the designation of
 5 English as the common language of the state, the use
 6 of arabic numerals in official proceedings, records,
 7 and publications is prohibited."

MORELAND of Wapello

H-9014

- 1 Amend the amendment, H-8957, to Senate File 2410,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 4 and 5 and
- 5 inserting the following: "'include" the following:
- 6 "the chairpersons, vice-chairpersons, and ranking
- 7 members of the joint appropriations subcommittee on
- 8 human services,"."

OSTERHAUS of Jackson

H-9015

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 82, by inserting after line 2 the
- 4 following:
- 5 "Sec. ____ Section 331.439, Code Supplement 1997,
- 6 is amended by adding the following new subsection:
- 7 NEW SUBSECTION. 9. A county management plan's
- 8 income and resource eligibility standards shall not
- 9 restrict eligibility for services under the plan for
- 10 income or resources at or below the following levels:
- 11 a. Income equal to one hundred fifty percent of
- 12 the federal poverty level as defined by the most
- 13 recently revised poverty income guidelines published
- 14 by the United States department of health and human
- 15 services.
- 16 b. Resources in the amount of two thousand dollars
- 17 for an individual and three thousand dollars for a
- 18 family."
- 19 2. Page 82, line 19, by striking the word and
- 20 figure "and 230.22" and inserting the following:
- 21 "230.22, and 331.439".
- 22 3. By renumbering as necessary.

JOCHUM of Dubuque

H-9017

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 27, line 6, by inserting after the word
- 4 "requirements," the following: "a single provider
- 5 rate and reimbursement system,".

JOCHUM of Dubuque

H-9018

- 1 Amend the amendment, H-8965, to Senate File 2410,

- 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 12 through 14 and
 5 inserting the following: "the interim committee
 6 should include the chairpersons, vice-chairpersons,
 7 and ranking members of the joint appropriations
 8 subcommittee on human services, and should include the
 9 participation".

OSTERHAUS of Jackson

H-9019

- 1 Amend Senate File 2410, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 32, by inserting after line 21 the
 4 following:
 5 "___ The department shall perform an evaluation
 6 of public and private residential treatment programs,
 7 including those programs providing highly structured
 8 juvenile program beds. The evaluation shall include
 9 but is not limited to a review of the curriculum and
 10 treatment approaches used by the programs, the
 11 recidivism rate of juveniles who have completed the
 12 programs, and other selected variables, subject to the
 13 availability of this information. A report of the
 14 evaluation shall be submitted to the general assembly
 15 by January 1, 1999."
 16 2. By renumbering as necessary.

FOEGE of Linn

H-9020

- 1 Amend Senate File 2363, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 25 through 29 and
 4 inserting the following: "hearing. The officer
 5 presiding over the hearing shall issue a decision
 6 affirming or denying the request in whole or in part
 7 within sixty calendar days of the hearing date.
 8 Sec. ___. IMPLEMENTATION REPORT. The department
 9 of human services and the department of inspections
 10 and appeals shall monitor the effects of compliance
 11 with the time frames established in this Act. The
 12 effects to be monitored shall include but are not
 13 limited to staffing costs, overtime, paperwork, and
 14 number of persons removed from the registry. The
 15 departments shall report to the general assembly
 16 concerning the monitoring. A report shall be
 17 submitted in February 1999 and a second report shall

- 18 be submitted in January 2000.”
19 2. By renumbering as necessary.

BRAND of Tama

H-9023

- 1 Amend Senate File 2410, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 37, by inserting after line 23 the
4 following:
5 “It is the intent of the general assembly that the
6 admissions requirements of the consent decree shall
7 also be applied to the state university of Iowa
8 hospital-school for children with disabilities. The
9 state board of regents shall submit to the general
10 assembly proposed amendments to chapter 263 to codify
11 the admissions requirements of the consent decree.”

HOUSER of Pottawattamie

H-9026

- 1 Amend Senate File 367, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 9, by striking the figure
4 “558A.4,” and inserting the following: “558A.4.”
5 2. Page 2, by striking lines 10 and 11.
6 3. Page 2, by striking lines 22 through 32 and
7 inserting the following:
8 “3. A cause of action shall arise against a real
9 estate broker or salesperson for the failure to
10 disclose to a buyer or other transferee of real estate
11 that the transferred real estate is or might be
12 stigmatized real estate. This section shall not be”.
13 4. Title page, line 2, by striking the word
14 “not”.

HOLVECK of Polk
KREIMAN of Davis
DODERER of Johnson

H-9027

- 1 Amend Senate File 367, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 9, by striking the figure
4 “558A.4,” and inserting the following: “558A.4.”
5 2. Page 2, by striking lines 10 and 11.
6 3. Page 2, by striking lines 22 through 32 and
7 inserting the following:
8 “3. A cause of action shall arise against a real
9 estate broker or salesperson for the failure to

10 disclose to a buyer or other transferee of real estate
 11 that the transferred real estate is or might be
 12 stigmatized real estate if such broker or salesperson
 13 knows that the fact that the property is or might be
 14 stigmatized real estate is unknown to the buyer or
 15 could not be known by the buyer through diligent
 16 attention or observation. This section shall not be".
 17 4. Title page, line 2, by striking the word
 18 "not".

HOLVECK of Polk
 KREIMAN of Davis
 DODERER of Johnson

H-9028

1 Amend Senate File 367, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by striking lines 8 through 11 and
 4 inserting the following: "stigmatized real estate, is
 5 a material adverse fact required to be disclosed as
 6 provided in section 543B.56."

HOLVECK of Polk
 KREIMAN of Davis
 DODERER of Johnson

H-9032

1 Amend Senate File 2410, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 21, line 33, through page 22,
 4 line 2.
 5 2. By renumbering as necessary.

HOUSER of Pottawattamie

H-9036

1 Amend Senate Joint Resolution 2004, as passed by
 2 the Senate, as follows:
 3 1. Page 3, line 17, by striking the word
 4 "sections" and inserting the following: "section".
 5 2. By striking page 3, line 19 through page 4,
 6 line 11 and inserting the following:
 7 "TAX BILLS.
 8 PASSAGE OF TAX BILLS. Section 1. All bills
 9 containing provisions relating to taxation shall
 10 require for passage two separate votes in each house
 11 of the General Assembly, with no more than ten
 12 legislative days intervening between the first and

13 second vote in each house. Such bills after having
14 passed the house of origin shall be voted on and
15 passed in the other house before being voted on again
16 in the house of origin and returned to the other
17 house."
18 3. By renumbering as necessary.

LARKIN of Lee

H-9042

1 Amend Senate File 2410, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 52, by inserting after line 4 the
4 following:
5 "The department shall establish a policy to assure
6 that correspondence and other communications between
7 the department or department personnel and persons
8 with disabilities are carried out in a manner which is
9 within the scope of the person's abilities."

SHOULTZ of Black Hawk

H-9043

1 Amend Senate File 2410 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 82, by inserting after line 2, the
4 following:
5 "Sec. ____ NEW SECTION. 5141.10. HAWK-I TRUST
6 FUND.
7 1. A HAWK-I trust fund is created in the state
8 treasury under the authority of the department of
9 human services, to which all state appropriations
10 shall be deposited and used to carry out the purposes
11 of this chapter. Other revenues of the program such
12 as grants, contributions, and participant payments
13 shall not be considered revenue of the state, but
14 rather shall be funds of the program.
15 2. The trust fund shall be separate from the
16 general fund of the state and shall not be considered
17 part of the general fund of the state. The moneys in
18 the trust fund are not subject to section 8.33 and
19 shall not be transferred, used, obligated,
20 appropriated, or otherwise encumbered except as
21 provided in this chapter. Notwithstanding section
22 12C.7, subsection 2, interest or earnings on moneys
23 deposited in the trust fund shall be credited to the
24 trust fund."
25 3. By renumbering as necessary.

MURPHY of Dubuque

H-9050

- 1 Amend the amendment, H-9034, to Senate File 2410,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 39, by inserting after the figure
- 5 "35." the following: "However, if the waiver is found
- 6 to be cost effective, the number of persons served
- 7 shall be expanded to the maximum extent possible."

FOEGE of Linn

H-9051

- 1 Amend the amendment, H-9015, to Senate File 2410,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 5, by striking the word "Sec.
- 5 ____." and inserting the following: "Sec. 500."
- 6 2. Page 1, by inserting after line 21 the
- 7 following:
- 8 "____. Page 84, by inserting after line 4 the
- 9 following:
- 10 "Sec. ____ DELAYED EFFECTIVE DATE. Section 500 of
- 11 this Act, amending section 331.439, takes effect July
- 12 1, 1999."
- 13 3. By renumbering as necessary.

CARROLL of Poweshiek
MYERS of Johnson

H-9052

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 20, by inserting after line 16 the
- 4 following:
- 5 "____. The amount of the appropriation made in this
- 6 section is based on the assumption that the number of
- 7 bed days used in nursing facilities for fiscal year
- 8 1998-1999 will be one percent less than the bed day
- 9 usage assumed for the previous fiscal year. In
- 10 January 1999, the department shall evaluate the actual
- 11 bed day usage for the first six months of the fiscal
- 12 year. If the actual bed day usage during that period
- 13 indicates an actual reduction in usage of more than
- 14 1.10 percent, the department shall assume that the
- 15 rate of reduction experienced for the first six months
- 16 will continue for the remainder of the fiscal year.
- 17 Based on this assumption, the department shall project
- 18 an amount of state medical assistance savings for the
- 19 fiscal year using the amount of reduction in excess of

20 1.10 percent. The department of human services shall
21 transfer the amount of projected savings from the
22 appropriation made in this section to the Iowa
23 department of public health appropriation for grants
24 to counties for public health nursing, home care
25 aide/chore, and senior health programs. The Iowa
26 department of public health shall distribute the
27 transferred moneys proportionately to counties in the
28 form of supplemental grants based upon the individual
29 county's existing grants for purposes of public health
30 nursing, home care aide/chore, and senior health
31 programs."
32 2. By renumbering as necessary.

BRAND of Tama

H-9057

1 Amend the amendment, H-9049, to Senate File 2410,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 5, by striking the figure
5 "385,963,305" and inserting the following:
6 "385,563,305".

HANSEN of Pottawattamie

H-9061

1 Amend Senate Joint Resolution 2004, as passed by
2 the Senate, as follows:
3 1. Page 2, line 20, by striking the word "Any"
4 and inserting the following: "If the".
5 2. Page 2, line 20, by striking the word "which".
6 3. Page 2, line 22, by inserting after the word
7 "year" the following: ", the first one percent of the
8 adjusted revenue estimate".
9 4. Page 2, line 23, by inserting after the word
10 "year." the following: "Any surplus in excess of
11 eleven percent shall be transferred to the rebuild
12 Iowa infrastructure fund."
13 5. Page 3, by inserting after line 11 the
14 following:
15 "___ A rebuild Iowa infrastructure fund is
16 created. The fund shall consist of appropriations
17 made to the fund and transfers of any surplus in the
18 general fund as provided in subsection 5. The fund
19 shall be separate from the general fund of the state
20 and the balance in the fund shall not be considered
21 part of the balance of the general fund of the state.
22 Moneys in the infrastructure fund shall not revert
23 to any other fund. Interest or earnings on moneys in
24 the infrastructure fund shall be credited to the

25 infrastructure fund.
 26 Moneys in the fund in a fiscal year shall be used
 27 as directed by the general assembly for public
 28 vertical infrastructure projects. For the purposes of
 29 this section, "vertical infrastructure" includes only
 30 land acquisition and construction, major renovation
 31 and major repair of buildings, all appurtenant
 32 structures, utilities, site development, and
 33 recreational trails. "Vertical infrastructure" does
 34 not include routine, recurring maintenance or
 35 operational expenses or leasing of a building,
 36 appurtenant structure, or utility without a lease-
 37 purchase agreement."
 38 6. By renumbering as necessary.

FREVERT of Palo Alto

H-9063

1 Amend Senate Joint Resolution 2004, as passed by
 2 the Senate, as follows:
 3 1. Page 3, by inserting after line 1 the
 4 following:
 5 "____. The cost of providing a property tax credit
 6 which is enacted by the General Assembly shall be
 7 fully funded by the state. If a state appropriation
 8 made to fund a credit which is enacted by the General
 9 Assembly is not sufficient to fully fund the credit,
 10 the political subdivision shall be required to extend
 11 to the taxpayer only that portion of the credit funded
 12 by the state appropriation."
 13 2. By renumbering and correcting internal
 14 references as necessary.

MYERS of Johnson

H-9069

1 Amend Senate Joint Resolution 2004, as passed by
 2 the Senate, as follows:
 3 1. Page 4, by inserting after line 11 the
 4 following:
 5 "Sec. 3. The following amendment to the
 6 Constitution of the State of Iowa is proposed:
 7 The Constitution of the State of Iowa is amended by
 8 striking section 15 of Article III and inserting in
 9 lieu thereof the following:
 10 BILLS. Sec. 15. All bills for raising revenue
 11 shall originate in the house of representatives; but
 12 the senate may propose or concur with amendments as on
 13 other bills. All other bills may originate in either
 14 house, and may be amended, altered, or rejected by the
 15 other house. Every bill having passed both houses
 16 shall be signed by the speaker and the president of

- 17 their respective houses.”
18 2. By renumbering as necessary.

RICHARDSON of Warren

H-9073

- 1 Amend Senate Joint Resolution 2004, as passed by
2 the Senate, as follows:
3 1. Page 4, line 3, by striking the words “one
4 year” and inserting the following: “two years”.
5 2. Page 4, line 5, by striking the word “one-
6 year” and inserting the following: “two-year”.

DODERER of Johnson
OSTERHAUS of Jackson

H-9074

- 1 Amend Senate Joint Resolution 2004, as passed by
2 the Senate, as follows:
3 1. Page 4, by inserting before line 12 the
4 following:
5 “Sec. ____ The following amendment to the
6 Constitution of the State of Iowa is proposed:
7 Section 1 of Article X of the Constitution of the
8 State of Iowa is amended to read as follows:
9 HOW PROPOSED – SUBMISSION. Section 1. Any
10 amendment or amendments to this constitution may be
11 proposed in either house of the general assembly; and
12 if the same shall be amendment or amendments are
13 agreed to by a majority at least three-fifths of the
14 members elected to each of the two houses, such
15 proposed amendment shall be entered on their journals,
16 with the yeas and nays taken thereon, and referred to
17 the legislature to be chosen at the next general
18 election, and shall be published, as provided by law,
19 for three months previous to the time of making such
20 choice; and if, in the general assembly so next chosen
21 as aforesaid, such ~~the~~ proposed amendment or
22 amendments shall be are agreed to, by a ~~majority at~~
23 least three-fifths of ~~all~~ the members elected to each
24 house, then it shall be the duty of the general
25 assembly to submit such proposed amendment or
26 amendments to the people, in such manner, and at such
27 time as the general assembly shall provide; and if the
28 people shall approve and ratify such ~~the~~ amendment or
29 amendments, by a three-fifths majority of the electors
30 qualified to vote for members of the general assembly,
31 voting thereon, such amendment or amendments shall
32 become a part of the constitution of this state.”
33 2. By renumbering as necessary.

JOCHUM of Dubuque

H-9075

- 1 Amend Senate Joint Resolution 2004, as passed by
2 the Senate, as follows:
3 1. Page 4, by inserting after line 11 the
4 following:
5 "Sec. 3. The following amendment to the
6 Constitution of the State of Iowa is proposed:
7 The Constitution of the State of Iowa is amended by
8 adding the following new section to new Article XIII:
9 PROHIBITION ON STATE MANDATES. Section 1. If a
10 state mandate is enacted by the General Assembly, or
11 otherwise imposed on a political subdivision and the
12 state mandate requires a political subdivision to
13 engage in any new activity, to provide any new
14 service, or to provide any service beyond that
15 required by any law, and the state does not
16 appropriate moneys to fully fund the cost of the state
17 mandate, the political subdivision is not required to
18 perform the activity or provide the service and the
19 political subdivision shall not be subject to the
20 imposition of any fines or penalties for the failure
21 to comply with the state mandate. For the purposes of
22 this section, any requirement originating from the
23 federal government and administered, implemented, or
24 enacted by the state, and any allocation of federal
25 moneys conditioned upon enactment of a state law or
26 rule, are not state mandates."
27 2. By renumbering as necessary.

BERNAU of Story

H-9077

- 1 Amend Senate Joint Resolution 2004, as passed by
2 the Senate, as follows:
3 1. Page 4, by inserting after line 11 the
4 following:
5 "Sec. 3. The following amendment to the
6 Constitution of the State of Iowa is proposed:
7 The Constitution of the State of Iowa is amended by
8 striking section 15 of Article III and inserting in
9 lieu thereof the following:
10 BILLS. Sec. 15. All appropriation bills shall
11 originate in the house of representatives; but the
12 senate may propose or concur with amendments as on
13 other bills. All other bills may originate in either
14 house, and may be amended, altered, or rejected by the
15 other house. Every bill having passed both houses
16 shall be signed by the speaker and president of their
17 respective houses."
18 2. By renumbering as necessary.

JOCHUM of Dubuque

H-9078

- 1 Amend Senate Joint Resolution 2004, as passed by
2 the Senate, as follows:
3 1. By striking page 1, line 1, through page 3,
4 line 13.
5 2. Page 4, line 12, by striking the word
6 "amendments" and inserting the following:
7 "amendment".
8 3. Page 4, line 13, by striking the word "are"
9 and inserting the following: "is".
10 4. Page 4, line 16, by striking the word "them"
11 and inserting the following: "it".
12 5. Title page, line 1, by striking the word
13 "amendments" and inserting the following: "an
14 amendment".
15 6. Title page, by striking lines 2 and 3 and
16 inserting the following: "the State of Iowa relating
17 to restricting certain state".
18 7. By renumbering as necessary.

BERNAU of Story

H-9083

- 1 Amend Senate Joint Resolution 2004, as passed by
2 the Senate, as follows:
3 1. Page 3, line 25, by inserting after the word
4 "revenues" the following: "of one-tenth of one
5 percent or more".

SHOULTZ of Black Hawk

H-9084

- 1 Amend Senate Joint Resolution 2004, as passed by
2 the Senate, as follows:
3 1. Page 3, line 28, by inserting after the word
4 "passage" the following: ", except as provided in
5 section 4".
6 2. Page 4, by inserting after line 9 the
7 following:
8 "EXCEPTION TO THREE-FIFTHS MAJORITY REQUIREMENT.
9 Sec. 4. The three-fifths majority requirement in
10 section 1 does not apply if the surplus in the general
11 fund falls or is estimated to fall below an amount
12 equal to three percent of the amount of expenditures
13 and other financing uses in the fiscal year in which
14 the bill is considered for passage. For purposes of
15 this section, "surplus" means the cumulative excess of
16 revenues and other financing sources over expenditures
17 and other financing uses for the general fund of the
18 state at the end of the fiscal year."

- 19 3. Page 4, line 10, by striking the figure "4"
 20 and inserting the following: "5".
 21 4. Page 4, line 11, by striking the figure "3"
 22 and inserting the following: "4".
 23 5. By renumbering as necessary.

BERNAU of Story

H-9086

- 1 Amend Senate Joint Resolution 2004, as passed by
 2 the Senate, as follows:
 3 1. Page 3, by inserting after line 1 the
 4 following:
 5 "___ Any expenditure made for education purposes
 6 shall not be considered an expenditure for purposes of
 7 the state general fund expenditure limitation."
 8 2. Page 3, by inserting after line 1 the
 9 following:
 10 "___ Any expenditure made for resource
 11 enhancement and protection purposes shall not be
 12 considered an expenditure for purposes of the state
 13 general fund expenditure limitation."
 14 3. Page 3, by inserting after line 1 the
 15 following:
 16 "___ Any expenditure made for the purpose of
 17 providing health care for the elderly shall not be
 18 considered an expenditure for purposes of the state
 19 general fund expenditure limitation."
 20 4. Page 3, by inserting after line 1 the
 21 following:
 22 "___ Any expenditure made for purposes of funding
 23 early childhood programs shall not be considered an
 24 expenditure for purposes of the state general fund
 25 expenditure limitation."
 26 5. By renumbering as necessary.

FREVERT of Palo Alto

H-9088

- 1 Amend Senate Joint Resolution 2004, as passed by
 2 the Senate, as follows:
 3 1. Page 2, by striking lines 34 and 35 and
 4 inserting the following: "3 shall not include federal
 5 funds; donations; the unemployment trust fund; moneys
 6 in the road use tax fund, the fish and game trust
 7 fund, and any other constitutionally dedicated moneys;
 8 and moneys in expenditures from a state".

WEIGEL of Chickasaw

H-9090

- 1 Amend Senate Joint Resolution 2004, as passed by

2 the Senate, as follows:

3 1. Page 3, line 28, by inserting after the word
 4 "passage." the following: "Each house of the General
 5 Assembly shall hold a public hearing on the bill prior
 6 to a vote being taken on the bill by that house of the
 7 General Assembly."

BERNAU of Story

H-9092

1 Amend Senate Joint Resolution 2004, as passed by
 2 the Senate, as follows:

3 1. Page 2, by striking lines 20 through 28 and
 4 inserting the following:
 5 " _____. If a surplus will exist at the end of a
 6 fiscal year, the state general fund expenditure
 7 limitation amount provided for in subsection 3 for the
 8 subsequent fiscal year shall be readjusted to include
 9 one hundred percent of the amount of the surplus. For
 10 purposes".

CHAPMAN of Linn

H-9093

1 Amend Senate Joint Resolution 2004, as passed, by
 2 the Senate, as follows:

3 1. Page 2, line 2, by inserting after the word
 4 "section" the following: ", as required in subsection
 5 5".
 6 2. Page 2, by striking lines 20 through 28 and
 7 inserting the following:
 8 "5. If the surplus at the end of a fiscal year
 9 will equal less than ten percent of the adjusted
 10 revenue estimate for the fiscal year, the state
 11 general fund expenditure limitation shall apply to the
 12 following fiscal year as calculated under this
 13 section. For purposes".

BERNAU of Story

H-9094

1 Amend Senate Joint Resolution 2004, as passed by
 2 the Senate, as follows:

3 1. By striking page 3, line 14, through page 4,
 4 line 11.
 5 2. Page 4, line 12, by striking the word
 6 "amendments" and inserting the following:
 7 "amendment".
 8 3. Page 4, line 13, by striking the word "are"
 9 and inserting the following: "is".

- 10 4. Page 4, line 16, by striking the word "them"
11 and inserting the following: "it".
12 5. Title page, line 1, by striking the word
13 "amendments" and inserting the following: "an
14 amendment".
15 6. Title page, by striking lines 3 and 4 and
16 inserting the following: "state general fund
17 expenditures."
18 7. By renumbering as necessary.

WISE of Lee

H-9095

- 1 Amend Senate File 58, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 5 the
4 following:
5 "The state shall establish an Iowa department of
6 lexicography to assist in the administration of this
7 section. The department shall develop a list of
8 acceptable words and phrases, and shall specifically
9 identify words which can, and cannot, be used
10 consistent with the designation of English as the
11 common language of the state. Department of
12 lexicography personnel shall be authorized to conduct
13 public hearings, pursuant to chapter 17A, and to
14 gather information from experts in the field of
15 lexicography to assist in the development of the
16 list."

MASCHER of Johnson

H-9098

- 1 Amend Senate Joint Resolution 2004, as passed by
2 the Senate, as follows:
3 1. Page 3, by striking line 19 and inserting the
4 following: "STATE TAXES."
5 2. Page 4, by inserting after line 9 the
6 following:
7 "REFUND OF UNCONSTITUTIONAL TAXES. Sec. 4. If any
8 state tax is declared unconstitutional by the United
9 States Supreme Court or the Supreme Court of Iowa, the
10 state shall refund to the appropriate taxpayers, with
11 interest applied to the amount refunded, all amounts
12 collected by the state as a result of the
13 unconstitutional tax."
14 3. Page 4, line 11, by striking the figure "3"
15 and inserting the following: "4".
16 4. By renumbering as necessary.

JOCHUM of Dubuque

H-9099

1 Amend Senate Joint Resolution 2004, as passed by
2 the Senate, as follows:
3 1. Page 2, line 28, by inserting after the word
4 "Assembly." the following: "However, the requirement
5 of approval by at least a three-fifths vote does not
6 apply in the case of a bill solely providing property
7 tax relief."

WEIGEL of Chickasaw

H-9102

1 Amend Senate Joint Resolution 2004, as passed by
2 the Senate, as follows:
3 1. Page 3, by striking lines 23 through 26 and
4 inserting the following: "sales and use taxes shall
5 require the affirmative votes of at least".

BERNAU of Story

H-9103

1 Amend Senate Joint Resolution 2004, as amended by
2 the Senate, as follows:
3 1. By striking page 2, line 33, through page 3,
4 line 1 and inserting the following:
5 "6. The scope of the expenditure limitation under
6 subsection 3 shall not include federal funds,
7 donations, and moneys in expenditures from a state
8 retirement system. The scope of the expenditure
9 limitation under subsection 3 shall include moneys in
10 the road use tax fund, unemployment trust fund, the
11 fish and game trust fund, and any other
12 constitutionally dedicated moneys; moneys in the
13 rebuild Iowa infrastructure fund or its successor;
14 moneys in the cash reserve fund or its successor; and
15 moneys in the economic emergency fund or its
16 successor."

BERNAU of Story

H-9104

1 Amend Senate Joint Resolution 2004, as passed by
2 the Senate, as follows:
3 1. Page 2, line 20, by inserting before the word
4 "Any" the following: "a."
5 2. Page 2, by striking lines 22 and 23 and
6 inserting the following: "fiscal year shall be
7 deposited into the property tax relief fund. Any
8 surplus equal to ten".

9 3. Page 2, by inserting after line 32 the
 10 following:
 11 "b. The property tax relief fund is created. The
 12 fund shall be separate from the general fund of the
 13 state and the balance in the fund shall not be
 14 considered part of the balance of the general fund of
 15 the state. The moneys in the fund shall not revert to
 16 the general fund of the state or any other fund. The
 17 maximum balance of the property tax relief fund equals
 18 five percent of the adjusted revenue estimate for the
 19 fiscal year. Any money in excess of the maximum
 20 balance shall be transferred to the general fund and
 21 be included in the adjusted revenue estimate for the
 22 following fiscal year. The moneys in the property tax
 23 relief fund shall only be appropriated by the General
 24 Assembly for reducing overall state or local taxes of
 25 the state. Interest or earnings on moneys deposited
 26 in the property tax relief fund shall be credited to
 27 the property tax relief fund."

WEIGEL of Chickasaw

H-9106

1 Amend Senate File 367, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, line 9, by striking the figure
 4 "558A.4," and inserting the following: "558A.4."
 5 2. Page 2, by striking lines 10 and 11.
 6 3. Page 2, by striking lines 22 through 32 and
 7 inserting the following:
 8 "3. A cause of action shall arise against a
 9 seller, real estate broker, or salesperson for the
 10 failure to disclose to a buyer or other transferee of
 11 real estate that the transferred real estate is or
 12 might be stigmatized real estate. This section shall
 13 not be".
 14 4. Title page, line 2, by striking the word
 15 "not".

HOLVECK of Polk
 KREIMAN of Davis
 DODERER of Johnson

H-9115

1 Amend Senate Joint Resolution 2004, as passed by
 2 the Senate, as follows:
 3 1. Page 1, by inserting after line 33 the
 4 following:
 5 "d. At least one-half of all gambling revenues,
 6 including lottery revenues and racing and gaming
 7 revenues, received by the state in each fiscal year

8 shall be credited to the rebuild Iowa infrastructure
9 fund. The remaining gambling revenues shall be
10 credited to the general fund of the state.”

11 2. Page 3, by inserting after line 11 the
12 following:

13 “___ A rebuild Iowa infrastructure fund is
14 created. The fund shall consist of at least one-half
15 of all gambling revenues as provided in section 1,
16 paragraph “d”, interest and earnings on any surplus
17 moneys, and any appropriations made to the fund. The
18 fund shall be separate from the general fund of the
19 state and the balance in the fund shall not be
20 considered part of the balance of the general fund of
21 the state.

22 Moneys in the infrastructure fund shall not revert
23 to any other fund. Interest or earnings on moneys in
24 the infrastructure fund shall be credited to the
25 infrastructure fund.

26 Moneys in the fund in a fiscal year shall be used
27 as directed by the General Assembly for public
28 vertical infrastructure projects. For the purposes of
29 this section, “vertical infrastructure” includes only
30 land acquisition and construction, major renovation
31 and major repair of buildings, all appurtenant
32 structures, utilities, site development, and
33 recreational trails. “Vertical infrastructure” does
34 not include routine, recurring maintenance or
35 operational expenses or leasing of a building,
36 appurtenant structure, or utility without a lease-
37 purchase agreement.”

WARNSTADT of Woodbury

H-9116

1 Amend Senate Joint Resolution 2004, as passed by
2 the Senate, as follows:

3 1. Page 1, by inserting after line 33 the
4 following:

5 “d. Beginning with the third fiscal year following
6 enactment of this section, all gambling revenues,
7 including lottery revenues and racing and gaming
8 revenues, received by the state in each fiscal year
9 shall be credited to the rebuild Iowa infrastructure
10 fund.”

11 2. Page 3, by inserting after line 11 the
12 following:

13 “___ A rebuild Iowa infrastructure fund is
14 created. The fund shall consist of all gambling
15 revenues as provided in section 1, paragraph “d”,
16 interest and earnings on any surplus moneys, and any
17 appropriations made to the fund. The fund shall be
18 separate from the general fund of the state and the

19 balance in the fund shall not be considered part of
 20 the balance of the general fund of the state.
 21 Moneys in the infrastructure fund shall not revert
 22 to any other fund. Interest or earnings on moneys in
 23 the infrastructure fund shall be credited to the
 24 infrastructure fund.
 25 Moneys in the fund in a fiscal year shall be used
 26 as directed by the General Assembly for public
 27 vertical infrastructure projects. For the purposes of
 28 this section, "vertical infrastructure" includes only
 29 land acquisition and construction, major renovation
 30 and major repair of buildings, all appurtenant
 31 structures, utilities, site development, and
 32 recreational trails. "Vertical infrastructure" does
 33 not include routine, recurring maintenance or
 34 operational expenses or leasing of a building,
 35 appurtenant structure, or utility without a lease-
 36 purchase agreement."

WARNSTADT of Woodbury

H-9119

1 Amend the Senate amendment, H-8994, to House File
 2 2164, as passed by the House, as follows:
 3 1. Page 3, by inserting after line 8 the
 4 following:
 5 "Sec. ____ Section 15E.195, subsection 2, Code
 6 Supplement 1997, is amended to read as follows:
 7 2. The commission may adopt more stringent
 8 requirements, including requirements related to
 9 compensation and benefits and a prohibition against
 10 providing benefits or assistance to a business holding
 11 a sales tax permit for a business where entrance is
 12 limited by a cover charge of membership requirement,
 13 for a business to be eligible for incentives or
 14 assistance than provided in section 15E.193. The
 15 commission may develop as an additional requirement
 16 that preference in hiring be given to individuals who
 17 live within the enterprise zone. The commission shall
 18 work with the local workforce development center to
 19 determine the labor availability in the area."

WARNSTADT of Woodbury

H-9121

1 Amend the amendment, H-8801, to Senate File 2061,
 2 as passed by the Senate, as follows:
 3 1. Page 1, line 2, by striking the words
 4 "inserting before line 24," and inserting the
 5 following: "striking lines 10 through 23 and
 6 inserting".

- 7 2. Page 1, line 17, by striking the words "and
8 without charge".
- 9 3. Page 1, by striking lines 19 and 20 and
10 inserting the following: "a copy of the tax statement
11 or tax statement information."
- 12 4. Page 1, by inserting after line 27 the
13 following:
14 "The treasurer may negotiate and charge a
15 reasonable fee not to exceed the cost of producing the
16 information for the requestor for a tax statement or
17 tax statement information provided by the treasurer."
- 18 5. Page 1, by striking lines 29 and 30 and
19 inserting the following: "2, who requests a tax
20 statement or tax statement information, shall pay a
21 fee to the treasurer".

HUSER of Polk

H-9125

- 1 Amend House Concurrent Resolution 109 as follows:
- 2 1. Page 1, by striking line 5 and inserting the
3 following: "the comprehensive management of solid
4 waste."
- 5 2. Page 1, line 21, by striking the words "and
6 recycling".
- 7 3. Page 2, by striking lines 6 through 9 and
8 inserting the following:
9 "The Governor, the director of the Department of
10 Economic Development, the director of the Department
11 of Natural Resources, the Association of Business and
12 Industry, the Iowa Farm Bureau Federation, the Iowa
13 Recycling Association, the Iowa Society of Solid Waste
14 Operations, the Iowa chapter of the National Solid
15 Waste Management Association, the Iowa State
16 Association of Counties, the Iowa League of Cities,
17 and the Iowa Waste Reduction Center are requested to
18 appoint one member each; and".
- 19 4. Page 2, line 15, by striking the word
20 "regarding" and inserting the following: "addressing
21 strategic issues of environmental protection, economic
22 competitiveness, and program sustainability as they
23 relate to the comprehensive management of solid waste.
24 The special committee may consider".

BURNETT of Story

H-9126

- 1 Amend Senate File 58, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 5 the
4 following:

5 "Consistent with the designation of English as the
6 common language of the state, the use of combinations
7 of words, or phrases, which are in a language other
8 than the English language shall be prohibited."

DREES of Carroll

H-9127

1 Amend House File 2554 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 100. Section 403.5, Code 1997, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 8. An economic development area
7 shall not include agricultural land located within an
8 agricultural area designated pursuant to section
9 352.7. If all or a portion of an agricultural area is
10 located within an economic development area as of July
11 1, 1998, the governing body of the economic
12 development area shall amend the urban renewal plan to
13 sever that portion of such agricultural area which
14 contains agricultural land. The plan shall be amended
15 to sever the agricultural land without regard to when
16 the agricultural area or the economic development area
17 was established.

18 For purposes of this subsection, "agricultural
19 land" means real property that is used for the
20 production of agricultural commodities including, but
21 not limited to, the raising, harvesting, handling,
22 drying, or storage of crops used for feed, food, seed,
23 or fiber; the care or feeding of livestock; the
24 handling or transportation of crops or livestock; the
25 storage, treatment, or disposal of livestock manure;
26 and the application of fertilizers, soil conditioners,
27 pesticides, and herbicides on crops."

28 2. Page 1, by inserting after line 23 the
29 following:

30 "Sec. 101. APPLICABILITY. Section 100 of this Act
31 applies to urban renewal areas established before, on,
32 or after the effective date of this Act."

33 3. Title page, line 1, by inserting after the
34 word "areas" the following: "and to certain property
35 located within an urban renewal area and providing
36 retroactive applicability".

37 4. By renumbering as necessary.

DIX of Butler
TEIG of Hamilton
FALLON of Polk

H-9129

1 Amend Senate File 2398, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. By striking page 2, line 4 through page 2,
4 line 31, and inserting the following:

5 "1. If a person is convicted of a serious sex
6 offense, the court shall, prior to the time of
7 sentencing, order that the person undergo an
8 assessment to determine whether the person's emotional
9 or volitional capacity predisposes the person to
10 commit criminal sexual acts, whether the person is at
11 risk of committing additional criminal sexual acts
12 upon release, and whether any treatment may be
13 available which will reduce or eliminate the
14 likelihood that the person will again engage in
15 criminal sexual acts. The assessment shall be
16 conducted by a person who possesses the professional
17 qualifications specified in rules adopted by the
18 department of corrections in consultation with the
19 department of human services and the division of
20 criminal and juvenile justice planning of the
21 department of human rights. The assessment shall be
22 completed and provided to the court at least three
23 days prior to the time of sentencing. The assessment
24 shall be subject to the same confidentiality
25 requirements and shall be distributed in the same
26 manner as a presentence investigation under section
27 901.4.

28 2. At the time of sentencing, the court may order
29 that the person undergo any treatment recommended in
30 the assessment, and may require that the person
31 undergo medroxyprogesterone acetate treatment or some
32 equally or more effective treatment. If
33 medroxyprogesterone acetate treatment or some equally
34 or more effective treatment is ordered, the court's
35 order shall specify the time within which treatment
36 shall be initiated and the length of time and
37 conditions under which treatment shall be conducted.

38 3. The court shall not order medroxyprogesterone
39 acetate treatment or some equally or more effective
40 treatment if the person voluntarily undergoes a
41 permanent surgical alternative approved by the court.
42 If the person is required to undergo
43 medroxyprogesterone acetate treatment or some equally
44 or more effective treatment, the person shall be
45 informed by qualified personnel regarding the nature
46 and purposes of the treatment, together with the known
47 risks and any long-term complications or damage which
48 may be associated with the treatment, and the
49 probability of each such risk if reasonably
50 determinable."

Page 2

1 2. Page 3, line 8, by striking the figure "1" and

- 2 inserting the following: "2".
- 3 3. By striking page 3, line 34, through page 4,
- 4 line 29.
- 5 4. By renumbering as necessary.

SHOULTZ of Black Hawk

H-9130

- 1 Amend Senate File 2398, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 2 through 32 and
- 4 inserting the following:
- 5 "Sec. ____ NEW SECTION. 901.11 SPECIAL SENTENCE
- 6 FOR FELONY SERIOUS SEX OFFENSES.
- 7 1. At the time of sentencing of a person who has
- 8 been convicted of a serious sex offense which is a
- 9 felony, the court may".
- 10 2. Page 3, by striking lines 7 and 8, and
- 11 inserting the following: "any terms and conditions".
- 12 3. Page 3, line 13, by striking the figure "4"
- 13 and inserting the following: "2".
- 14 4. Page 3, by striking lines 26 through 29.
- 15 5. By striking page 3, line 34, through page 4,
- 16 line 29.
- 17 6. By redesignating as necessary.

SHOULTZ of Black Hawk

H-9137

- 1 Amend the amendment, H-9119, to the Senate
- 2 amendment, H-8994, to House File 2164, as passed by
- 3 the House, as follows:
- 4 1. Page 1, lines 10 and 11, by striking the words
- 5 "a business holding a sales tax permit for".

WARNSTADT of Woodbury

H-9139

- 1 Amend House File 2554 as follows:
- 2 1. Page 1, by striking lines 3 and 4 and
- 3 inserting the following: "municipahty shall submit
- 4 an annual financial report, prepared in conformity
- 5 with the report required in section 403.15, to the
- 6 department of management and".

DIX of Butler

H-9142

- 1 Amend the amendment, H-9087, to Senate Joint

2 Resolution 2004, as passed by the Senate, as follows:

3 1. Page 1, line 12, by inserting after the word
4 "full" the following: "state".

FREVERT of Palo Alto

H-9144

1 Amend Senate File 58, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 5 the
4 following:

5 " _____. To voter registration forms, or any other
6 written material or communications involved in the
7 voter registration process."

FORD of Polk

H-9147

1 Amend House File 2551 as follows:

2 1. Page 1, line 19, by inserting after the word
3 "forward." the following: "If the small business
4 elects to take the small business tax credit, then the
5 small business may not deduct for Iowa tax purposes
6 any amount of the small business administration
7 guaranty fee deducted for federal income tax purposes.

8 For purposes of this section, an individual may
9 claim the small business tax credit allowed a
10 partnership, subchapter S corporation, limited
11 liability company, or estate, or trust electing to
12 have the income taxed directly to the individual. The
13 amount claimed by the individual shall be based upon
14 the pro rata share of the individual's earnings of a
15 partnership, subchapter S corporation, limited
16 liability company, or estate or trust."

17 2. Page 2, line 4, by inserting after the word
18 "forward." the following: "If the small business
19 elects to take the small business tax credit, then the
20 small business may not deduct for Iowa tax purposes
21 any amount of the small business administration
22 guaranty fee deducted for federal income tax
23 purposes."

LORD of Dallas

H-9148

1 Amend Senate File 58, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 22, by striking the word
4 "system." and inserting the following: "system or the
5 department of corrections."

BERNAU of Story

H-9149

- 1 Amend Senate File 58, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 5 the
- 4 following:
- 5 "Consistent with the designation of English as the
- 6 common language of the state, any road sign posted
- 7 along a highway or interstate located on or near a
- 8 state boundary line between the state of Iowa and a
- 9 contiguous state, which is intended to notify
- 10 travelers that they are entering the state of Iowa and
- 11 to welcome them to the state, shall be changed to read
- 12 "Welcome to Iowa, an English-only state"."

FALLON of Polk

H-9150

- 1 Amend Senate File 58, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 13 through 15 and
- 4 inserting the following: "children throughout the
- 5 state.
- 6 . In designating the English language as the common
- 7 language of the state, it is not the intent of the
- 8 general assembly to discriminate in any way against
- 9 recent immigrants from other countries who have not
- 10 yet achieved a working command of the English
- 11 language. Instead, the intent of the general assembly
- 12 is to assist such individuals in achieving an
- 13 autonomous existence as a citizen of the state of Iowa
- 14 by encouraging the rapid and successful transition
- 15 toward the ability to functionally utilize the English
- 16 language.
- 17 The requirements of this section establishing
- 18 English as the common language of the state shall not
- 19 apply to any of the following:"

FALLON of Polk
WITT of Black Hawk

H-9151

- 1 Amend the amendment, H-8542, to Senate File 2398,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking lines 31 through 35.

KREIMAN of Davis

H-9152

- 1 Amend House Concurrent Resolution 109 as follows:

- 2 1. Page 1, by striking line 5 and inserting the
3 following: "the comprehensive management of solid
4 waste."
5 2. Page 1, by striking line 21 and inserting the
6 following: "regarding the comprehensive management of
7 solid waste;".
8 3. Page 2, by striking lines 6 through 9 and
9 inserting the following:
10 "The Governor, the director of the Department of
11 Economic Development, the director of the Department
12 of Natural Resources, the Association of Business and
13 Industry, the Iowa Farm Bureau Federation, the Iowa
14 Recycling Association, the Iowa Society of Solid Waste
15 Operations, the Iowa chapter of the National Solid
16 Waste Management Association, the Iowa State
17 Association of Counties, the Iowa League of Cities,
18 and the Iowa Waste Reduction Center are requested to
19 appoint one member each; and".
20 4. Page 2, line 15, by striking the word
21 "regarding" and inserting the following: "addressing
22 strategic issues of environmental protection, economic
23 competitiveness, and program sustainability as they
24 relate to the comprehensive management of solid waste.
25 The special committee may consider".

BURNETT of Story

H-9153

- 1 Amend House File 2555 as follows:
2 1. Page 1, by striking lines 17 through 22.
3 2. Page 1, line 30, by striking the figure "1".
4 3. By striking page 1, line 32, through page 2,
5 line 14.
6 4. Page 2, line 17, by striking the words "or
7 transfer station".
8 5. Page 2, line 20, by striking the words "or
9 transfer station operator".
10 6. Page 2, by striking lines 26 through 32 and
11 inserting the following: "every year thereafter.
12 Any".
13 7. Page 3, line 28, by striking the words "or
14 transfer station".
15 8. By renumbering as necessary.

BURNETT of Story
BRADLEY of Clinton

H-9155

- 1 Amend Senate File 367, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 11, by inserting after the word

4 "owner." the following: "A person making a disclosure
5 pursuant to this section regarding stigmatized
6 property shall also disclose the reason or event which
7 the person believes resulted in the real estate being
8 stigmatized."

KREIMAN of Davis

H-9157

1 Amend Senate File 2381, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 11, by inserting after line 24 the
4 following:

5 "Sec. 500. NEW SECTION. 422E.5 SCHOOL
6 INFRASTRUCTURE SAFETY FUND.

7 1. There shall be distributed from the federal
8 funds allocated to the state of Iowa as described in
9 Conference Committee Report 105-390, accompanying H.R.
10 2264, making federal appropriations to the United
11 States departments of labor, health and human
12 services, and education, to the state department of
13 education the sum of two million dollars to establish
14 a school infrastructure safety fund.

15 2. The funds shall be allocated to the school
16 budget review committee to develop a school
17 infrastructure safety fund grant program, in
18 conjunction with the state fire marshal. For purposes
19 of reviewing grant applications and making
20 recommendations regarding the administration of the
21 program, the state fire marshal shall be considered an
22 additional voting member of the school budget review
23 committee.

24 3. Top priority in awarding program grants shall
25 be the making of school infrastructure improvements
26 relating to fire and personal safety. School
27 districts eligible for program grants shall have
28 received an order or citation from the state fire
29 marshal, or a fire department chief or fire prevention
30 officer, for one or more fire safety violations
31 regarding a school facility, or in the opinion of the
32 state fire marshal shall be regarded as operating
33 facilities subject to significant fire safety
34 deficiencies. Grant awards shall also be available
35 for defects or violations of the state building code
36 revealed during an inspection of school facilities by
37 a local building department, or for improvements
38 consistent with the standards and specifications
39 contained in the state building code regarding
40 ensuring that buildings and facilities are accessible
41 to and functional for persons with disabilities. The
42 school budget review committee shall allocate program
43 funds to school districts which, in its discretion,

44 are determined to be faced with the most severe
 45 deficiencies. School districts applying for program
 46 grants shall have developed and submitted to the state
 47 fire marshal or local building department a written
 48 plan to remedy fire or safety defects within a
 49 specified time frame. Approval of the written plan by
 50 the state fire marshal or local building department

Page 2

1 shall be obtained prior to receipt of a grant award by
 2 a school district.
 3 4. Application forms, submission dates for
 4 applications and for written plans to remedy fire or
 5 safety defects, and grant award criteria shall be
 6 developed by the state department of education, in
 7 coordination with the state fire marshal, by rule.
 8 5. The school budget review committee shall submit
 9 a progress report of the number and amount of grants
 10 awarded, and fire and safety improvements made,
 11 pursuant to the school infrastructure safety fund
 12 grant program, to the general assembly by January 1,
 13 2000.”
 14 2. Page 13, by inserting after line 16 the
 15 following:
 16 “___: Section 500, enacting section 422E.5 which
 17 establishes a school infrastructure safety fund.”
 18 3. Title, page 2, line 33, by inserting after the
 19 word “fund,” the following: “by creating a school
 20 infrastructure safety fund,”.
 21 4. By renumbering as necessary.

MASCHER of Johnson

H-9159

1 Amend Senate File 2416, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 63, by striking lines 3 through 8 and
 4 inserting the following:
 5 “Sec. ___ EFFECTIVE DATE. This Act takes effect
 6 July 1, 1999.”
 7 2. Title page, lines 6 and 7, by striking the
 8 words “providing for the Act’s retroactive
 9 applicability,”.

LARSON of Linn
 MYERS of Johnson
 THOMSON of Linn
 CHURCHILL of Polk
 HAHN of Muscatine
 FOEGE of linn
 O'BRIEN of Boone

WISE of Lee
 CORMACK of Webster
 BERNAU of Story
 BODDICKER of Cedar
 NELSON of Marshall
 OSTERHAUS of Jackson

H-9160

- 1 Amend House File 2555 as follows:
 2 1. Page 2, line 34, by striking the words "waste
 3 reduction and recycling" and inserting the following:
 4 "waste reduction, recycling, or small business
 5 pollution prevention".

JENKINS of Black Hawk
 WITT of Black Hawk
 SHOULTZ of Black Hawk

BRADLEY of Clinton
 BURNETT of Story
 DOTZLER of Black Hawk

H-9161

- 1 Amend Senate File 58, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 13 through 15 and
 4 inserting the following: "children throughout the
 5 state.
 6 In designating the English language as the common
 7 language of the state, it is not the intent of the
 8 general assembly to discourage residents of the state
 9 from learning, or maintaining proficiency in, a
 10 language other than the English language. The general
 11 assembly encourages bilingualism to facilitate a
 12 better understanding of other cultures, to enhance
 13 appreciation for the diversity and heritage of the
 14 citizens of this state, and to promote state tourism
 15 and international commerce.
 16 The requirements of this section establishing
 17 English as the common language of the state shall not
 18 apply to any of the following:"

FALLON of Polk

H-9163

- 1 Amend Senate File 2333, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. Section 85.34, subsection 2, paragraph
 6 r, Code Supplement 1997, is amended to read as
 7 follows:
 8 r. (1) For the loss of hearing, other than
 9 occupational hearing loss as defined in section 85B.4,
 10 ~~subsection 1,~~ weekly compensation during fifty weeks,
 11 and for the loss of hearing in both ears, weekly
 12 compensation during one hundred seventy-five weeks.
 13 (2) For occupational hearing loss, weekly
 14 compensation as provided in ~~the Iowa occupational~~
 15 ~~hearing loss Act [chapter 85B].~~
 16 Sec. 2. Section 85B.4, Code 1997, is amended by

17 striking the section and inserting in lieu thereof the
18 following:

19 85B.4 DEFINITIONS.

20 As used in this chapter, unless the context
21 otherwise provides:

22 1. "Excessive noise exposure" means exposure to
23 sound capable of producing occupational hearing loss.

24 2. "Hearing level" means the measured threshold of
25 hearing sensitivity using audiometric instruments
26 properly calibrated to the American national standards
27 institute audiometric zero reference level.

28 3. "Occupational hearing loss" means that portion
29 of a permanent sensorineural loss of hearing in one or
30 both ears that exceeds an average hearing level of
31 twenty-five decibels for the frequencies five hundred,
32 one thousand, two thousand, and three thousand Hertz,
33 arising out of and in the course of employment caused
34 by excessive noise exposure. "Occupational hearing
35 loss" does not include loss of hearing attributable to
36 any other condition or exposure not arising out of and
37 in the course of employment.

38 Sec. 3. Section 85B.5, unnumbered paragraph 1,
39 Code 1997, is amended to read as follows:

40 An excessive noise level exposure is sound which
41 exceeds the times and intensities listed in the
42 following table:

43 Sec. 4. Section 85B.8, unnumbered paragraph 1,
44 Code 1997, is amended to read as follows:

45 A claim for occupational hearing loss due to
46 excessive noise levels exposure may be filed six
47 months after separation from the employment in which
48 the employee was exposed subjected to excessive noise
49 levels exposure. The date of the injury shall be the
50 date of occurrence of any one of the following events:

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1 Sec. 5. Section 85B.8, subsection 1, Code 1997, is
2 amended to read as follows:

3 1. Transfer from excessive noise level exposure
4 employment by an employer.

5 Sec. 6. Section 85B.11, Code 1997, is amended to
6 read as follows:

7 85B.11 PREVIOUS HEARING LOSS EXCLUDED.

8 An employer is liable, as provided in this chapter
9 and subject to the provisions of chapter 85, for an
10 occupational hearing loss to which the employment has
11 contributed, but if previous hearing loss, whether
12 occupational or not, is established by an audiometric
13 examination or other competent evidence, whether or
14 not the employee was exposed to excessive noise level
15 exposure within six months preceding the test, the
16 employer is not liable for the previous loss, nor is

17 the employer liable for a loss for which compensation
18 has previously been paid or awarded. The employer is
19 liable only for the difference between the percent of
20 occupational hearing loss determined as of the date of
21 the audiometric examination used to determine
22 occupational hearing loss and the percentage of loss
23 established by the pre-employment audiometric
24 examination. An amount paid to an employee for
25 occupational hearing loss by any other employer shall
26 be credited against compensation payable by an
27 employer for the hearing loss. An employee shall not
28 receive in the aggregate greater compensation from all
29 employers for occupational hearing loss than that
30 provided in this section for total occupational
31 hearing loss. A payment shall not be made to an
32 employee unless the employee has worked in excessive
33 noise level exposure employment for a total period of
34 at least ninety days for the employer from whom
35 compensation is claimed.

36 Sec. 7. INTENT. It is the intent of the general
37 assembly that this Act affirms that nonoccupational
38 hearing loss shall not be compensated by an employer
39 and that the changes in this Act merely confirm, and
40 do not modify, the intent of chapter 85B as codified
41 prior to July 1, 1998."

42 2. By renumbering as necessary.

DOTZLER of Black Hawk

H-9165

1 Amend Senate File 2333, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, by inserting after line 29 the
4 following:

5 "Sec. ____ APPLICABILITY. This Act does not apply
6 to an employee who retired from the employment in
7 which the employee was subjected to excessive noise
8 exposure prior to July 1, 1998."

9 2. By renumbering as necessary.

DOTZLER of Black Hawk

H-9166

1 Amend the Senate amendment, H-9118, to House File
2 2498, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 2, by striking lines 22 through 35.

CHIODO of Polk

H-9168

- 1 Amend the Senate amendment, H-9118, to House File
- 2 2498, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking line 10.

HUSER of Polk

H-9170

- 1 Amend Senate File 58, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 1, by inserting after the word
- 4 "OF" the following: "THE".

FALLON of Polk

H-9171

- 1 Amend the amendment, H-8935, to Senate File 547, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, line 10, by striking the word "ten"
- 4 and inserting the following: "eleven".
- 5 2. Page 1, line 11, by striking the word "forty-
- 6 nine" and inserting the following: "twenty-one".
- 7 3. Page 1, by striking line 23 and inserting the
- 8 following: "than six eleven dollars and seventy-five
- 9 twenty-one cents".
- 10 4. Page 1, by inserting after line 26 the
- 11 following:
- 12 " By striking page 11, line 28, through page
- 13 13, line 23." "

GREIG of Emmet
HOLMES of Scott

H-9177

- 1 Amend the Senate amendment, H-9118, to House File
- 2 2498, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 4, by inserting after line 10 the
- 5 following:
- 6 " Page 24, by inserting after line 3 the
- 7 following:
- 8 "Sec. NEW SECTION. 99F.5A MORATORIUM FOR
- 9 ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS AND
- 10 ON THE NUMBER AND TYPE OF GAMBLING GAMES.
- 11 1. The total number of licenses issued to conduct
- 12 gambling games on excursion gambling boats pursuant to
- 13 this chapter shall not exceed ten until July 1, 2003.
- 14 2. Notwithstanding subsection 1, the following

15 actions may be taken during the moratorium from July
16 1, 1998, until July 1, 2003, with the approval of the
17 commission:

18 a. A licensed excursion gambling boat may move to
19 a new location within the same county.

20 b. A licensed excursion gambling boat or a pari-
21 mutuel racetrack and its facilities may be sold and a
22 new license may be issued for operation in the same
23 county.

24 c. If a license to conduct gambling games on an
25 excursion gambling boat is surrendered, not renewed,
26 or revoked, a new license may be issued for operation
27 in the same county.

28 3. During the moratorium from July 1, 1998, until
29 July 1, 2003, the commission shall not authorize any
30 of the following:

31 a. An increase in the number or type of gambling
32 games or the number of slot machines on an excursion
33 gambling boat.

34 b. A number of slot machines at a pari-mutuel
35 racetrack which is greater than the number authorized
36 on or before July 1, 1998.

37 c. A licensee to conduct pari-mutuel wagering at a
38 licensed premises in more than one county.

39 Sec. ____ Section 99F.7, subsection 1, Code 1997,
40 is amended to read as follows:

41 1. If the commission is satisfied that this
42 chapter and its rules adopted under this chapter
43 applicable to licensees have been or will be complied
44 with, the commission shall issue a license for a
45 period of not more than three years to an applicant to
46 own a gambling game operation and to an applicant to
47 operate an excursion gambling boat. The commission
48 shall decide which of the gambling games authorized
49 under this chapter it will permit. The commission
50 shall decide the number, location, and type of

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1 excursion gambling boats licensed under this chapter
2 for operation on the rivers, lakes, and reservoirs of
3 this state. However, after July 1, 2003, the
4 commission shall issue a new license for an excursion
5 gambling boat operation only if the excursion gambling
6 boat operates on the Mississippi or Missouri river.

7 The license shall set forth the name of the licensee,
8 the type of license granted, the place where the
9 excursion gambling boats will operate and dock, and
10 the time and number of days during the excursion
11 season and the off season when gambling may be
12 conducted by the licensee. The commission shall not
13 allow a licensee to conduct gambling games on an
14 excursion gambling boat while docked during the off

15 season if the licensee does not operate gambling
16 excursions for a minimum number of days during the
17 excursion season. The commission may delay the
18 commencement of the excursion season at the request of
19 a licensee." "

VAN MAANEN of Marion

H-9181

1 Amend the amendment, H-9162, to the Senate
2 amendment, H-9118, to House File 2498, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 1, line 19, by striking the words "and
5 remodeling".
6 2. Page 1, by striking line 22 and inserting the
7 following: "proposal. The remodeling of the building
8 or facilities shall be implemented in accordance with
9 section 18.6, subsection 9.""

WARNSTADT of Woodbury

H-9182

1 Amend the amendment, H-9177, to the Senate
2 amendment, H-9118, to House File 2498, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 1, by striking line 8 and inserting the
5 following:
6 "Sec. ____ Section 99F.4A, Code 1997, is amended
7 by adding the following new subsection:
8 NEW SUBSECTION. 9. If a license issued pursuant
9 to this chapter or chapter 99D is transferred, an
10 existing collective bargaining agreement or the impact
11 of an employee representation election shall transfer
12 to the new licensee.
13 Sec. ____ NEW SECTION. 99F.5A MORATORIUM FOR".

TAYLOR of Linn

H-9184

1 Amend Senate File 2416, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 44, lines 19 and 20, by striking the
4 words and figures "tax years 1998, 1999, and 2000" and
5 inserting the following: "a tax year".

GRIES of Crawford
WISE of Lee
LARSON of Linn

H-9187

1 Amend the Senate amendment, H-9118, to House File
 2 2498, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by inserting after line 29 the
 5 following:
 6 " Page 11, by inserting after line 19 the
 7 following:
 8 "Effective July 1, 1999, the state shall annually
 9 reimburse local governments that conduct food
 10 establishment inspections under agreements with the
 11 department of inspections and appeals, the difference
 12 between the cost of performing the inspections and
 13 actual revenues generated by food establishment
 14 license fees. The legislative fiscal bureau shall
 15 determine the cost of performing the inspections and
 16 shall base the determination upon the state's cost of
 17 inspections."

BLODGETT of Cerro Gordo

H-9188

1 Amend the amendment, H-9177, to the Senate
 2 amendment, H-9118, to House File 2498, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 2, by striking lines 12 through 19 and
 5 inserting the following: "conducted by the licensee.
 6 The commission shall ~~not~~ allow a licensee to conduct
 7 gambling games on an excursion gambling boat while
 8 docked ~~during the off season if the licensee does not~~
 9 ~~operate gambling excursions for a minimum number of~~
 10 ~~days during the excursion season.~~ The commission may
 11 ~~delay the commencement of the excursion season at the~~
 12 ~~request of a licensee~~ shall determine the minimum
 13 number of excursions to be taken during a twenty-five
 14 day excursion season."

MURPHY of Dubuque

H-9189

1 Amend the amendment, H-9177, to the Senate
 2 amendment, H-9118, to House File 2498, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 2, by striking lines 12 through 19 and
 5 inserting the following: "conducted by the licensee.
 6 The commission shall ~~not~~ allow a licensee to conduct
 7 gambling games on an excursion gambling boat while
 8 docked ~~during the off season if the licensee does not~~
 9 ~~operate gambling excursions for a minimum number of~~
 10 ~~days during the excursion season.~~ The commission may

11 ~~delay the commencement of the excursion season at the~~
12 ~~request of a licensee shall determine the minimum~~
13 ~~number of excursions, if any, to be required." "~~

MURPHY of Dubuque

H-9190

1 Amend the amendment, H-9177, to the Senate
2 amendment, H-9118, to House File 2498, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 1, by striking line 8 and inserting the
5 following:
6 "Sec. ____ Section 99D.5, subsection 1, Code 1997,
7 is amended to read as follows:
8 1. A state racing and gaming commission is created
9 within the department of inspections and appeals
10 consisting of five members who shall be appointed by
11 the governor subject to confirmation by the senate,
12 and who shall serve not to exceed a three-year term at
13 the pleasure of the governor. The term of each member
14 shall begin and end as provided in section 69.19.
15 After April 30, 1999, not more than one member of the
16 commission shall reside in the same congressional
17 district.
18 Sec. ____ NEW SECTION. 99F.5A MORATORIUM FOR".

MURPHY of Dubuque

H-9191

1 Amend the amendment, H-9073, to Senate Joint
2 Resolution 2004, as passed by the Senate, as follows:
3 1. Page 1, line 4, by striking the word "two" and
4 inserting the following: "three".
5 2. Page 1, line 6, by striking the word "two-
6 year" and inserting the following: "three-year".

SCHRADER of Marion

H-9194

1 Amend the House amendment, S-5550, to Senate File
2 2387, as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 2 the
4 following:
5 "____ Page 1, by inserting before line 1 the
6 following:
7 "Section 1. NEW SECTION. 232.6 JURISDICTION -
8 ADOPTIONS AND TERMINATIONS OF PARENTAL RIGHTS.
9 The court may exercise jurisdiction over adoption
10 and termination of parental rights proceedings under
11 chapters 600 and 600A.

12 Sec. ____ Section 600.1, Code 1997, is amended to
13 read as follows:

14 600.1 CONSTRUCTION.

15 This chapter shall be construed liberally. The
16 best interest of the person to be adopted shall be the
17 paramount consideration in interpreting this chapter.
18 However, the interests of the adopting parents shall
19 be given due consideration in this interpretation.
20 However, in determining the best interest of the
21 person to be adopted and the interests of the adopting
22 parents, any evidence of interests relating to a
23 period of time during which the person to be adopted
24 is placed with prospective adoptive parents and during
25 which the placement is not in compliance with the law,
26 adoption procedures, or any action by the juvenile
27 court or court, shall not be considered in the
28 determination.

29 Sec. ____ Section 600.3, Code 1997, is amended to
30 read as follows:

31 600.3 COMMENCEMENT OF ADOPTION ACTION –
32 JURISDICTION – FORUM NON CONVENIENS.

33 1. An action for the adoption of any natural
34 person shall be commenced by the filing of an adoption
35 petition, as prescribed in section 600.5, in the
36 juvenile court or court of the county in which an
37 adult person to be adopted is domiciled or resides, or
38 in the juvenile court or court of the county in which
39 the guardian of a minor person to be adopted or the
40 petitioner is domiciled or resides.

41 2. An adoption petition shall not be filed until a
42 termination of parental rights has been accomplished
43 except in the following cases:

44 a. No termination of parental rights is required
45 if the person to be adopted is an adult.

46 b. If the stepparent of the child to be adopted is
47 the adoption petitioner, the parent-child relationship
48 between the child and the parent who is not the spouse
49 of the petitioner may be terminated as part of the
50 adoption proceeding by the filing of that parent's

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1 consent to the adoption.

2 For the purposes of this subsection, a consent to
3 adopt recognized by the juvenile courts or courts of
4 another jurisdiction in the United States and obtained
5 from a resident of that jurisdiction shall be accepted
6 in this state in lieu of a termination of parental
7 rights proceeding.

8 Any adoption proceeding pending on or completed
9 prior to July 1, 1978, is hereby legalized and
10 validated to the extent that it is consistent with
11 this subsection.

12 3. If upon filing of the adoption petition or at
13 any later time in the adoption action the juvenile
14 court or court finds that in the interest of
15 substantial justice the adoption action should be
16 conducted in another juvenile court or court, it may
17 transfer, stay, or dismiss the adoption action on any
18 conditions that are just.

19 Sec. ____ Section 600.4, subsection 3, paragraph
20 c, Code 1997, is amended to read as follows:

21 c. Is unable to petition with the other spouse
22 because of the prolonged and unexplained absence,
23 unavailability, or incapacity of the other spouse, or
24 because of an unreasonable withholding of joinder by
25 the other spouse, as determined by the juvenile court
26 or court under section 600.5, subsection 7.

27 Sec. ____ Section 600.5, unnumbered paragraph 1,
28 Code 1997, is amended to read as follows:

29 An adoption petition shall be signed and verified
30 by the petitioner, shall be filed with the juvenile
31 court or court designated in section 600.3, and shall
32 state:

33 Sec. ____ Section 600.5, subsection 7, Code 1997,
34 is amended to read as follows:

35 7. A designation of the particular provision in
36 section 600.4 under which the petitioner is qualified
37 to adopt and, if under section 600.4, subsection 3,
38 paragraph "c", a request that the juvenile court or
39 court approve the petitioner's qualification to adopt.

40 Sec. ____ Section 600.7, subsection 1, unnumbered
41 paragraph 1, Code 1997, is amended to read as follows:

42 An adoption petition shall not be granted unless
43 the following persons consent to the adoption or
44 unless the juvenile court or court makes a
45 determination under subsection 4:

46 Sec. ____ Section 600.7, subsection 2, paragraphs
47 a and b, Code 1997, are amended to read as follows:

48 a. If by any minor person to be adopted who is
49 fourteen years of age or older, in the presence of the
50 juvenile court or court in which the adoption petition

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1 is filed.

2 b. If by any other person, either in the presence
3 of the juvenile court or court in which the adoption
4 petition is filed or before a notary public.

5 Sec. ____ Section 600.7, subsections 3 and 4, Code
6 1997, are amended to read as follows:

7 3. A consent to the adoption may be withdrawn
8 prior to the issuance of an adoption decree under
9 section 600.13 by the filing of an affidavit of
10 consent withdrawal with the juvenile court or court.

11 Such affidavit shall be treated in the same manner as

12 an attached verified statement is treated under
13 subsection 4.

14 4. If any person required to consent under this
15 section refuses to or cannot be located to give
16 consent, the petitioner may attach to the petition a
17 verified statement of such refusal or lack of
18 location. The juvenile court or court shall then
19 determine, at the adoption hearing prescribed in
20 section 600.12, whether, in the best interests of the
21 person to be adopted and the petitioner, any
22 particular consent shall be unnecessary to the
23 granting of an adoption petition."

24 __. Page 1, by inserting after line 23 the
25 following:

26 "Sec. __. Section 600.8, subsection 2, paragraph
27 a, Code 1997, is amended to read as follows:

28 a. A preplacement investigation and report of the
29 investigation shall be completed and the prospective
30 adoption petitioner approved for a placement by the
31 person making the investigation prior to any agency or
32 independent placement of a minor person in the
33 petitioner's home in anticipation of an ensuing
34 adoption. A report of a preplacement investigation
35 that has approved a prospective adoption petitioner
36 for a placement shall not authorize placement of a
37 minor person with that petitioner after one year from
38 the date of the report's issuance. However, if the
39 prospective adoption petitioner is a relative within
40 the fourth degree of consanguinity who has assumed
41 custody of a minor person to be adopted, a
42 preplacement investigation of this petitioner and a
43 report of the investigation may be completed at a time
44 established by the juvenile court or court or may be
45 waived as provided in subsection 12."

46 __. Page 1, line 29, by inserting before the
47 word "court" the following: "juvenile court or".

48 __. Page 1, line 32, by inserting before the
49 word "court" the following: "juvenile court or".

50 __. Page 2, lines 6 and 7, by striking the words

Page 4

1 " , including a juvenile court," and inserting the
2 following: " ~~, including a juvenile court,~~".

3 __. Page 2, by inserting after line 12 the
4 following:

5 "Sec. __. Section 600.8, subsections 7, 8, 9, and
6 12, Code 1997, are amended to read as follows:

7 7. Any investigation or report required under this
8 section shall not apply when the person to be adopted
9 is an adult or when the prospective adoption
10 petitioner or adoption petitioner is a stepparent of
11 the person to be adopted. However, in the case of a

12 stepparent adoption, the juvenile court or court, upon
 13 the request of an interested person or on its own
 14 motion stating the reasons therefor of record, may
 15 order an investigation or report pursuant to this
 16 section.

17 8. Any person designated to make an investigation
 18 and report under this section may request an agency or
 19 state agency, within or outside this state, to conduct
 20 a portion of the investigation or the report, as may
 21 be appropriate, and to file a supplemental report of
 22 such investigation or report with the juvenile court
 23 or court. In the case of the adoption of a minor
 24 person by a person domiciled or residing in any other
 25 jurisdiction of the United States, any investigation
 26 or report required under this section which has been
 27 conducted pursuant to the standards of that other
 28 jurisdiction shall be recognized in this state.

29 9. The department may investigate, on its own
 30 initiative or on order of the juvenile court or court,
 31 any placement made or adoption petition filed under
 32 this chapter or chapter 600A and may report its
 33 resulting recommendation to the juvenile court or
 34 court.

35 12. Any investigation and report required under
 36 subsection 1 of this section may be waived by the
 37 juvenile court or court if the adoption petitioner is
 38 related within the fourth degree of consanguinity to
 39 the person to be adopted.

40 Sec. ____ Section 600.9, subsection 2, unnumbered
 41 paragraph 1, Code 1997, is amended to read as follows:

42 An adoption petitioner of a minor person shall file
 43 with the juvenile court or court, prior to the
 44 adoption hearing, a full accounting of all
 45 disbursements of any thing of value paid or agreed to
 46 be paid by or on behalf of the petitioner in
 47 connection with the petitioned adoption. This
 48 accounting shall be made by a report prescribed by the
 49 juvenile court or court and shall be signed and
 50 verified by the petitioner. Only expenses incurred in

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1 connection with the following and any other expenses
 2 approved by the juvenile court or court are
 3 allowable:”

4 2. Page 1, by inserting after line 2 the
 5 following:

6 “ ____ Page 1, line 32, by striking the words “the
 7 department, an agency, or” and inserting the
 8 following: “the department, an agency, or”.

9 3. Page 1, by inserting after line 4 the
 10 following:

11 "Sec. ____ Section 600.10, Code 1997, is amended

12 to read as follows:

13 600.10 MINIMUM RESIDENCE OF A MINOR CHILD.

14 The adoption of a minor person shall not be decreed
15 until that person has lived with the adoption
16 petitioner for a minimum residence period of one
17 hundred eighty days. However, the juvenile court or
18 court may waive this period if the adoption petitioner
19 is a stepparent or related to the minor person within
20 the fourth degree of consanguinity or may shorten this
21 period upon good cause shown when the juvenile court
22 or court is satisfied that the adoption petitioner and
23 the person to be adopted are suited to each other.

24 Sec. ____ Section 600.11, subsections 1 and 3,
25 Code 1997, are amended to read as follows:

26 1. The juvenile court or court shall set the time
27 and place of the adoption hearing prescribed in
28 section 600.12 upon application of the petitioner.
29 The juvenile court or court may continue the adoption
30 hearing if the notice prescribed in subsections 2 and
31 3 is given, except that such notice shall only be
32 given at least ten days prior to the date which has
33 been set for the continuation of the adoption hearing.

34 3. A notice of the adoption hearing shall state
35 the time, place, and purpose of the hearing and shall
36 be served in accordance with rule of civil procedure
37 56.1. Proof of the giving of notice shall be filed
38 with the juvenile court or court prior to the adoption
39 hearing. Acceptance of service by the party being
40 given notice shall satisfy the requirements of this
41 subsection.

42 Sec. ____ Section 600.12, subsections 2 and 3,
43 Code 1997, are amended to read as follows:

44 2. Only those persons notified under section
45 600.11 and their witnesses and legal counsel or
46 persons requested by the juvenile court or court to be
47 present shall be admitted to the court chambers while
48 an adoption hearing is being conducted. The adoption
49 petitioner and the person to be adopted shall be
50 present at the hearing, unless the presence of either

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1 is excused by the juvenile court or court.

2 3. Any person admitted to the hearing shall be
3 heard and allowed to present evidence upon request and
4 according to the manner in which the juvenile court or
5 court conducts the hearing.

6 Sec. ____ Section 600.13, subsections 1, 2, 3, 5,
7 and 6, Code 1997, are amended to read as follows:

8 1. At the conclusion of the adoption hearing, the
9 juvenile court or court shall:

10 a. Issue a final adoption decree;

11 b. Issue an interlocutory adoption decree; or,

12 c. Dismiss the adoption petition if the
13 requirements of this Act have not been met or if
14 dismissal of the adoption petition is in the best
15 interest of the person whose adoption has been
16 petitioned. Upon dismissal, the juvenile court or
17 court shall determine who is to be guardian or
18 custodian of a minor child, including the adoption
19 petitioner if it is in the best interest of the minor
20 person whose adoption has been petitioned.

21 2. An interlocutory adoption decree automatically
22 becomes a final adoption decree at a date specified by
23 the juvenile court or court in the interlocutory
24 adoption decree, which date shall not be less than one
25 hundred eighty days nor more than three hundred sixty
26 days from the date the interlocutory decree is issued.
27 However, an interlocutory adoption decree may be
28 vacated prior to the date specified for it to become
29 final. Also, the juvenile court or court may provide
30 in the interlocutory adoption decree for further
31 observation, investigation, and report of the
32 conditions of and the relationships between the
33 adoption petitioner and the person petitioned to be
34 adopted.

35 3. If an interlocutory adoption decree is vacated
36 under subsection 2, it shall be void from the date of
37 issuance and the rights, duties, and liabilities of
38 all persons affected by it shall, unless they have
39 become vested, be governed accordingly. Upon vacation
40 of an interlocutory adoption decree, the juvenile
41 court or court shall proceed under the provisions of
42 subsection 1, paragraph "c".

43 5. An interlocutory or a final adoption decree
44 shall be entered with the clerk of the court. Such
45 decree shall set forth any facts of the adoption
46 petition which have been proven to the satisfaction of
47 the juvenile court or court and any other facts
48 considered to be relevant by the juvenile court or
49 court and shall grant the adoption petition. If so
50 designated in the adoption decree, the name of the

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1 adopted person shall be changed by issuance of that
2 decree. The clerk of the court shall, within thirty
3 days of issuance, deliver one certified copy of any
4 adoption decree to the petitioner, one copy of any
5 adoption decree to the department and any agency or
6 person making an independent placement who placed a
7 minor person for adoption, and one certification of
8 adoption as prescribed in section 144.19 to the state
9 registrar of vital statistics. Upon receipt of the
10 certification, the state registrar shall prepare a new
11 birth certificate pursuant to section 144.23 and

12 deliver to the parents named in the decree and any
13 adult person adopted by the decree a copy of the new
14 birth certificate. The parents shall pay the fee
15 prescribed in section 144.46. If the person adopted
16 was born outside the state, the state registrar shall
17 forward the certification of adoption to the
18 appropriate agency in the state or foreign nation of
19 birth. A copy of any interlocutory adoption decree
20 vacation shall be delivered and another birth
21 certificate shall be prepared in the same manner as a
22 certification of adoption is delivered and the birth
23 certificate was originally prepared.

24 6. The clerk of the ~~district~~ court shall attach to
25 the certified copy of the decree delivered to the
26 department, a copy of the adoption information form
27 required to be attached to the adoption petition under
28 section 600.6, subsection 5.”

29 4. Page 1, by inserting after line 42 the
30 following:

31 “Sec. ____ Section 600.15, subsection 1,
32 paragraphs a and b, Code 1997, are amended to read as
33 follows:

34 a. A decree establishing a parent-child
35 relationship by adoption which is issued pursuant to
36 due process of law by a juvenile court or court of any
37 other jurisdiction in the United States shall be
38 recognized in this state.

39 b. A decree terminating a parent-child
40 relationship which is issued pursuant to due process
41 of law by a juvenile court or court of any other
42 jurisdiction in the United States shall be recognized
43 in this state.”

44 ____ Page 2, by inserting after line 27 the
45 following:

46 “Sec. ____ Section 600.16A, subsection 2,
47 paragraphs b and c, Code 1997, are amended to read as
48 follows:

49 b. The juvenile court or court, for good cause,
50 shall order the opening of the permanent adoption

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1 record of the juvenile court or court for the adopted
2 person who is an adult and reveal the names of either
3 or both of the biological parents following
4 consideration of both of the following:

5 (1) A biological parent may file an affidavit
6 requesting that the juvenile court or court reveal or
7 not reveal the parent's identity. The juvenile court
8 or court shall consider any such affidavit in
9 determining whether there is good cause to order
10 opening of the records. To facilitate the biological
11 parents in filing an affidavit, the department shall,

12 upon request of a biological parent, provide the
13 biological parent with an adoption information packet
14 containing an affidavit for completion and filing with
15 the juvenile court or court.

16 (2) If the adopted person who applies for
17 revelation of the biological parents' identity has a
18 sibling who is a minor and who has been adopted by the
19 same parents, the juvenile court or court may deny the
20 application on the grounds that revelation to the
21 applicant may also indirectly and harmfully permit the
22 same revelation to the applicant's minor sibling.

23 c. A biological sibling of an adopted person may
24 file or may request that the department file an
25 affidavit in the juvenile court or court in which the
26 adopted person's adoption records have been sealed
27 requesting that the juvenile court or court reveal or
28 not reveal the sibling's name to the adopted person.
29 The juvenile court or court shall consider any such
30 affidavit in determining whether there is good cause
31 to order opening of the records upon application for
32 revelation by the adopted person. However, the name
33 of the biological sibling shall not be revealed until
34 the biological sibling has attained majority.

35 Sec. ____ Section 600.16A, subsection 3, paragraph
36 b, unnumbered paragraph 3, Code 1997, is amended to
37 read as follows:

38 Notwithstanding the provisions of this subsection,
39 if the adult adopted person has a sibling who is a
40 minor and who has also been adopted by the same
41 parents, the department, the clerk of court, or the
42 agency which made the placement may deny the request
43 of either the adult adopted person or the biological
44 parent to open the adoption records and to reveal the
45 identities of the parties pending determination by the
46 juvenile court or court that there is good cause to
47 open the records pursuant to subsection 2.

48 Sec. ____ Section 600.16A, subsection 4, Code
49 1997, is amended to read as follows:

50 4. An adopted person whose adoption became final

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1 prior to July 4, 1941, and whose adoption record was
2 not required to be sealed at the time when the
3 adoption record was completed, shall not be required
4 to show good cause for an order opening the adoption
5 record under this subsection, provided that the
6 juvenile court or court shall consider any affidavit
7 filed under this subsection.

8 Sec. ____ Section 600.18, unnumbered paragraph 1,
9 Code 1997, is amended to read as follows:

10 Any prospective adoptive parent desiring financial
11 assistance shall state this fact in the petition for

12 adoption. The department of human services shall
 13 investigate the person petitioning for adoption and
 14 the child and shall file with the juvenile court or
 15 court a statement of whether the department will
 16 provide assistance as provided in sections 600.17 to
 17 600.22, the estimated amount, extent, and duration of
 18 assistance, and any other information the juvenile
 19 court or court may order.”

20 5. Page 1, by inserting after line 47 the
 21 following:

22 “Sec. ____ Section 602.8102, subsections 42 and
 23 43, Code Supplement 1997, are amended to read as
 24 follows:

25 42. Serve as clerk of the juvenile court and carry
 26 out duties as provided in chapter 232 and article 7 of
 27 this chapter.

28 43. Submit to the director of the division of
 29 child and family services of the department of human
 30 services a duplicate of the findings of the district
 31 court related to adoptions as provided in section
 32 235.3, subsection 7.”

33 6. Page 2, by inserting after line 2 the
 34 following:

35 “___. Title page, line 2, by inserting after the
 36 words “related to” the following: “jurisdiction.””

37 7. By renumbering, relettering, or redesignating
 38 and correcting internal references as necessary.

Senate Amendment

H-9195

1 Amend the amendment, H-9105, to Senate Joint
 2 Resolution 2004, as passed by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 10.

4 2. Page 1, by inserting after line 12 the
 5 following:

6 “ “____. The General Assembly shall, by statute, set
 7 the portion of gambling revenues to be credited to the
 8 general fund of the state and the portion of gambling
 9 revenues to be credited to the rebuild Iowa
 10 infrastructure fund.”

SCHRADER of Marion

H-9198

1 Amend the House amendment H-9185 to Senate File
 2 2381, as amended, passed, and reprinted by the Senate
 3 as follows:

4 1. Page 1, by inserting after line 33 the
 5 following:

6 “___. Page 4, by inserting after line 20 the

7 following:

8 "_. For deposit in the school infrastructure
9 safety fund created in section 422E.5, if enacted in
10 1998 Acts, House File 2282, section 5:

11 \$ 2,000,000"

12 2. Page 1, line 42, by striking the figure
13 "6,820,000" and inserting the following: "4,820,000".

14 3. Page 4, by inserting after line 11 the
15 following:

16 "_. Title, page 1, line 16, by inserting after
17 the word "education" the following: "for deposit in
18 the school infrastructure safety fund, and".

19 4. By renumbering as necessary.

MASCHER of Johnson

H-9199

1 Amend the amendment, H-9177, to the Senate
2 amendment, H-9118, to House File 2498, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 1, by inserting after line 13 the
5 following:

6 "_. Notwithstanding the tax rate increases
7 specified in section 99F.11, the tax rates provided
8 for the calendar year 1998 shall be the tax rates for
9 the calendar years 1998 through 2003."

HUSER of Polk

H-9200

1 Amend Senate File 2286, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking line 20 and inserting the
4 following: "this section is subject to a civil
5 penalty of one hundred dollars."

6 2. Title page, line 4, by inserting before the
7 word "penalty" the following: "civil".

NELSON of Marshall

H-9202

1 Amend Senate File 2381, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 8, by inserting after line 13 the
4 following:

5 "Of the amount appropriated in this subsection, or
6 as much thereof as is necessary, an amount not to
7 exceed \$500,000 shall be used to implement soil
8 conservation practices or install silt catchment
9 basins in the watershed of Backbone lake located at

10 Backbone state park to prevent further siltation and
 11 preserve the recreational benefits achieved by the
 12 "Save the Backbone Lake" dredging project performed in
 13 1998."

KREMER of Buchanan
 THOMAS of Clayton

H-9203

1 Amend the Senate amendment, H-8632, to House File
 2 2403, as passed by the House, as follows:
 3 1. Page 1, line 8, by striking the words "plans
 4 or contracts" and inserting the following: "federally
 5 qualified pension or retirement plans".
 6 2. Page 1, line 13, by inserting after the word
 7 "accounts," the following: "savings incentive matched
 8 plans for employees,".
 9 3. Page 1, by striking lines 15 and 16 and
 10 inserting the following: "contributions to a plan by
 11 a debtor shall not be exempt if made within the
 12 twenty-four".
 13 4. Page 1, by striking lines 18 through 24 and
 14 inserting the following: "claimed. The exception to
 15 the exemption".
 16 5. Page 1, line 27, by striking the words "or
 17 execution is issued".
 18 6. Page 1, line 29, by striking the words "or
 19 contracts".
 20 7. Page 1, line 30, by striking the word
 21 "contracts,".

KREMER of Buchanan

H-9207

1 Amend the amendment H-9185 to Senate File 2381, as
 2 amended, passed, and reprinted by the Senate as
 3 follows:
 4 1. Page 1, by inserting after line 33 the
 5 following:
 6 "_. Page 4, by inserting after line 20 the
 7 following:
 8 "_. For deposit in the school infrastructure
 9 safety fund created in section 422E.5, if enacted in
 10 1998 Acts, House File 2282, section 5:
 11 \$ 2,000,000"
 12 2. Page 1, line 42, by striking the figure
 13 "6,820,000" and inserting the following: "4,820,000".
 14 3. Page 4, by inserting after line 11 the
 15 following:
 16 "_. Title, page 1, line 16, by inserting after
 17 the word "education" the following: "for deposit in

- 18 the school infrastructure safety fund, and".
19 4. By renumbering as necessary.

MASCHER of Johnson

H-9208

- 1 Amend the amendment, H-9185, to Senate File 2381,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, line 42, by striking the word and
5 figures "12, line 3" and inserting the following:
6 "11, line 24".
7 2. By renumbering as necessary.

BRAUNS of Muscatine

H-9209

- 1 Amend Senate File 2345, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 1 the
4 following:
5 "Sec. ____ Section 232.78, subsection 1, Code
6 1997, is amended by adding the following new
7 paragraph:
8 NEW PARAGRAPH. d. The application for the order
9 includes a statement of the facts to support the
10 findings specified in paragraphs "a", "b", and "c".
11 2. Page 2, by inserting before line 2 the
12 following:
13 "Sec. ____ Section 232.78, Code 1997, is amended
14 by adding the following new subsections:
15 NEW SUBSECTION. 1A. If the allegations contained
16 in the application for an order under this section are
17 not otherwise verified, the presentation of the
18 application to the juvenile court shall be deemed to
19 be a certificate in accordance with rule of civil
20 procedure 80.
21 NEW SUBSECTION. 1B. The person making the
22 application for an order shall assert facts showing
23 there is reasonable cause to believe that the child
24 cannot either be returned to the place where the child
25 was residing or placed with the parent who does not
26 have physical care of the child."
27 3. Page 2, line 12, by inserting after the word
28 "application." the following: "The person designated
29 by the court shall file with the court a complete
30 written report providing all details of the designee's
31 conference with the person seeking the removal order,
32 the designee's efforts to inform the parents or other
33 person legally responsible for the child's care of the
34 application, any inquiries made by the designee to aid

35 the court in disposing of the application, and all
 36 information the designee communicated to the court.
 37 The report shall be filed within three days of the
 38 date of the application and shall be included as part
 39 of the court record."

40 4. Page 2, by inserting after line 16 the
 41 following:

42 "Sec. ____ Section 232.91, subsection 1, Code
 43 Supplement 1997, is amended to read as follows:

44 1. Any hearings or proceedings under this division
 45 subsequent to the filing of a petition shall not take
 46 place without the presence of the child's parent,
 47 guardian, custodian, or guardian ad litem in
 48 accordance with and subject to section 232.38. If
 49 evidence alleging abuse of a child is presented at an
 50 adjudicatory hearing under this division, the person

Page 2

1 alleged to have committed the abuse shall be party to
 2 the hearing. A parent without custody may petition
 3 the court to be made a party to proceedings under this
 4 division."

5 5. Page 2, by striking line 29 and inserting the
 6 following: "to the welfare of the child, and ~~that~~
 7 shall identify the reasonable efforts that have".

8 6. Page 3, by striking line 17 and inserting the
 9 following: "welfare of the child, and ~~that shall~~
 10 identify the reasonable efforts that have been".

11 7. Page 7, by inserting after line 19 the
 12 following:

13 "Sec. ____ NEW SECTION. 232.105 DISPOSITIONAL
 14 AND PERMANENCY HEARINGS – BURDEN OF PROOF.

15 In any dispositional or permanency hearing under
 16 this division, the state shall have the burden of
 17 proving by clear and convincing evidence that the
 18 child cannot either be returned to the child's home or
 19 placed with the parent who does not have physical care
 20 of the child."

21 8. Page 8, by inserting before line 18 the
 22 following:

23 "Sec. ____ Section 232.111, subsection 3, Code
 24 1997, is amended by adding the following new paragraph
 25 after paragraph d and renumbering the subsequent
 26 paragraph:

27 NEW PARAGRAPH. e. A complete list of the services
 28 which have been offered to preserve the family and a
 29 statement specifying the service provider's actions to
 30 address the reasons stated in any order for removal or
 31 in any dispositional or permanency order which did not
 32 return the child to the child's home."

33 9. Page 8, by inserting after line 24 the
 34 following:

35 "Sec. ____ Section 232.116, Code 1997, is amended
 36 by adding the following new subsection:
 37 NEW SUBSECTION. 2A. Termination of parental rights
 38 shall not be considered to be in the best interest of
 39 the child if there is competent evidence that, as a
 40 result of services provided pursuant to court order to
 41 a party to the petition, the child may be returned to
 42 the child's parent within six months of the date of
 43 the hearing under this section."

44 10. Page 8, by inserting before line 25 the
 45 following:

46 "Sec. ____ Section 232.116, Code 1997, is amended
 47 by adding the following new subsection:

48 NEW SUBSECTION. 5. The sufficiency of the
 49 services listed in the petition may be challenged in
 50 the hearing under this section."

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- 1 11. By renumbering, relettering, or redesignating
- 2 and correcting internal references as necessary.

BODDICKER of Cedar
 FALLON of Polk

H-9212

- 1 Amend Senate File 2416, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 29, line 29, by striking the figure "six"
- 4 and inserting the following: "eighteen".

BERNAU of Story

H-9214

- 1 Amend Senate File 2415, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 16, by inserting after line 21 the
- 4 following:
- 5 "Sec. ____ Section 315.3, subsection 1, Code 1997,
- 6 is amended by adding the following new paragraph:
- 7 NEW PARAGRAPH. g. Improving or maintaining
- 8 highway access to a site where there is an existing or
- 9 proposed facility used for value-added processing of
- 10 agricultural commodities, if all of the following can
- 11 be demonstrated:
- 12 (1) The existing highway access cannot support the
- 13 weight of traffic to the site of the facility;
- 14 (2) The improvement or maintenance is necessary
- 15 for the public health or safety.
- 16 (3) The total public and private investment in the
- 17 facility equals at least two hundred twenty-five

- 18 thousand dollars for each job created by the facility.
 19 (4) The benefits to the state's economy created by
 20 the facility exceeds the amount of moneys expended
 21 from the fund under this paragraph "g".
 22 The appropriations made pursuant to paragraph "g"
 23 shall be derived from the amount for use of counties
 24 on secondary road projects as provided in section
 25 315.4."
 26 2. By renumbering as necessary.

VANDE HOEF of Osceola	THOMAS of Clayton
WELTER of Jones	WEIDMAN of Cass
HOUSER of Pottawattamie	BRAUNS of Muscatine
MERTZ of Kossuth	MUNDIE of Webster
GREIG of Emmet	

H-9217

- 1 Amend the amendment, H-9185, to Senate File 2381,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, by striking lines 28 through 47 and
 5 inserting the following:
 6 "_. Page 13, line 14, by inserting after the
 7 figure "1999." the following: "Any balance remaining
 8 unobligated or unexpended on June 30, 1999, from the
 9 funds appropriated in this section shall be
 10 transferred to the agricultural management account of
 11 the groundwater protection fund created in section
 12 455E.11. Moneys deposited in that account under this
 13 section shall be allocated to the department of
 14 agriculture and land stewardship for cost-share
 15 assistance for the following programs:
 16 To reimburse owners of agricultural drainage wells
 17 and surface water intakes which drain into
 18 agricultural drainage wells for up to seventy-five
 19 percent of the costs incurred after May 29, 1997, to
 20 prevent surface water drainage into agricultural
 21 drainage wells as required pursuant to section 455I.2.
 22 To reimburse individual owners and users of
 23 agricultural drainage wells for up to seventy-five
 24 percent of the costs incurred after May 29, 1997, to
 25 close agricultural drainage wells and to connect
 26 drainage systems which are tributary to the drainage
 27 wells to alternative drainage outlets as required
 28 pursuant to section 455I.3."
 29 2. By renumbering as necessary.

MERTZ of Kossuth

H-9220

- 1 Amend the House amendment, H-9185, to Senate File

2 2381, as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 2, line 12, by inserting before the word
5 "OF" the following: "1."

6 2. Page 2, by inserting after line 24 the
7 following:

8 "_. Page 8, by inserting after line 13 the
9 following:

10 "_. Of the amount appropriated in this
11 subsection, the department shall expend the funds
12 necessary to conduct a study to improve the dam
13 located at lake Fontana in Buchanan county."

14 3. By renumbering as necessary.

FALCK of Fayette

H-9221

1 Amend Senate File 2415, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 15, by inserting after line 20 the
4 following:

5 "() The agricultural products processor must
6 provide and pay at least eighty percent of the cost of
7 a standard medical and dental insurance plan for all
8 full-time employees working at the certified
9 facility."

REYNOLDS-KNIGHT of Van Buren

H-9225

1 Amend the amendment, H-9177, to the Senate
2 amendment, H-9118, to House File 2498, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 1, by inserting after line 13 the
5 following:

6 "_. Notwithstanding the tax rate increases
7 specified in section 99F.11, the tax rates provided
8 for the calendar year 1998 shall be the tax rates for
9 the calendar years 1998 through 2003."

MURPHY of Dubuque

H-9226

1 Amend the amendment, H-9177, to the Senate
2 amendment, H-9118, to House File 2498, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 2, by striking line 19 and inserting the
5 following: "a licensee.

6 Sec. _. Section 99F.11, unnumbered paragraph 1,
7 Code 1997, is amended to read as follows:

8 A tax is imposed on the adjusted gross receipts
 9 received annually from gambling games authorized under
 10 this chapter at the rate of five percent on the first
 11 one million dollars of adjusted gross receipts, at the
 12 rate of ten percent on the next two million dollars of
 13 adjusted gross receipts, and at the rate of twenty
 14 percent on any amount of adjusted gross receipts over
 15 three million dollars. However, beginning January 1,
 16 1997 2003, the rate on any amount of adjusted gross
 17 receipts over three million dollars from gambling
 18 games at racetrack enclosures is twenty-two percent
 19 and shall increase by two percent each succeeding
 20 calendar year until the rate is thirty-six percent.
 21 The taxes imposed by this section shall be paid by the
 22 licensee to the treasurer of state within ten days
 23 after the close of the day when the wagers were made
 24 and shall be distributed as follows: "

MURPHY of Dubuque

H-9230

1 Amend Senate File 2381, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 10, by inserting after line 7 the
 4 following:
 5 "Sec. 101. Section 8.57, Code 1997, is amended by
 6 adding the following new subsection:
 7 NEW SUBSECTION. 6. INFRASTRUCTURE ADVISORY
 8 COUNCIL.
 9 a. An infrastructure advisory council is
 10 established to make recommendations annually to the
 11 governor and general assembly regarding the use of the
 12 rebuild Iowa infrastructure fund created in subsection
 13 5, for purposes of construction, reconstruction,
 14 renovation, repair, and restoration of the vertical
 15 infrastructure owned or under the control of the
 16 state. The council shall annually develop and submit
 17 to the governor and the general assembly a
 18 comprehensive five-year plan of such recommendations,
 19 including the council's list of projects. The council
 20 shall give due consideration to the indicated policies
 21 and priorities of the general assembly regarding
 22 state-owned or controlled vertical infrastructure when
 23 making its recommendations. The first recommended
 24 plan of the council shall be submitted to the governor
 25 and the general assembly no later than December 15,
 26 1998, and submitted annually thereafter no later than
 27 December 15.
 28 b. The infrastructure advisory council shall be
 29 composed of seven members, not more than four of whom
 30 shall be from the same political party. The governor
 31 shall appoint the members of the council for a term of
 32 four years, subject to confirmation by the Senate as
 33 provided by section 69.19. The initial members of the

34 council shall be appointed by the governor to serve
 35 staggered terms of less than four years. The governor
 36 shall annually designate one of the members to serve
 37 as chairperson. Members of the council shall be
 38 reimbursed for their expenses solely as provided in
 39 section 7E.6, subsection 1, paragraph "b". A vacancy
 40 on the council shall be filled in the same manner that
 41 regular appointments to the council are made. The
 42 department of management shall provide staff
 43 assistance and support services for the council."

44 2. Page 13, by inserting after line 16 the
 45 following:

46 "___ Section 101, amending section 8.57".

47 3. Title page 2, line 29, by inserting after the
 48 word "fund" the following: "; establishing an
 49 infrastructure advisory council".

50 4. By renumbering as necessary.

WARNSTADT of Woodbury

H-9231

1 Amend the Senate amendment, H-9210, to House File
 2 2533, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. Page 1, by inserting after line 34 the
 5 following:

6 "Sec. 301. 1998 Iowa Acts, Senate File 2366,
 7 section 1, subsection 3, if enacted, is amended to
 8 read as follows:

9 "3. For deposit in the Iowa empowerment fund if
 10 legislation providing for the creation of an Iowa
 11 empowerment board, an Iowa empowerment fund, and for
 12 the appropriation of moneys to be administered by a
 13 community empowerment area, is enacted by the Seventy-
 14 seventh General Assembly, 1998 Session:

15 \$ 5,200,000

16 10,400,000"

17 2. Page 4, by inserting after line 38 the
 18 following:

19 "___ Section 256F.2, subsection 1, if enacted by
 20 1998 Iowa Acts, Senate File 2366, section 14, is
 21 amended to read as follows:

22 1. There is appropriated from the general fund of
 23 the state to the department of education for the
 24 fiscal year beginning July 1, 1998, and for each
 25 succeeding fiscal year, the sum of nine eighteen
 26 million dollars for the early childhood education
 27 imperatives program.""

28 3. By renumbering as necessary.

MASCHER of Johnson
 MURPHY of Dubuque

H-9239

- 1 Amend Senate File 2381, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. By striking page 3, line 15, through page 4,
 4 line 4.
 5 2. Page 6, line 15, by striking the figure
 6 "1,040,000" and inserting the following: "1,140,000".
 7 3. Title page 1, line 12 by striking the word "
 8 to" and inserting the following: "and to".
 9 4. Title page 1, lines 13 through 16, by striking
 10 the words ", and for deposit in the rural enterprise
 11 fund to be used for a dry fire hydrant and rural water
 12 supply education and demonstration project".
 13 5. By renumbering as necessary.

CHURCHILL of Polk

H-9242

- 1 Amend Senate File 2415, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 15, by inserting after line 20 the
 4 following:
 5 "() The agricultural products processor must not
 6 have closed or substantially reduced the operations of
 7 a facility in one area of the state and relocated
 8 substantially the same facility elsewhere in the
 9 state. However, this subparagraph does not prohibit
 10 an agricultural products processor from expanding a
 11 facility, if existing operations of a facility of a
 12 similar nature in the state are not closed or
 13 substantially reduced."
 14 2. By renumbering as necessary.

WEIGEL of Chickasaw

H-9243

- 1 Amend Senate File 2415, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 15, by inserting after line 20, the
 4 following:
 5 "() The agricultural products processor must
 6 institute an active productivity and safety
 7 improvement program at the certified facility.
 8 Persons involved in management and labor at the
 9 certified facility must participate in the program in
 10 cooperation."
 11 2. By renumbering as necessary.

DOTZLER of Black Hawk

H-9244

- 1 Amend Senate File 2415, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 15, by inserting after line 20 the
- 4 following:
- 5 “() The agricultural products processor must
- 6 offer a pension or profit sharing plan to full-time
- 7 employees employed at the certified facility.”

TAYLOR of Linn

H-9245

- 1 Amend Senate File 2415, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 15, by inserting after line 20, the
- 4 following:
- 5 “() The agricultural products processor must pay
- 6 a median wage for new full-time hourly nonmanagement
- 7 production jobs of the certified facility of at least
- 8 twelve dollars per hour indexed to 1998 dollars based
- 9 on the gross national product implicit price deflator
- 10 published by the bureau of economic analysis of the
- 11 United States department of commerce or one hundred
- 12 thirty percent of the average wage in the county in
- 13 which the community is located, whichever is higher.”
- 14 2. By renumbering as necessary.

TAYLOR of Linn

H-9253

- 1 Amend Senate File 2415, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 16, by inserting after line 6, the
- 4 following:
- 5 “_ A corporation shall not provide financing to
- 6 an eligible person to support an Iowa agricultural
- 7 industry venture, unless the eligible person has been
- 8 denied a loan for the venture by at least three
- 9 lenders engaged in the business of financing capital
- 10 ventures, by using customary lending standards and
- 11 practices.”

DIX of Butler
 GARMAN of Story
 CHURCHILL of Polk
 NELSON of Marshall

H-9258

- 1 Amend the amendment, H-9162, to the Senate

- 2 amendment, H-9118, to House File 2498, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 1, by striking lines 15 through 22.

MARTIN of Scott
CATALDO of Polk

H-9261

- 1 Amend the amendment, H-9196, to Senate File 2415,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 11, the
5 following:
6 "___ A need exists to support the production or
7 manufacturing of high value-added industries." "
8 2. Page 1, by inserting after line 19 the
9 following:
10 "___ A need exists for additional sources of
11 financing for ventures designed to support the
12 production, processing, and marketing of high value
13 manufactured products by high value-added
14 industries." "
15 3. Page 1, by inserting after line 49, the
16 following:
17 "___ "High value-added industry" means an
18 industry involved in the production or manufacturing
19 of value-added goods or services." "
20 4. Page 2, by inserting after line 22, the
21 following:
22 "___ A high value-added industry located in this
23 state, if the industry provides for the creation and
24 retention of wealth in this state, and the industry is
25 involved in any of the following:
26 (1) Value-added agricultural products.
27 (2) Insurance and financial services.
28 (3) Plastics.
29 (4) Metals.
30 (5) Printing paper or packaging products.
31 (6) Drugs and pharmaceuticals.
32 (7) Software development.
33 (8) Instruments and measuring devices and medical
34 instruments.
35 (9) Recycling and waste management.
36 (10) Telecommunications." "
37 5. Page 2, by inserting after line 38, the
38 following:
39 "___ It is the intent of the general assembly and
40 the purpose of this division that the state encourage
41 Iowa agricultural industry ventures which support the
42 production, processing, and marketing of high value
43 manufactured products." "
44 6. Page 4, by inserting after line 26, the

45 following:
 46 "___ A high value-added industry which qualifies
 47 as an Iowa agricultural industry venture as provided
 48 according to the terms of an agreement executed by the
 49 high value-added industry and the corporation, if the
 50 board of directors for the corporation determines that

Page 2

1 the industry would advance the intent and purposes set
 2 out in section 15E.203." "
 3 7. By renumbering and relettering as necessary.

CHURCHILL of Polk	KOENIGS of Mitchell
DIX of Butler	GARMAN of Story
HUSER of Polk	TAYLOR of Linn
HOLMES of Scott	JENKINS of Black Hawk

H-9263

1 Amend Senate File 2415, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 10, line 25, by striking the word
 4 "twenty-five" and inserting the following: "ten".
 5 2. Page 10, line 26, by striking the word "four"
 6 and inserting the following: "ten".

DIX of Butler	GARMAN of Story
NELSON of Marshall	HUSER of Polk
TAYLOR of Linn	BRUNKHORST of Bremer

H-9277

1 Amend the Senate amendment, H-9118, to House File
 2 2498, as amended passed, and reprinted by the House,
 3 as follows:
 4 1. Page 4, by inserting after line 10 the
 5 following:
 6 "_. Page 24, by inserting after line 3 the
 7 following:
 8 "Sec. 201. Section 25B.5A, Code 1997, as amended
 9 by 1998 Iowa Acts, House File 8, section 3, is amended
 10 by adding the following new subsection:
 11 NEW SUBSECTION. 3. Notwithstanding subsection 1,
 12 if, on or after July 1, 1998, a state mandate relating
 13 to the enforcement of chapter 321J or the Iowa
 14 criminal code pursuant to chapters 701 to 728 is
 15 enacted by the general assembly, or otherwise imposed,
 16 on a political subdivision and the state mandate
 17 requires a political subdivision to engage in any new
 18 activity, to provide any new service, or to provide
 19 any service beyond that required by any law enacted
 20 prior to July 1, 1998, and the state does not

21 appropriate moneys to fully fund the cost of the state
 22 mandate, the political subdivision is not required to
 23 perform the activity or provide the service and the
 24 political subdivision shall not be subject to the
 25 imposition of any fines or penalties for the failure
 26 to comply with the state mandate unless the
 27 legislation specifies the amount or proportion of the
 28 cost of the state mandate which the state shall pay
 29 annually.

30 Sec. ____ APPLICABILITY. If 1998 Iowa Acts, House
 31 File 8, is not enacted by the general assembly,
 32 section 201 of this Act is void."

VANDE HOEF of Osceola

H-9278

1 Amend the amendment, H-9257, to the Senate
 2 amendment, H-9118, to House File 2498, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 1, line 28, by striking the figure "1998"
 5 and inserting the following: "1999".
 6 2. Page 1, line 36, by striking the figure "1998"
 7 and inserting the following: "1999".
 8 3. Page 2, by striking line 19 and inserting the
 9 following: "a licensee."
 10 Sec. ____ Section 99F.11, unnumbered paragraph 1,
 11 Code 1997, is amended to read as follows
 12 A tax is imposed on the adjusted gross receipts
 13 received annually from gambling games authorized under
 14 this chapter at the rate of five percent on the first
 15 one million dollars of adjusted gross receipts, at the
 16 rate of ten percent on the next two million dollars of
 17 adjusted gross receipts, and at the rate of twenty
 18 percent on any amount of adjusted gross receipts over
 19 three million dollars. However, beginning January
 20 ~~July 1, 1997~~ 1998, the rate on any amount of adjusted
 21 gross receipts over three million dollars from
 22 gambling games at racetrack enclosures is ~~twenty-two~~
 23 ~~twenty-four~~ percent and shall increase by two percent
 24 each succeeding calendar year until the rate is
 25 ~~thirty-six~~ percent. The taxes imposed by this section
 26 shall be paid by the licensee to the treasurer of
 27 state within ten days after the close of the day when
 28 the wagers were made and shall be distributed as
 29 follows:"

MURPHY of Dubuque

H-9279

1 Amend the amendment, H-9257, to Senate amendment,
 2 H-9118, to House File 2498, as amended, passed, and
 3 reprinted by the House, as follows:

4 1. Page 2, by striking line 19 and inserting the
 5 following: "a licensee.
 6 Sec. ____ Section 99F.11, unnumbered paragraph 1,
 7 Code 1997, is amended to read as follows
 8 A tax is imposed on the adjusted gross receipts
 9 received annually from gambling games authorized under
 10 this chapter at the rate of five percent on the first
 11 one million dollars of adjusted gross receipts, at the
 12 rate of ten percent on the next two million dollars of
 13 adjusted gross receipts, and at the rate of twenty
 14 percent on any amount of adjusted gross receipts over
 15 three million dollars. However, beginning January
 16 July 1, 1997 1998, the rate on any amount of adjusted
 17 gross receipts over three million dollars from
 18 gambling games at racetrack enclosures is ~~twenty-two~~
 19 ~~twenty-four~~ percent and shall increase by ~~two percent~~
 20 to twenty-six percent for the calendar year 1999 and
 21 for each succeeding calendar year until the rate is
 22 ~~thirty-six percent~~. The taxes imposed by this section
 23 shall be paid by the licensee to the treasurer of
 24 state within ten days after the close of the day when
 25 the wagers were made and shall be distributed as
 26 follows:" "

MURPHY of Dubuque

H-9280

1 Amend Senate File 2415, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 10, line 30, by striking the word
 4 "either" and inserting the following: "any".
 5 2. Page 11, by inserting after line 23 the
 6 following:
 7 " ____ An agricultural products processor, if all
 8 of the following apply:
 9 (1) The financing supports the construction,
 10 expansion, or acquisition of an agricultural products
 11 processing facility for slaughtering live animals or
 12 receiving, buying, or soliciting live animals for
 13 slaughter, the meat products of which are directly or
 14 indirectly to be offered for resale or for public
 15 consumption.
 16 (2) The agricultural products processing facility
 17 is located in a county with a population of at least
 18 two hundred fifty thousand unless the location is west-
 19 of Iowa state highway 28 or west of a line extending
 20 north from the point at which Iowa state highway 28
 21 intersects with United States interstate 80."
 22 3. By relettering as necessary.

CHIODO of Polk
 HUSER of Polk

H-9282

1 Amend House File 2530, as passed by the House, as
2 follows:

3 1. Page 2, by inserting after line 23 the
4 following:

5 "Sec. 111. NEW SECTION. 422.12A INCOME TAX
6 CHECKOFF FOR THE ARTS.

7 1. A person who files an individual or a joint
8 income tax return with the department of revenue and
9 finance under section 422.13 may designate one dollar
10 or more to be paid to the Iowa state arts council as
11 established in section 303.86. If the refund due on
12 the return or the payment remitted with the return is
13 insufficient to pay the amount designated by the
14 taxpayer to the Iowa state arts council, the amount
15 designated shall be reduced to the remaining amount of
16 the refund or the remaining amount remitted with the
17 return. The designation of a contribution to the Iowa
18 state arts council under this section is irrevocable.

19 2. The director of revenue and finance shall draft
20 the income tax form to allow the designation of
21 contributions to the Iowa state arts council on the
22 tax return. The department, on or before January 31,
23 shall transfer the total amount designated on the tax
24 form due in the preceding year to an arts fund created
25 in the division of arts of the department of cultural
26 affairs.

27 3. The division of arts may authorize payment from
28 the arts fund for purposes of supporting division of
29 arts activities.

30 4. The department shall adopt rules to implement
31 this section. However, before a checkoff pursuant to
32 this section shall be permitted, all liabilities on
33 the books of the department of revenue and finance and
34 accounts identified as owing under section 421.17 and
35 the political contribution allowed under section 56.18
36 shall be satisfied.

37 5. The limitation on income tax return checkoffs
38 specified in section 422.12E does not apply to this
39 checkoff."

40 2. Page 21, by striking lines 20 and 21 and
41 inserting the following: "with this chapter. In
42 addition, the tax imposed under this chapter is a lien
43 on the share of the estate passing to the surviving
44 spouse, and parents, grandparents, great-grandparents,
45 and other lineal ascendants, children including
46 legally adopted children and biological children
47 entitled to inherit under the laws of this state,
48 stepchildren, and grandchildren, great-grandchildren,
49 and other lineal descendants. The".

50 3. Page 37, by inserting after line 9 the

Page 2

- 1 following:
- 2 "___ Section 111 of this Act, establishing
- 3 section 422.12A, applies retroactively to January 1,
- 4 1998, for tax years beginning on or after that date."
- 5 4. By renumbering, relettering, or redesignating
- 6 and correcting internal references as necessary.

Senate Amendment

H-9286

- 1 Amend the amendment, H-9277, to the Senate
- 2 amendment, H-9918, to House File 2498, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 1, line 14, by striking the word
- 5 "pursuant" and inserting the following: "including
- 6 but not limited".
- 7 2. Page 1, line 14, by inserting after the figure
- 8 "728" the following: "or any other public offense
- 9 which is punishable by a fine or imprisonment"

KREIMAN of Davis

H-9289

- 1 Amend House File 2549 as follows:
- 2 1. Page 1, by striking lines 1 through 10 and
- 3 inserting the following:
- 4 "Sec. 100. NEW SECTION. 404.1A ADDITIONAL URBAN
- 5 REVITALIZATION AREA CRITERIA FOR CITIES.
- 6 1. A city shall not designate an area as an urban
- 7 revitalization area pursuant to this chapter unless
- 8 the following criteria are met:
- 9 a. The area has a per capita income of fifteen
- 10 thousand dollars or less based on the 1990 census.
- 11 b. The area has a family poverty rate of three
- 12 percent or higher based on the 1990 census.
- 13 2. When designating an area an urban
- 14 revitalization area pursuant to this section and
- 15 section 404.1, a city may designate as part of the
- 16 area tracts or geographic units located in a
- 17 contiguous city if such tracts or geographic units
- 18 meet the criteria in this section and section 404.1
- 19 and the contiguous city agrees to the designation.
- 20 Sec. 101. Section 404.2, subsection 1, Code
- 21 Supplement 1997, is amended to read as follows:
- 22 1. The governing body has adopted a resolution
- 23 finding that the rehabilitation, conservation,
- 24 redevelopment, economic development, or a combination
- 25 thereof of the area is necessary in the interest of
- 26 the public health, safety, or welfare of the residents

- 27 of the city, or county as applicable, and the area
- 28 substantially meets the criteria of section 404.1,
- 29 and, in the case of cities, section 404.1A."
- 30 2. Page 1, by striking lines 17 through 19.
- 31 3. By renumbering as necessary.

JENKINS of Black Hawk

H-9292

- 1 Amend the Senate amendment, H-9118, to House File
- 2 2498, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 29 the
- 5 following:
- 6 " Page 11, by inserting after line 19 the
- 7 following:
- 8 "Effective July 1, 1999, the state shall
- 9 appropriate sufficient funds to reimburse local
- 10 governments that conduct food establishment
- 11 inspections under agreements with the department of
- 12 inspections and appeals, the difference between the
- 13 cost of performing the inspections and actual revenues
- 14 generated by food establishment license fees."

BLODGETT of Cerro Gordo

H-9294

- 1 Amend Senate File 2413, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by inserting after line 5 the
- 4 following:
- 5 "Sec. ____ RECYCLE IOWA. There is appropriated
- 6 from the general fund of the state to the department
- 7 of natural resources for the fiscal year beginning
- 8 July 1, 1998, and ending June 30, 1999, the following
- 9 amount, or so much thereof as is necessary, to be used
- 10 for the purposes designated:
- 11 For operational support of the recycle Iowa office,
- 12 including salaries, support, maintenance, and
- 13 miscellaneous purposes:
- 14 \$ 400,000
- 15 Notwithstanding section 8.33, moneys appropriated
- 16 by this section which remain unobligated or unexpended
- 17 on June 30, 1999, shall not revert to the general fund
- 18 of the state but shall be available for expenditure
- 19 during the fiscal year beginning July 1, 1999, for the
- 20 same purposes.
- 21 Sec. ____ EDUCATION COORDINATOR. There is
- 22 appropriated from the general fund of the state to the
- 23 department of natural resources for the fiscal year
- 24 beginning July 1, 1998, and ending June 30, 1999, the
- 25 following amount, or so much thereof as is necessary,

26 to be used for the purposes designated:

27 For establishing a waste reduction and recycling
28 education coordinator for identifying and promoting
29 public and private partnerships to maximize all
30 available resources and for ensuring that resources
31 are available and accessible for local waste reduction
32 and recycling efforts, including salaries, support,
33 maintenance, miscellaneous purposes, and for not more
34 than the following full-time equivalent positions:

35	\$	100,000
36	FTEs	1.00

37 Notwithstanding section 8.33, moneys appropriated
38 by this section which remain unobligated or unexpended
39 on June 30, 1999, shall not revert to the general fund
40 of the state but shall be available for expenditure
41 during the fiscal year beginning July 1, 1999, for the
42 same purposes."

43 2. Title page, line 1, by inserting after the
44 word "Act" the following: "making appropriations for
45 recycle Iowa and an education coordinator and".

46 3. By renumbering as necessary.

SHOULTZ of Black Hawk

H-9295

1 Amend Senate File 2418, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 15, line 14, by striking the figure
4 "18,904,000" and inserting the following:
5 "14,904,000".

6 2. Page 15, by inserting after line 35 the
7 following:

8 "Sec. ____ There is appropriated from the rebuild
9 Iowa infrastructure fund created in section 8.57,
10 subsection 5, to the state library for the fiscal year
11 beginning July 1, 1997, and ending June 30, 1998, the
12 following amount, or so much thereof as is necessary,
13 to be used for the purpose designated:

14 For distribution to all libraries in this state:

15	\$	4,000,000
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16 The state library shall determine a formula to be
17 used to allocate the moneys appropriated in this
18 section. The formula shall not involve a grant
19 application or similar process and shall not place any
20 conditions on any amount allocated to a library under
21 this section. The state library shall allocate all
22 moneys appropriated in this section to the libraries
23 and shall not retain any moneys for the cost of
24 administration or for any other costs."

25 3. By renumbering as necessary.

BRUNKHORST of Bremer
DREES of Carroll

H-9296

1 Amend Senate File 2413, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 455B.301, Code 1997, is
6 amended by adding the following new subsection:
7 NEW SUBSECTION. 11A. "Municipal solid waste
8 landfill" means a sanitary landfill that is a discrete
9 area of land or an excavation that receives household
10 waste, and that is not a land application site,
11 surface impoundment, injection well, or waste pile, as
12 those terms are defined under 40 C.F.R. part 257.2. A
13 "municipal solid waste landfill" may also receive
14 other types of waste as defined under 40 C.F.R.
15 subtitle D, such as commercial solid waste,
16 nonhazardous dry sludge, and industrial solid waste."

17 2. Page 1, line 3, by inserting after the figure
18 "1." the following: "a."

19 3. Page 1, line 4, by inserting after the word
20 "landfill" the following: "which does not qualify
21 under paragraph "b"."

22 4. Page 1, by inserting after line 8 the
23 following:

24 "b. The operator of a solid waste disposal
25 facility with special provisions which limit the site
26 to disposal of construction and demolition waste shall
27 pay a tonnage fee to the department for each ton of
28 construction and demolition waste received and
29 disposed of at the disposal facility during the
30 preceding reporting period. An operator of a
31 municipal solid waste landfill with an area of the
32 landfill which has been designated exclusively for the
33 disposal of construction and demolition waste on plans
34 and specifications approved by the department shall be
35 exempt through June 30, 2001, or for the permitted
36 life of the designated area, whichever occurs first,
37 from paying the tonnage fee provided for in this
38 paragraph if the municipal solid waste landfill meets
39 one of the following conditions:

40 (1) The area of the landfill which has been
41 designated exclusively for the disposal of
42 construction and demolition waste based on plans and
43 specifications approved by the department, was in
44 operation on December 1, 1997.

45 (2) The area of the landfill which has been
46 designated exclusively for the disposal of
47 construction and demolition waste based on plans and
48 specifications approved by the department, was not in
49 operation on December 1, 1997, but applied to the

50 department for an exemption prior to December 1,

Page 2

1 1997.”

2 5. Page 2, lines 21 and 22, by striking the words

3 “construction and demolition waste,” and inserting the

4 following: “~~construction and demolition waste,~~”.

SHOULTZ of Black Hawk

H-9299

1 Amend Senate File 2413, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 4, by inserting after line 8 the

4 following:

5 “Sec. ____ A special committee shall be

6 established to study and make recommendations

7 regarding the management of solid waste and recycling.

8 The special committee shall consist of members with

9 diverse and specialized expertise in waste management

10 and recycling issues to be considered by the special

11 committee, including four members of the general

12 assembly, with not more than one member from each

13 chamber being from the same political party. The two

14 senators shall be designated by the majority leader of

15 the Senate after consultation with the minority leader

16 of the senate. The two representatives shall be

17 designated by the speaker of the house of

18 representatives after consultation with the majority

19 and minority leaders of the house of representatives.

20 The director of the department of natural resources is

21 requested to appoint five members with not more than

22 two members who are current employees of the

23 department. The co-chairpersons of the special

24 committee shall be the general assembly members of the

25 majority party from each chamber. The special

26 committee shall examine, study, and make

27 recommendations to the general assembly regarding any

28 current or possible incentives for increasing solid

29 waste reduction and recycling in the state, market

30 development for recycling, educating the public on

31 solid waste reduction and recycling issues, technical

32 assistance for pollution prevention and recycling, and

33 alternative funding sources for existing programs

34 related to solid waste reduction and recycling. The

35 special committee shall submit a report to the general

36 assembly no later than December 1, 1999, which shall

37 include, but not be limited to, findings, analysis,

38 and recommendations by the special committee.”

- 39 2. Title page, line 1, by inserting after the
 40 word "to" the following: "a solid waste and recycling
 41 special committee and to".
 42 3. By renumbering as necessary.

SHOULTZ of Black Hawk

H-9300

- 1 Amend the amendment, H-9257, to the Senate
 2 amendment, H-9118, to House File 2498, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 1, by striking line 8 and inserting the
 5 following:
 6 "Sec. ____ Section 99F.4A, subsection 2, Code
 7 1997, is amended to read as follows:
 8 2. A license to operate gambling games shall be
 9 issued only to a licensee holding a valid license to
 10 conduct pari-mutuel dog or horse racing pursuant to
 11 chapter 99D on January 1, 1994. However, a license to
 12 operate gambling games issued pursuant to this
 13 subsection may be transferred to another person after
 14 a majority of the voters of the county in which the
 15 racetrack enclosure is located, voting on the transfer
 16 proposal, approves it. The transfer proposal may be
 17 submitted by the board of supervisors at a general
 18 election or a special election called for that
 19 purpose. If the proposal is approved, the issuance of
 20 a new license is subject to application to, and
 21 approval by, the commission.
 22 Sec. ____ NEW SECTION. 99F.5A MORATORIUM FOR".

HUSER of Polk

H-9301

- 1 Amend House File 2559 as follows:
 2 1. Page 1, by striking line 12 and inserting the
 3 following: "to the completion by a business of its
 4 repayment obligation for a project".
 5 2. Page 1, line 13, by striking the word "such".

LAMBERTI of Polk

H-9311

- 1 Amend Senate File 2418, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 6, by striking lines 10 through 17.
 4 2. Page 7, by striking lines 2 through 10.
 5 3. Page 7, by striking lines 14 through 20 and
 6 inserting the following:
 7 " ____ To the department of workforce development

- 8 for a sustaining community resource directory pilot
- 9 project:
- 10 \$ 178,000"
- 11 4. Page 7, by striking lines 25 and 26 and
- 12 inserting the following: "tax processing imaging
- 13 system:
- 14 \$ 2,739,963"
- 15 5. Page 8, by striking lines 4 through 6.
- 16 6. Page 8, by striking lines 18 through 20 and
- 17 inserting the following:
- 18 "___ To Iowa public television to begin the
- 19 digital television broadcasting conversion:
- 20 \$ 2,000,000
- 21 ___ To the department of education for an
- 22 electronic data exchange:
- 23 \$ 1,500,000"
- 24 7. Page 9, by inserting after line 1 the
- 25 following:
- 26 "___ To the state board of regents for technology
- 27 improvement:
- 28 \$ 10,100,000"
- 29 8. By renumbering as necessary.

SHOULTZ of Black Hawk

H-9312

- 1 Amend the Committee amendment, H-9285, to Senate
- 2 File 2418, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 2, by inserting after line 3 the
- 5 following:
- 6 "___ Page 10, by striking lines 16 through 28."
- 7 2. Page 2, by inserting after line 3 the
- 8 following:
- 9 "___ Page 10, by striking lines 29 through 35."
- 10 3. Page 2, by striking line 4 and inserting the
- 11 following:
- 12 "___ By striking page 11, line 25, through page
- 13 12,"
- 14 4. By renumbering as necessary.

SHOULTZ of Black Hawk

H-9313

- 1 Amend the Committee amendment, H-9285, to Senate
- 2 File 2418, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 2, by inserting after line 3 the
- 5 following:
- 6 "___ Page 10, by striking lines 16 through 28."
- 7 2. Page 2, by inserting after line 3 the

8 following:

9 “__ Page 10, by striking lines 29 through 35.”

10 3. Page 2, by inserting after line 3 the

11 following:

12 “__ Page 11, by striking lines 1 through 24.”

13 4. Page 2, by striking lines 4 and 5 and

14 inserting the following:

15 “__ Page 12, by inserting after line 32 the

16 following:”

17 5. By renumbering as necessary.

SHOULTZ of Black Hawk

H-9325

1 Amend the amendment, S-5743, to Senate File 2281,

2 as amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 1, lines 4 and 5, by striking the words

5 “hourly rates or setting per case”.

6 2. Page 1, line 20, by inserting after the word

7 “court” the following: “The type of review and
8 relief that the court may provide shall be limited to
9 the review and relief specified in section 17A.19.”

10 3. Page 1, line 27, by inserting after the word

11 “court” the following: “The type of review and
12 relief that the court may provide shall be limited to
13 the review and relief specified in section 17A.19.”

14 4. Page 1, by inserting after line 27 the

15 following:

16 “__ Page 4, by inserting after line 23 the

17 following:

18 “Sec. __. Section 28E.19, Code 1997, is amended
19 to read as follows:

20 28E.19 JOINT COUNTY INDIGENT DEFENSE FUND.

21 Two or more counties may execute an agreement under
22 this chapter to create a joint county indigent defense
23 fund to be used to compensate attorneys appointed to
24 represent indigents ~~under section 815.10 when funds~~
25 ~~budgeted for that purpose are exhausted in those~~
26 ~~instances in which a county is responsible for~~
27 ~~payment~~. In addition to other requirements of an
28 agreement under this chapter, the agreement shall
29 provide for the amount to be paid by each county based
30 on its population to establish and maintain an
31 appropriate balance in the joint fund, and for a
32 method of repayment if a county withdraws more funds
33 than it has contributed.”

34 __ Page 4, by inserting after line 25 the

35 following:

36 “Sec. __. Section 125.78, subsections 1 and 2,

37 Code 1997, are amended to read as follows:

38 1. Determine whether the respondent has an
39 attorney who is able and willing to represent the

40 respondent in the commitment proceeding, and if not,
41 whether the respondent is financially able to employ
42 an attorney and capable of meaningfully assisting in
43 selecting an attorney. In accordance with those
44 determinations, the court shall allow the respondent
45 to select an attorney or shall assign an attorney to
46 the respondent. If the respondent is financially
47 unable to pay an attorney, the county shall pay the
48 attorney shall be compensated in substantially the
49 same manner as provided by section 815.7, except that
50 if the county has a public defender, the court may

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1 assign the public defender or an attorney on the
2 public defender's staff as the respondent's attorney
3 reasonable compensation which shall be the ordinary
4 and customary charges for like services in the county
5 to be determined in each case by the district court.
6 Compensation shall include any sum or sums as may be
7 necessary for investigation in the interests of
8 justice and, in the event of any appeal, the cost of
9 obtaining the transcript of the trial and the printing
10 of the trial record and any necessary briefs.

11 2. If the application includes a request for a
12 court-appointed attorney for the applicant and the
13 court is satisfied that a court-appointed attorney is
14 necessary to assist the applicant in a meaningful
15 presentation of the evidence, and that the applicant
16 is financially unable to employ an attorney, the court
17 shall appoint an attorney to represent the applicant.
18 The county shall pay the attorney shall be compensated
19 in substantially the same manner as provided by
20 section 815.7 reasonable compensation which shall be
21 the ordinary and customary charges for like services
22 in the county to be determined in each case by the
23 district court. Compensation shall include any sum or
24 sums as may be necessary for investigation in the
25 interests of justice and, in the event of any appeal,
26 the cost of obtaining the transcript of the trial and
27 the printing of the trial record and any necessary
28 briefs.

29 Sec. ____ Section 222.13A, subsection 4, Code
30 1997, is amended to read as follows:

31 4. As soon as practicable after the filing of a
32 petition for approval of the voluntary admission, the
33 court shall determine whether the minor has an
34 attorney to represent the minor in the proceeding. If
35 the minor does not have an attorney, the court shall
36 assign to the minor an attorney. If the minor is
37 unable to pay for an attorney, ~~the attorney shall be~~
38 ~~compensated in substantially the same manner as~~
39 ~~provided in section 815.7~~ the county shall pay the
40 attorney reasonable compensation which shall be the

41 ordinary and customary charges for like services in
42 the county to be determined in each case by the
43 district court. Compensation shall include any sum or
44 sums as may be necessary for investigation in the
45 interests of justice and, in the event of any appeal,
46 the cost of obtaining the transcript of the trial and
47 the printing of the trial record and any necessary
48 briefs.
49 Sec. ____ Section 222.22, Code 1997, is amended to
50 read as follows:

Page 3

1 222.22 TIME OF APPEARANCE.
2 The time of appearance shall not be less than five
3 days after completed service unless the court orders
4 otherwise. Appearance on behalf of the person who is
5 alleged to have mental retardation may be made by any
6 citizen of the county or by any relative. The
7 district court shall assign counsel for the person who
8 is alleged to have mental retardation. Counsel shall
9 prior to proceedings personally consult with the
10 person who is alleged to have mental retardation
11 unless the judge appointing counsel certifies that in
12 the judge's opinion, consultation shall serve no
13 useful purpose. The certification shall be made a
14 part of the record. ~~An attorney assigned by the court~~
15 ~~shall receive compensation as the district court shall~~
16 ~~fix to be paid in the first instance by the county.~~
17 The county, in the first instance, shall pay the
18 attorney assigned by the court reasonable compensation
19 which shall be the ordinary and customary charges for
20 like services in the county to be determined in each
21 case by the district court. Compensation shall
22 include any sum or sums as may be necessary for
23 investigation in the interests of justice and, in the
24 event of any appeal, the cost of obtaining the
25 transcript of the trial and the printing of the trial
26 record and any necessary briefs.

27 Sec. ____ Section 229.8, subsection 1, Code 1997,
28 is amended to read as follows:

29 1. Determine whether the respondent has an
30 attorney who is able and willing to represent the
31 respondent in the hospitalization proceeding, and if
32 not, whether the respondent is financially able to
33 employ an attorney and capable of meaningfully
34 assisting in selecting one. In accordance with those
35 determinations, the court shall if necessary allow the
36 respondent to select, or shall assign to the
37 respondent, an attorney. If the respondent is
38 financially unable to pay an attorney, ~~the attorney~~
39 ~~shall be compensated in substantially the manner~~
40 ~~provided by section 815.7, except that if the county~~

41 ~~has a public defender the court may designate the~~
42 ~~public defender or an attorney on the public~~
43 ~~defender's staff to act as the respondent's attorney~~
44 the county shall pay the attorney reasonable
45 compensation which shall be the ordinary and customary
46 charges for like charges for like services in the
47 county, which shall be determined in each by the
48 district court. Compensation shall include any sum or
49 sums as may be necessary for investigation in the
50 interests of justice and, in the event of any appeal,

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1 the cost of obtaining the transcript of the trial and
2 the printing of the trial record and any necessary
3 briefs."

4 By striking page 4, line 26, through page 5,
5 line 17, and inserting the following:

6 "Sec. ____ Section 229.19, unnumbered paragraph 3,
7 Code 1997, is amended to read as follows:

8 The court or, if the advocate is appointed by the
9 county board of supervisors, the board shall prescribe
10 reasonable compensation for the services of the
11 advocate. The compensation shall be based upon the
12 reports filed by the advocate with the court. The
13 advocate's compensation shall be paid by the county in
14 which the court is located, either on order of the
15 court or, if the advocate is appointed by the county
16 board of supervisors, on the direction of the board.

17 If the advocate is appointed by the court, the
18 advocate is an employee of the state for purposes of
19 chapter 669. If the advocate is appointed by the
20 county board of supervisors, the advocate is an
21 employee of the county for purposes of chapter 670.
22 If the patient or the person who is legally liable for
23 the patient's support is not indigent, the board shall
24 recover the costs of compensating the advocate from
25 that person. If that person has an income level as
26 ~~determined pursuant to section 815.9~~ greater than one
27 hundred percent but not more than one hundred fifty
28 percent of the poverty guidelines, at least one
29 hundred dollars of the advocate's compensation shall
30 ~~be recovered in accordance with rules adopted by the~~
31 ~~state public defender. If that person has an income~~
32 ~~level as determined pursuant to section 815.9~~ greater
33 than one hundred fifty percent of the poverty
34 guidelines, at least two hundred dollars of the
35 advocate's compensation shall be recovered ~~in~~
36 ~~accordance with rules adopted by the state public~~
37 ~~defender."~~

38 5. By renumbering, relettering, or redesignating
39 and correcting internal references as necessary.

RESOLUTIONS ADOPTED

Resolutions adopted during the Seventy-seventh General Assembly, 1998 Session, not otherwise printed in the House Journal.

1 House Concurrent Resolution 105
 2 By Schrader
 3 A Concurrent Resolution to designate March 29 of each year as
 4 Iowa State Flag Day.
 5 *Whereas*, the Iowa state banner was designed by
 6 Dixie Cornell Gebhardt, a Knoxville native and member
 7 of the Iowa society of the Daughters of the American
 8 Revolution; and
 9 *Whereas*, the banner was originally designed as a
 10 regimental flag for Iowa guardsmen serving along the
 11 Mexican border in 1917; and
 12 *Whereas*, the Iowa General Assembly adopted Dixie
 13 Cornell Gebhardt's design as the official state banner
 14 on March 29, 1921; and
 15 *Whereas*, Dixie Cornell Gebhardt wrote that "Iowa's
 16 banner should embrace the history of its domain from
 17 the time of its occupation by the Indians to discovery
 18 by the French and purchase from Napoleon by Jefferson,
 19 to its admission into the Union, down to the present
 20 time . . . in a design so simple that school children
 21 and adults can recognize its symbolism and know that
 22 it meant Iowa"; and
 23 *Whereas*, the state banner is patterned after the
 24 blue, white and red flag of France, a country which
 25 ruled Iowa twice before Iowa became a state; and
 26 *Whereas*, the blue in the banner symbolizes loyalty,
 27 the white purity, and the red courage; and
 28 *Whereas*, Iowa's assimilation into the United States
 29 is represented in the banner by a blue streamer, on
 30 which is inscribed the state motto, "Our liberties we

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1 prize and our rights we will maintain", carried by a
 2 soaring eagle, the symbol of America; and
 3 *Whereas*, the state banner is a source of pride for
 4 all Iowans; and
 5 *Whereas*, it is fitting and proper to designate one
 6 day each year for all Iowans to reflect upon and honor
 7 Iowa's official state banner; *Now Therefore*,
 8 *Be It Resolved By The House Of Representatives, The*
 9 *Senate Concurring*, That the General Assembly hereby
 10 designates March 29 of each year as Iowa State Flag
 11 Day.

HCR 105 filed February 4, 1998; House adopted February 18, 1998;
 Senate adopted March 23, 1998.

1 House Concurrent Resolution 110
2 By Committee On Appropriations
3 (Successor To HSB 635)
4 A Concurrent Resolution affirming the efforts of the
5 child welfare services work group established by
6 the Legislative Council, requesting approval for
7 continuance of the work group, and requesting that
8 leadership of the General Assembly work with the
9 Governor and Iowa's congressional delegation in
10 developing a memorandum of understanding with the
11 federal government.
12 *Whereas*, the state of Iowa has been a leader
13 nationally in developing comprehensive, community-
14 based services in child welfare and juvenile justice
15 through projects for decategorization of the funding
16 for these services; and
17 *Whereas*, the state of Iowa has been a leader
18 nationally in employing managed care approaches to
19 provide behavioral health and substance abuse
20 treatment services to the state's Medicaid population;
21 and
22 *Whereas*, the state of Iowa seeks to continue its
23 leadership in developing a well-managed and integrated
24 system of care for children and families that is
25 community-based, flexible, and holistic across child
26 welfare, juvenile justice, behavioral health, and
27 substance abuse treatment systems; and
28 *Whereas*, the General Assembly recognizes that
29 developing and implementing such a system will require
30 the commitment and participation of a broad range of

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1 Iowa organizations and individuals and the involvement
2 of federal officials; and
3 *Whereas*, the child welfare services work group
4 established by the Legislative Council in the fall of
5 1997 represents a broad-based planning group to
6 achieve these ends; and
7 *Whereas*, the work group has identified a vision for
8 obtaining accountability from an integrated system of
9 care involving alternative means of capitating costs
10 and has provided a series of recommendations and
11 planning activities needed to develop the system of
12 care; *Now Therefore*,
13 *Be It Resolved By The House Of Representatives, The*
14 *Senate Concurring*, That the General Assembly affirms
15 the vision of the child welfare services work group
16 established by the Legislative Council and recognizes
17 the need to move forward on the work group
18 recommendations; and
19 *Be It Further Resolved*, That the Legislative
20 Council is requested to act immediately to reauthorize

21 the child welfare services work group to continue
 22 planning and implementation activities, to add members
 23 of the General Assembly to the work group, and to
 24 require a final report to the chairpersons and ranking
 25 members of the Joint Appropriations Subcommittee on
 26 Human Services on or before January 1, 1999; and
 27 *Be It Further Resolved*, That the leadership of the
 28 General Assembly is requested to work with the
 29 Governor and the leadership of the United States
 30 Congress to develop a memorandum of understanding with

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- 1 federal officials to continue federal participation
- 2 with the state in this endeavor.

HCR 110 filed February 17, 1998; House adopted February 18,
 1998; Senate adopted April 17, 1998.

1 House Concurrent Resolution 113
 2 By Van Fossen, Martin, Holmes,
 3 Bradley, and Millage
 4 A Concurrent Resolution relating to the increased
 5 utilization of the Rock Island Arsenal.
 6 *Whereas*, the United States Department of Defense
 7 seeks to achieve economy and efficiency in the
 8 utilization of resources and facilities; and
 9 *Whereas*, the United States Department of Defense is
 10 currently leasing office and facility space for
 11 government military missions; and
 12 *Whereas*, the facilities of the Rock Island Arsenal,
 13 located on Rock Island Arsenal island in the
 14 Mississippi River between the states of Iowa and
 15 Illinois, employ approximately six thousand people,
 16 contain tens of thousands of square feet of available
 17 office space within buildings listed on the National
 18 Register of Historic Places, reflect greatly enhanced
 19 physical plant, machine tool inventory, and data
 20 processing capabilities which are the result of a
 21 multi-year modernization project and comprise one of
 22 the largest weapons manufacturing arsenals in the
 23 world; and
 24 *Whereas*, the Defense Megacenter-Rock Island,
 25 located at the Rock Island Arsenal, has significant
 26 ability through a robust communications infrastructure
 27 to furnish a full range of automation services,
 28 including business, tactical, and logistical systems
 29 support in both the classified and unclassified
 30 environments, and can service, operate, and maintain

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- 1 automation and communications equipment for federal,

2 state, or local agencies on a reimbursable basis; and
 3 *Whereas*, the facilities of the Rock Island Arsenal
 4 warrant utilization of the facilities to the fullest
 5 possible extent; and
 6 *Whereas*, government military missions currently
 7 housed in leased facilities at other locations could
 8 readily be relocated to and accommodated on the Rock
 9 Island Arsenal, resulting in a significant taxpayer
 10 savings due to the discontinuance of the leases
 11 currently in place; *Now Therefore*,
 12 *Be It Resolved By The House Of Representatives, The*
 13 *Senate Concurring*, That the Iowa General Assembly
 14 urges the United States Department of Defense and the
 15 United States Senate and House of Representatives to
 16 maximize the use of the facilities at the Rock Island
 17 Arsenal by moving government military missions
 18 currently located in leased facilities into the vacant
 19 and available buildings located at the Rock Island
 20 facility.
 21 *Be It Further Resolved*, That copies of this
 22 resolution be sent to the President of the United
 23 States, the United States Secretary of Defense, the
 24 Majority and Minority Leaders of the United States
 25 Senate, the Speaker, Majority Leader, and Minority
 26 Leader of the United States House of Representatives,
 27 and to the members of Iowa's congressional delegation.

HCR 113 filed March 3, 1998; House adopted March 4, 1998.

1 House Concurrent Resolution 116
 2 By Larson, Sukup, Hahn, Barry, Thomson,
 3 Van Fossen, Martin, Wise, Falck, Bell,
 4 Mertz, and Thomas
 5 A Concurrent Resolution recognizing and commending
 6 the efforts of organizers of the Iowa Summit on
 7 Volunteerism.
 8 *Whereas*, in 1997, the Presidents' Summit for
 9 America's Future was convened by President Bill
 10 Clinton and former President George Bush to initiate a
 11 nationwide campaign to engage every American in
 12 volunteer service; and
 13 *Whereas*, during the Presidents' Summit for
 14 America's Future every Governor was charged with
 15 carrying the Summit's call to action to every citizen
 16 in every state; and
 17 *Whereas*, Governor Terry Branstad announced his
 18 commitment to the goals of the Presidents' Summit for
 19 America's Future with the ushering in of Iowa's own
 20 summit entitled "America's Promise . . . Iowa Style -
 21 The Iowa Summit on Volunteerism"; and
 22 *Whereas*, the Iowa Summit on Volunteerism will take
 23 place at Drake University in Des Moines, Iowa, on June
 24 10 and 11, 1998; and

25 *Whereas*, the goal of the Iowa Summit on
 26 Volunteerism is to provide young people with the
 27 resources essential for building healthy, fulfilling,
 28 and productive lives; and
 29 *Whereas*, the Iowa Summit on Volunteerism will
 30 celebrate the current involvement of Iowans in

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1 volunteer service and will encourage others to join
 2 the volunteer crusade; and
 3 *Whereas*, at least 2,000 individuals are expected to
 4 be in attendance at the Iowa Summit on Volunteerism;
 5 *Now Therefore*
 6 *Be It Resolved By The House Of Representatives, The*
 7 *Senate Concurring*, That the organizers of the Iowa
 8 Summit on Volunteerism are recognized and commended
 9 for their extraordinary efforts in planning,
 10 preparing, and organizing this beneficial and
 11 worthwhile event; and
 12 *Be It Further Resolved*, That copies of this
 13 resolution be sent to Governor Branstad and leaders of
 14 the steering and executive committees organizing the
 15 Iowa Summit on Volunteerism.

HCR 116 filed April 1, 1998; House adopted April 22, 1998.

1 House Concurrent Resolution 118
 2 By Churchill
 3 A Concurrent Resolution requesting that the federal
 4 government take all necessary and appropriate action
 5 to ensure that Japan establishes and maintains an
 6 open and competitive market for United States exports.
 7 *Whereas*, for many years, the United States trade
 8 representative has reported in the National Trade
 9 Estimate Report on numerous trade barriers to United
 10 States exports in the Japanese market; and
 11 *Whereas*, Japan's policies to restrict market access
 12 have perpetuated the chronic and seemingly intractable
 13 trade deficit the United States has experienced with
 14 Japan for more than three decades; and
 15 *Whereas*, the United States trade representative has
 16 engaged over the last several years in an intensive
 17 investigation of the Japanese distribution system and
 18 its impact on United States exports; and
 19 *Whereas*, the World Trade Organization agreements do
 20 not provide a current basis to address the systematic
 21 Japanese barriers; and
 22 *Whereas*, the continued denial of market access in
 23 Japan for United States exports through maintenance of
 24 a closed distribution system and liberalization
 25 countermeasures injures companies and workers in this
 26 state; *Now Therefore*,

27 *Be It Resolved By The House Of Representatives, The*
 28 *Senate Concurring, That the General Assembly of the*
 29 *State of Iowa calls upon the federal government to*
 30 *take all necessary and appropriate action to ensure*

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1 that Japan establishes and maintains an open and
 2 competitive market for United States exports; and
 3 *Be It Further Resolved, That the Chief Clerk of the*
 4 *Iowa House of Representatives deliver a copy of this*
 5 *Concurrent Resolution to each member of the*
 6 *congressional delegation representing the State of*
 7 *Iowa.*

HCR 118 filed April 8, 1998; House adopted April 22, 1998.

1 House Concurrent Resolution 120
 2 By Connors and Fallon
 3 (Companion to LSB 4420SS by Szymoniak)
 4 A Concurrent Resolution congratulating Dr. Joan
 5 Roberts for being named the 1997 Iowa Secondary
 6 Principal of the Year.
 7 *Whereas, Dr. Joan Roberts earned her undergraduate*
 8 *degree in secondary education from the University of*
 9 *Northern Iowa and her master's and doctorate degrees*
 10 *from Drake University; and*
 11 *Whereas, Dr. Roberts has worked within the Des*
 12 *Moines Independent School District for 20 years,*
 13 *-serving since 1990 as the principal at Des Moines'*
 14 *North High School; and*
 15 *Whereas, North High School has a diverse*
 16 *enrollment; and*
 17 *Whereas, North High School has experienced*
 18 *declining enrollment, high dropout and mobility rates,*
 19 *and low academic achievement; and*
 20 *Whereas, Dr. Roberts has been an energizing force*
 21 *at North High School, which has in the past 12 years*
 22 *doubled its enrollment, reduced its dropout rate to*
 23 *less than five percent, tripled its enrollment in*
 24 *advanced courses, and integrated case management and*
 25 *support services for drug prevention, alcohol*
 26 *prevention, violence prevention, and teen pregnancy*
 27 *and parenting into the school program; and*
 28 *Whereas, in the past five years, graduates of North*
 29 *High School have earned more scholarship dollars on*
 30 *average than the graduates from any other Des Moines*

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1 high school; and
 2 *Whereas, Dr. Roberts has revitalized her school and*
 3 *awakened the pride of North High School's students and*

4 their families, brought positive recognition of North
5 High School, and is a tremendous role model for other
6 building principals and for the young women enrolled
7 in North High School; and

8 *Whereas*, Dr. Roberts was nominated by her peers,
9 selected by a committee of Iowa secondary principals,
10 and named the 1997 Iowa Secondary Principal of the
11 Year by the School Administrators of Iowa, and, in
12 addition, has received national recognition as a 1997
13 State Principal of the Year by the National
14 Association of Secondary School Principals; *Now*

15 *Therefore*

16 *Be It Resolved By The House Of Representatives, The*
17 *Senate Concurring*, That the General Assembly honors
18 Dr. Joan Roberts of North High School in Des Moines
19 for her exemplary work in education, applauds the
20 achievements realized by the school and its students
21 under her administration, and congratulates her for
22 her outstanding accomplishment in being named the 1997
23 Iowa Secondary Principal of the Year; and

24 *Be It Further Resolved*, That an official copy of
25 this Concurrent Resolution be prepared for
26 presentation to Dr. Joan Roberts.

HCR 120 filed April 8, 1998; House adopted April 9, 1998; Senate
adopted April 15, 1998.

1 House Concurrent Resolution 121

2 By Thomas, Falck, and Kremer

3 A-Concurrent Resolution recognizing and honoring
4 members of the Save the Backbone Lake Committee who
5 participated in the restoration of Backbone Lake in
6 Backbone State Park.

7 *Whereas*, Backbone State Park, encompassing 1,780
8 acres of forested bluffs, slopes, and uplands along
9 the Maquoketa River and Fenchel Creek, is Iowa's
10 oldest state park, dedicated on May 28, 1920; and

11 *Whereas*, a general plan for the development of
12 Backbone State Park was completed in 1925 by John
13 Fitzsimmons, extension service landscape architect,
14 Iowa State College; and

15 *Whereas*, with the Fitzsimmons "master plan", the
16 completion of the state 25-Year Conservation Plan and
17 the creation of the Civilian Conservation Corps in
18 1933 combined to provide for the completion of many
19 projects at Backbone State Park, including a dam on
20 the Maquoketa River which formed Backbone Lake; and

21 *Whereas*, after many decades of extensive
22 recreational use with limited financial resources for
23 maintenance, repairs, and improvements necessary to
24 meet the public demand, the Save the Backbone Lake
25 Committee was organized to provide volunteer services
26 for the Backbone Lake restoration to supplement

27 projects implemented by the Department of Natural
 28 Resources; and
 29 *Whereas*, the members of the Save the Backbone Lake
 30 Committee contributed personal labor, equipment, and

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1 moneys to remove thousands of tons of siltation and to
 2 complete related improvement projects; *Now Therefore*,
 3 *Be It Resolved By The House Of Representatives, The*
 4 *Senate Concurring*, That the General Assembly, on
 5 behalf of the State of Iowa, extends its appreciation
 6 to the Save the Backbone Lake Committee and all of its
 7 volunteers and contributors for the restoration work
 8 contributed to the Backbone Lake project; and
 9 *Be It Further Resolved*, That the Chief Clerk of the
 10 House of Representatives shall transmit a copy of this
 11 Concurrent Resolution to the chairperson of the Save
 12 the Backbone Lake Committee.

HCR 121 filed April 13, 1998; House adopted April 15, 1998; Senate
 adopted April 17, 1998.

1 House Resolution 102
 2 By Corbett, Larson, Thomson, Chapman,
 3 Foege, and Taylor
 4 A Resolution recognizing the accomplishments
 5 of the Cedar Rapids Junior League related to the
 6 Madge Phillips Community Center.
 7 *Whereas*, the Cedar Rapids Junior League believes
 8 that all families are entitled to a safe, secure home
 9 environment; and
 10 *Whereas*, the Cedar Rapids Junior League determined
 11 that Cedar Rapids was the only major city in the State
 12 of Iowa without a 24-hour comprehensive shelter for
 13 homeless women and children; and
 14 *Whereas*, the Cedar Rapids Junior League conducted a
 15 \$1.6 million capital campaign to fund the construction
 16 and a portion of the three-year operating expenses for
 17 a 24-hour comprehensive shelter for homeless women and
 18 children, called the Madge Phillips Community Center;
 19 and
 20 *Whereas*, the Madge Phillips Community Center is a
 21 joint venture between the Cedar Rapids Junior League
 22 and the Young Women's Christian Association of Cedar
 23 Rapids; and
 24 *Whereas*, the Cedar Rapids Junior League has been
 25 involved in the programming and educational
 26 opportunities at the Madge Phillips Community Center;
 27 and
 28 *Whereas*, the Cedar Rapids Junior League has
 29 provided over 2,000 volunteer hours at the Madge
 30 Phillips Community Center; and

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1 *Whereas*, the Cedar Rapids Junior League received
2 the Bavarian Motor Works/Association of Junior League
3 International Community Impact Grand Award in
4 recognition of the League's efforts in building and
5 operating the Madge Phillips Community Center; *Now*
6 *Therefore*,
7 *Be It Resolved By The House Of Representatives*,
8 That the Iowa House of Representatives recognizes and
9 congratulates the Cedar Rapids Junior League for the
10 League's efforts on behalf of homeless women and
11 children in Cedar Rapids and for receiving the
12 Bavarian Motor Works/Association of Junior League
13 International Community Impact Grand Award in
14 recognition of the efforts of the Cedar Rapids Junior
15 League in building and operating the Madge Phillips
16 Community Center.

HR 102 filed January 26, 1998; House adopted January 27, 1998.

1 House Resolution 103

2 By Corbett, Siegrist, Sukup, Nelson, Jacobs, Cormack,
3 Ford, Burnett, Mascher, Myers, Bernau, and Gipp
4 A Resolution congratulating the Drake Bulldogs,
5 Iowa State Cyclones, and Iowa Hawkeyes Women's
6 Basketball Teams.

7 *Whereas*, the citizens of Iowa are justly proud that
8 the Drake Bulldogs, Iowa State Cyclones, and Iowa
9 Hawkeyes Women's Basketball Teams were invited to the
10 1998 NCAA tournament and that each team had a
11 successful season; and

12 *Whereas*, the Drake Bulldogs Women's Basketball Team
13 greatly pleased all fans and Iowans by winning the
14 Missouri Valley Conference Championship for the second
15 consecutive year and by being chosen as the number
16 five seed in the Midwest Region for the NCAA
17 tournament; and

18 *Whereas*, the Iowa State Cyclones Women's Basketball
19 Team made the citizens of Iowa justly proud by
20 completing a successful season with a school record 25
21 wins, by finishing second in the Big 12 Conference
22 regular season standings, and by being chosen as the
23 number four seed in the Mideast Region for the NCAA
24 tournament; and

25 *Whereas*, the Iowa Hawkeyes Women's Basketball team
26 delighted the citizens of this state by being the
27 regular season Big Ten Conference Champs, by being
28 chosen as the number four seed in the West Region for
29 the NCAA tournament, and by being invited to
30 participate in the NCAA tournament for the third

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1 consecutive year; *Now Therefore,*
2 *Be It Resolved By The House Of Representatives,*
3 That the House of Representatives extends its
4 congratulations to the Drake Bulldogs, Iowa State
5 Cyclones, and Iowa Hawkeyes Women's Basketball Teams,
6 and their coaches, Lisa Bluder, Bill Fennely, and
7 Angie Lee, respectively, on their successful seasons
8 and expresses its appreciation for the pride and
9 excitement the teams brought to the citizens of Iowa.

HR 103 filed March 31, 1998; House adopted April 1, 1998.

1 House Resolution 104
2 By Fallon, Barry, Falck, Boddicker, Doderer,
3 Veenstra, Carroll, and Lord
4 A Resolution regarding the intent of the House of
5 Representatives that interest groups form an advisory
6 committee to develop recommendations to reduce the
7 frequency of abortions and unplanned pregnancies in
8 the state.
9 *Whereas,* tension and discord among representatives
10 of reproductive health interests continue to increase;
11 and
12 *Whereas,* a 1994 study of the Alan Guttmacher
13 Institute reported that approximately 51 percent of
14 all pregnancies to women in the United States are
15 planned, and of the remainder, approximately 23
16 percent are unplanned, and 27 percent end in abortion;
17 and
18 *Whereas,* unplanned pregnancy in the United States
19 is much higher than in comparable developed countries;
20 and
21 *Whereas,* 48 percent of women in the United States
22 have had at least one unplanned pregnancy in their
23 lives; and
24 *Whereas,* the highest percentage of unplanned
25 pregnancies in the United States is among women ages
26 18-24 and those who are unmarried or low-income, or
27 both; and
28 *Whereas,* 46 percent of unplanned pregnancies end in
29 birth while 54 percent end in abortion; *Now Therefore,*
30 *Be It Resolved,* That the House of Representatives

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1 declares that it is the intent of the House of
2 Representatives that an advisory committee be formed
3 during the 1998 interim of the General Assembly to
4 provide an opportunity for the various representatives
5 of reproductive health interests to work together to
6 develop recommendations to reduce the frequency of

7 abortions and unplanned pregnancies in the state. It
 8 is the intent of the House of Representatives that the
 9 committee be convened by the director of public health
 10 and consist of a balance of representatives of a
 11 variety of interest groups.
 12 *Be It Further Resolved*, That any recommendations of
 13 the advisory committee shall be submitted to the
 14 General Assembly prior to the convening of the General
 15 Assembly in January 1999.

HR 104 filed April 1, 1998; House adopted April 22, 1998.

1 House Resolution 106
 2 By Fallon
 3 (Companion to LSB 4412SS by Szymoniak)
 4 A Resolution congratulating Ms. Ruth Ann Gaines
 5 for being named the Iowa Teacher of the Year for 1998.
 6 *Whereas*, Ms. Ruth Ann Gaines earned her
 7 undergraduate degree from Clark College in Dubuque and
 8 her master's degree from the University of California
 9 at Santa Barbara; and
 10 *Whereas*, Ms. Gaines has worked as a drama teacher
 11 at East High School in Des Moines for 27 years; and
 12 *Whereas*, Ms. Gaines created a high school mime
 13 troupe "Scarlet Vibrations" and an award-winning
 14 performance group "Voices of Change," the student
 15 members of which write and perform nationally on
 16 diversity-related topics; and,
 17 *Whereas*, Ms. Gaines seeks out students who are
 18 academically or personally at-risk, encouraging the
 19 students to join the drama program as a means to build
 20 self-esteem, and as a result of her efforts, more
 21 students are enrolled in the East High School drama
 22 program than are enrolled in any other Des Moines high
 23 school drama program; and
 24 *Whereas*, Ms. Gaines believes that teaching is an
 25 art form and daily crafts an atmosphere where each
 26 student can achieve their full potential; and
 27 *Whereas*, Ms. Gaines has been an activist for
 28 cultural and racial understanding, creating both a
 29 student and a teacher "leadership council" and
 30 conducting numerous workshops for fellow teachers on

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1 the issues of cultural awareness and diversity; and
 2 *Whereas*, Ms. Gaines was nominated for Teacher of
 3 the Year by the Principal of East High School and was
 4 selected for the award by a panel of judges composed
 5 of representatives from the Iowa Department of
 6 Education, the Iowa State Education Association, the
 7 School Administrators of Iowa, the Parent Teacher
 8 Association, and other professionals; and

9 *Whereas*, as Iowa's Teacher of the Year, Ms. Gaines
10 is granted a one-year sabbatical to visit schools and
11 speak to community groups as Iowa's Ambassador for
12 Education during the 1998-1999 school year; and
13 *Whereas*, educators representing 14 national
14 education organizations nationally selected Ms.
15 Gaines from among the teachers of the year in each of
16 the 50 states to be one of four finalists for 1998
17 National Teacher of the Year, to be announced in April
18 1998 by the President of the United States; *Now*
19 *Therefore*,

20 *Be It Resolved By The House Of Representatives*,
21 That the House of Representatives honors Ms. Ruth Ann
22 Gaines of East High School in Des Moines for her
23 exemplary work in education, applauds her efforts and
24 achievements in bringing out the best in East High
25 School's students, and congratulates her for her
26 outstanding accomplishment in being named the Iowa
27 Teacher of the Year for 1998.

28 *Be It Further Resolved*, That an official copy of
29 this Resolution be prepared for presentation to Ms.
30 Ruth Ann Gaines.

HR 106 filed April 7, 1998; House adopted April 15, 1998.

1 House Resolution 107
2 By Rants and Connors
3 A Resolution honoring Representatives Charles
4 Poncey, Delwyn Stromer, and Harold Van Maanen for
5 their years of legislative service.
6 *Whereas*, Representative Charles N. Poncey completed
7 twenty-two years of service to the State of Iowa as a
8 member of the General Assembly in 1992; and
9 *Whereas*, Representative Delwyn D. Stromer completed
10 twenty-three years of service to the State of Iowa as
11 a member of the General Assembly in 1989, including
12 service as the Speaker of the House of Representatives
13 during the Sixty-ninth General Assembly; and
14 *Whereas*, Representative Harold Van Maanen will
15 complete twenty years of service to the State of Iowa
16 as a member of the General Assembly this year,
17 including service as the Speaker of the House of
18 Representatives during the Seventy-fifth General
19 Assembly; and
20 *Whereas*, Representatives Poncey, Stromer, and Van
21 Maanen have served honorably and have unselfishly
22 given of their time and efforts to further the
23 interests of the State of Iowa and to provide
24 beneficial programs for the citizens of Iowa; and
25 *Whereas*, it is proper that Representatives Poncey,
26 Stromer, and Van Maanen be honored for their many
27 years of service to the State of Iowa; *Now Therefore*,
28 *Be It Resolved By The House Of Representatives*,

29 That the House of Representatives pay tribute to
30 Representatives Poncy, Stromer, and Van Maanen and

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1 express its gratitude for the service rendered by
2 them; and
3 *Be It Further Resolved*, That the House of
4 Representatives present House chairs to
5 Representatives Poncy, Stromer, and Van Maanen in
6 appreciation for their many years of devoted service.

HR 107 filed April 15, 1998; House adopted April 20, 1998.

1 House Resolution 108
2 By Mascher, Myers, Doderer, and Foege
3 A Resolution recognizing the centennial anniversary
4 of the University of Iowa Hospitals and Clinics, and
5 honoring the women and men affiliated with the University
6 of Iowa Hospitals and Clinics.
7 *Whereas*, the first University Hospital on the
8 campus of the University of Iowa opened in 1898; and
9 *Whereas*, the University of Iowa Hospitals and
10 Clinics celebrated its centennial anniversary on
11 January 12, 1998; and
12 *Whereas*, the University of Iowa Hospitals and
13 Clinics has grown into a major statewide medical
14 resource dedicated to providing preeminent health care
15 services to over one-half million patients annually;
16 and
17 *Whereas*, the University of Iowa Hospitals and
18 Clinics provides outreach programs and supports
19 community-based physicians and hospitals contributing
20 to enhanced health care services throughout the state;
21 and
22 *Whereas*, the University of Iowa Hospitals and
23 Clinics serves as the primary teaching hospital for
24 the University of Iowa and its affiliated
25 institutions; and
26 *Whereas*, the University of Iowa Hospitals and
27 Clinics facilitates innovative research leading to
28 improved health care services for the citizens of this
29 state, this nation, and other countries; and
30 *Whereas*, the women and men affiliated with the

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1 University of Iowa Hospitals and Clinics serve the
2 citizens of the state of Iowa with compassion,
3 professionalism, and dedication; and
4 *Whereas*, the University of Iowa Hospitals and
5 Clinics is consistently acclaimed as one of the
6 nation's premier hospitals and constitutes a source of

7 great pride for the citizens of the state of Iowa; *Now*
 8 *Therefore,*
 9 *Be It Resolved By The House,* That the recent
 10 centennial anniversary of the University of Iowa
 11 Hospitals and Clinics on January 12, 1998, is
 12 officially recognized; and
 13 *Be It Further Resolved,* That the citizens of the
 14 state of Iowa honor the women and men affiliated with
 15 the University of Iowa Hospitals and Clinics who have
 16 contributed to the health and well-being of the
 17 citizens of this state, of this nation, and of the
 18 world.

HR 108 filed April 21, 1998; House adopted April 22, 1998.

House Resolution 109

2 By Houser, Myers, Carroll, Arnold, Foege, Grundberg,
 3 Jochum, Heaton, Mertz, Mundie, and Vande Hoef
 4 A Resolution recognizing the positive contributions
 5 realized from county implementation of a single entry
 6 point process for mental health, mental retardation, and
 7 developmental disabilities (MH/MR/DD) services known as
 8 the central point of coordination or "CPC" system.
 9 *Whereas,* Iowa has a long history of county
 10 leadership in the provision of MH/MR/DD services to
 11 the citizens of this state; and
 12 *Whereas,* Iowa policymakers have focused on
 13 reforming the MH/MR/DD service system in order to
 14 provide high quality, cost-effective services to best
 15 meet the needs of service consumers; and
 16 *Whereas,* the county management plan approach was
 17 established as a key element of reforming MH/MR/DD
 18 services by employing professional qualified staff,
 19 developing a system of accountability and control,
 20 improving planning processes by formalizing the
 21 processes, increasing the involvement of stakeholders,
 22 improving coordination of services, and assuring the
 23 appropriateness of the services authorized; and
 24 *Whereas,* the CPC staff have become highly visible,
 25 vital contributors to implementing reform of the
 26 MH/MR/DD service system by planning, working with
 27 providers, making eligibility determinations,
 28 authorizing funding for services, making referrals,
 29 monitoring and coordinating services, tracking and
 30 evaluating services, and providing quality assurance;

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1 and
 2 *Whereas,* CPC staff are qualified by education,
 3 demonstrated competency in program administration and
 4 in human services, and experience in working with
 5 persons with disabilities, and bring many other

6 competencies in serving persons with disabilities; *Now*
7 *Therefore,*
8 *Be It Resolved By The House,* That the House of
9 Representatives recognizes the important role of CPC
10 staff in implementing MH/MR/DD service system reform
11 beginning with the initial CPC appointments in 1994
12 and continuing with appointment of a CPC for every
13 county as of July 1, 1996; and
14 *Be It Further Resolved,* That the House of
15 Representatives anticipates that many challenges lie
16 ahead as system reform evolves and expresses
17 confidence that the CPC staff will continue to provide
18 leadership in addressing these challenges by bringing
19 people together, making good recommendations, and
20 empowering persons with disabilities; and
21 *Be It Further Resolved,* That an official copy of
22 this resolution be prepared and presented to the Iowa
23 State Association of Counties.

HR 109 filed April 21, 1998; House adopted April 22, 1998.

SUPPLEMENT TO HOUSE JOURNAL

BILLS APPROVED, VETOED OR ITEM VETOED
SUBSEQUENT TO ADJOURNMENT

The following is a record of the action of the Governor on bills passed by the 1998 Regular Session of the Seventy-seventh General Assembly and which action was had subsequent to the date of final adjournment.

- H.F. 8 - Relating to the funding of state mandates. Vetoed 5-18-98. See Governor's Veto Message.
- H.F. 667 - Relating to the Iowa administrative procedure Act and providing an effective and applicability date. Approved 5-19-98.
- H.F. 2049 - Relating to redemption by a county of certain parcels sold at property tax sale. Approved 4-23-98.
- H.F. 2119 - Providing for the creation of an Iowa educational savings plan trust, addressing tax aspects, and containing applicability provisions. Approved 5-6-98.
- H.F. 2136 - Relating to agricultural drainage wells, by extending the date for complying with certain requirements. Approved 5-6-98.
- H.F. 2153 - Providing that member contributions under certain public retirement systems are considered employer contributions for state income tax purposes, and providing effective and applicability date provisions. Approved 5-6-98.
- H.F. 2164 - Relating to economic development enterprise zones and to local community and economic development planning assistance and the community builder program. Approved 5-6-98.
- H.F. 2166 - Relating to regulation of food establishments and providing for fees and penalties and providing an effective date. Approved 5-5-98.
- H.F. 2269 - Relating to permissible physical contact involving students. Approved 5-14-98.
- H.F. 2272 - Requiring the state board of education to adopt rules relating to the incorporation of accountability for student achievement into the education standards and accreditation process. Approved 5-6-98.
- H.F. 2290 - Relating to the regulation of the deer population and to the civil damages and penalties for the illegal taking of antlered deer. Approved 5-19-98.
- H.F. 2348 - Relating to institutions and facilities administered by the department of human services and to similar and related services. Approved 4-27-98.

- H.F. 2374 – Exempting sales made to and services performed for organ procurement organizations from the state sales, services, and use taxes. Approved 4-27-98.
- H.F. 2382 – Relating to the identification of animals and providing penalties. Approved 5-20-98.
- H.F. 2395 – Relating to public expenditure and regulatory matters and making supplemental and other appropriations for the fiscal year beginning July 1, 1997, and subsequent fiscal years, and providing effective dates. Approved 5-21-98 with the exception of the designated portion of Section 12, subsection 4. See Governor's Item Veto Message.
- H.F. 2471 – Concerning the number of supreme court justices and court of appeals judges, and including a contingent effective date. Approved 5-13-98.
- H.F. 2480 – To repeal the future repeal of the interception of communications chapter. Approved 4-27-98.
- H.F. 2487 – Relating to the fines and penalties applicable to the sale of alcohol and providing an effective date. Approved 5-19-98.
- H.F. 2494 – Providing for agricultural production, including regulating animal feeding operations and making penalties applicable and providing effective dates. Approved 5-21-98.
- H.F. 2496 – Relating to public retirement systems, and providing effective, implementation, and applicability dates. Approved 5-8-98 with the exception of Sections 46 and 80. See Governor's Item Veto Message.
- H.F. 2498 – Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective dates. Approved 5-19-98 with the exception of Section 1, unnumbered and unlettered paragraph 3; Section 9, unnumbered and unlettered paragraph 2; Section 33 and Section 35. See Governor's Item Veto Message.
- H.F. 2513 – Relating to the individual income tax by eliminating the taxation of certain capital gains and providing special treatment of gains from the sales of businesses to descendants, increasing the amount of pension income excluded, increasing certain personal exemption tax credits, and increasing and expanding the tuition and textbook tax credit, exempting sales and services to certain nonprofit hospitals from the sales, services, and use taxes, and relating to the income eligibility requirements for the homestead property tax credit, mobile home tax credit, or reimbursement for rent constituting property taxes paid, and including effective and prospective and retroactive applicability date provisions. Approved 5-6-98.
- H.F. 2514 – Relating to motor vehicle operation and motor vehicles, carriers and motor trucks, and penalties and hazardous materials, including weight

requirements and transportation of hazardous materials, and providing an effective date. Approved 5-6-98.

- H.F. 2517 – Establishing a healthy and well kids in Iowa (HAWK-I) program to provide health insurance to eligible children, providing for a repeal, and providing an effective date. Approved 5-14-98.
- H.F. 2532 – Relating to the maximum value of prizes awarded in raffles and certain games of skill and chance. Approved 5-18-98.
- H.F. 2533 – Relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents, providing related statutory changes, and providing effective dates. Approved 5-8-98 with the exception of Sections 3, 4, 6 and 32; Section 62, subsection 1; the designated portion of Section 8, subsection 4, paragraph a; Sections 11, 12, 13 and 62, subsections 2 and 3; Sections 28, 47, 48 and 49; the designated portions of Section 52; Section 61; the designated portion of Section 16; Sections 24, 25, 26, 29 and 45. See Governor's Item Veto Message.
- H.F. 2538 – Relating to eligible housing businesses qualifying for incentives and assistance in enterprise zones, providing additional incentives and assistance for approved eligible businesses located in an enterprise zone, and requiring consideration of building codes and zoning. Approved 5-6-98.
- H.F. 2539 – Relating to and making appropriations to the justice system and providing effective dates. Approved 5-21-98 with the exception of Section 4, subsection 3; the first designated portion of Section 5; the second designated portion of Section 5; Sections 8 and 22. See Governor's Item Veto Message.
- H.F. 2541 – Relating to the use tax exemption for vehicles used substantially in interstate commerce. Approved 4-23-98.
- H.F. 2545 – Relating to county mental health, mental retardation, and developmental disabilities service funding, allocating an appropriation, and providing effective dates. Approved 4-27-98.
- H.F. 2546 – Relating to waste tires and tire-derived fuels. Approved 5-6-98.
- H.F. 2550 – Exempting services provided by licensed massage therapists from the state services tax. Approved 5-5-98.
- H.F. 2553 – Relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations. Approved 5-6-98.
- H.F. 2558 – Relating to mental health, developmental disability, and substance abuse service, commitment, and payment provisions, and including an applicability provision and an effective date. Approved 5-6-98.

- H.F. 2560 – Relating to aircraft registration fees and sales tax exemptions. Approved 5-6-98.
- S.F. 187 – Relating to the issuance of licenses and the imposition of fees for the fishing, trapping, hunting, pursuing, catching, killing, or taking of wild animals, birds, game, or fish, providing for other properly related matters, and subjecting violators to existing penalties, and providing effective and applicability dates. Approved 5-19-98.
- S.F. 490 – Relating to the consumer fraud law by providing limited immunity from prosecution for providing certain information, authorizing the attorney general to commence an action related to telemarketing, and authorizing the attorney general to establish and accept a civil penalty in settlement of an investigation. Approved 5-19-98.
- S.F. 492 – Relating to unemployment compensation benefits concerning proof of whether a person has voluntarily quit employment. Approved 5-5-98.
- S.F. 518 – Relating to the administration of state government, by providing for the practices of the department of general services, state procurement, motor vehicles, and state printing. Approved 5-6-98.
- S.F. 2038 – Relating to disqualification from voting or registering to vote for reasons of mental incompetencé. Approved 5-14-98.
- S.F. 2052 – Relating to programs involving government finance, by providing for the issuance of private activity bonds to administer programs by governmental entities, including the Iowa agricultural development authority and political subdivisions, and providing program assistance to beginning farmers. Approved 5-6-98.
- S.F. 2061 – Relating to property tax statements and to a delay in implementing the inclusion of certain information on property tax statements by providing a deferral application process and providing an effective date. Approved 5-14-98.
- S.F. 2161 – Relating to the reporting and partner notification requirements relative to the human immunodeficiency virus. Approved 5-14-98.
- S.F. 2188 – Relating to debt collection. Approved 4-23-98.
- S.F. 2200 – Relating to the expenses, powers, and duties of county agricultural extension councils. Approved 5-6-98.
- S.F. 2225 – To legalize the proceedings of the board of directors of the Sigourney Community School District to sell certain school district property and providing effective and retroactive applicability dates. Approved 5-14-98.
- S.F. 2268 – Relating to rural water services by authorizing rural water districts to enter into agreements with other governmental entities to provide for the ownership, acquisition, construction, and equipping of sewer

systems, and authorizing the issuance of revenue obligations to finance the projects and providing procedures for detaching property from one district and attaching it to another district. Approved 5-6-98.

- S.F. 2277 – Providing for exceptions to municipal tort liability for skateboarding and in-line skating. Approved 5-5-98.
- S.F. 2280 – Relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the governor's alliance on substance abuse, and the commission of veterans affairs, and providing effective dates. Approved 5-19-98 with the exception of Section 7, subsection 3, lettered paragraph c; Section 8, subsections 2(a) and 2(c) and the first subsection 3. See Governor's Item Veto Message.
- S.F. 2284 – Relating to rural improvement zones. Approved 5-6-98.
- S.F. 2292 – Relating to the sex offender registry and providing for the Act's applicability. Approved 5-6-98.
- S.F. 2295 – Relating to and making appropriations for agriculture and natural resources and providing an effective date. Approved 5-19-98 with the exception of Section 17. See Governor's Item Veto Message.
- S.F. 2296 – Appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision. Approved 5-22-98 with the exception of the designated portion of Section 1, subsection 5, unnumbered paragraph 1; Section 31. See Governor's Item Veto Message.
- S.F. 2311 – Relating to partnerships by replacing the existing law with a uniform partnership law and providing penalties and an effective date. Approved 5-19-98.
- S.F. 2313 – Relating to child support, providing penalties, and providing effective dates. Approved 5-6-98.
- S.F. 2316 – Relating to entities and subject matter under the regulatory authority of the regulated industries unit of the insurance division, including business opportunities, cemeteries, and cemetery merchandise, motor vehicle service contracts, preneed funeral merchandise and services, and residential service contracts, providing for fees, and establishing penalties. Approved 5-14-98.
- S.F. 2320 – Relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons

- under twenty-one years of age. Vetoed 5-20-98. See Governor's Veto Message.
- S.F. 2330 – Relating to the filing of civil litigation by prisoners and providing an effective date. Approved 4-23-98.
- S.F. 2332 – Relating to agriculture, regulating the sale of agricultural products advertised as organic, providing for fees and appropriations, and providing penalties and an effective date. Approved 5-20-98.
- S.F. 2333 – Relating to occupational hearing loss recovery, providing definitions, and providing for the apportionment and measurement of hearing loss. Approved 5-5-98.
- S.F. 2345 – Relating to juvenile justice system provisions involving foster care, termination of parental rights, and adoption preplacement investigations. Approved 5-14-98.
- S.F. 2359 – Providing for a review of juvenile justice provisions involving child protection by the citizens' aide and providing an effective date. Approved 5-14-98.
- S.F. 2365 – Relating to the imposition of the sales and use tax on infrastructure and electricity associated with providing water. Approved 5-5-98.
- S.F. 2366 – Relating to the licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions. Approved 5-8-98 with the exception of the designated portion of Section 1, subsection 1; Section 1, subsection 5; the designated portion of Section 1, subsection 7; Sections 2 and 3; the designated portions of Section 4, subsection 1; the designated portions of Section 4, subsection 2; Section 4, subsection 3; Section 4, subsection 5; Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 39, 42 and 44. See Governor's Item Veto Message.
- S.F. 2368 – Relating to the management of public rights-of-way by local government units, eliminating the power of cities to grant franchises to erect, maintain, and operate plants and systems for telecommunications services within the city, and providing an effective date. Approved 4-23-98.
- S.F. 2374 – Providing for the regulation of bail enforcement businesses and their agents, limiting their actions, establishing fees, eliminating temporary county-issued identification for private security agents and investigators, and providing penalties. Approved 4-23-98.
- S.F. 2377 – Relating to the sixth judicial district pilot probation revocation project and providing for effective dates and for repeal of the pilot project provisions. Approved 5-18-98.
- S.F. 2378 – Relating to real estate titles involving bankruptcy. Approved 4-23-98.

- S.F. 2380 – Relating to the election of a local exchange carrier to be price-regulated. Approved 4-23-98.
- S.F. 2381 – Making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the division of soil conservation for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of two additional cellblocks at the Fort Dodge correctional facility, for a prior fiscal year, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison, and for construction and renovation of community-based correctional facilities; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges, for completion of the training facility and site development phase of the national education center for agricultural safety; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, creation of a lake rehabilitation pilot program, for the bluffslands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports and for an automated weather observation system; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the bluffslands protection program and revolving fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period begin-

ning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund, by reallocating certain funds to design and construct new or replacement buildings at the state training school; and providing effective dates. Approved 5-19-98 with the exception of the designated portion of Section 2, subsection 4; Section 5, subsection 1; Section 15. See Governor's Item Veto Message.

- S.F. 2384 - To provide for the assessment and payment of a thirty-five dollar installment payment fee for fines or court costs paid in installments under certain circumstances and providing for a contingent effective date. Vetoed 5-20-98. See Governor's Veto Message.
- S.F. 2385 - Relating to the mandatory minimum term of incarceration for felony domestic abuse assault. Approved 5-14-98.
- S.F. 2398 - Relating to the confinement and treatment of sex offenders. Approved 5-6-98.
- S.F. 2404 - Relating to cooperatives organized under Code chapter 501 and providing an effective date. Approved 4-23-98.
- S.F. 2405 - Providing for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by a county, city, and school district. Vetoed 5-18-98. See Governor's Veto Message.
- S.F. 2406 - Creating and relating to an Iowa empowerment board, community empowerment areas, and community empowerment area boards, and providing an effective date. Approved 5-20-98.
- S.F. 2410 - Relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care, and providing effective dates and a retroactive applicability provision. Approved 5-19-98 with the exception of Section 7, subsection 7; the designated portion of Section 9; Section 10, subsection 2; the designated portion of Section 16; the designated portion of Section 28; Section 32, subsection 1, paragraph b; Sections 40, 41 and 42. See Governor's Item Veto Message.
- S.F. 2413 - Relating to exemptions from and reductions in solid waste tonnage fees for certain persons and the installation and use of scales by sanitary disposal projects. Approved 5-14-98.
- S.F. 2415 - Relating to agricultural finance, providing an appropriation, and providing an effective date. Approved 5-20-98.

- S.F. 2416 – Relating to the replacement of property tax on property associated with electricity and natural gas with excise taxes associated with electricity and natural gas, establishing a statewide property tax on property associated with electricity and natural gas, providing for a special utility property tax levy or tax credit, providing for the Act's retroactive applicability, providing an effective date, and providing penalties. Approved 5-14-98.
- S.F. 2418 – Relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, establishing the IowaAccess system, providing for the use of the network, making miscellaneous related changes, and providing effective dates. Approved 5-21-98 with the exception of Section 2, subsection 5; Section 2, subsection 6; Section 6; the designated portion of Section 7, subsection 2m; Section 7, subsection 3; Sections 9, 10, 11, 12 and 20; the designated portion of Section 23. See Governor's Item Veto Message.

GOVERNOR'S VETO MESSAGES

May 18, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

House File 8, an act relating to the funding of state mandates, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 8 replaces Iowa Code Chapter 25B.2, Subsection 3, relating to unfunded state mandates, with substantially similar provisions, but with an expanded number of local services and activities that would be specifically exempt from its provisions.

I appreciate the intent of the bill in creating additional enforcement obligations of Chapter 321J (Operating While Under the Influence, or OWI) and the Iowa Criminal Code Chapters (701 through 728). The superficial effect of the change is that local law enforcement agencies would still be required to enforce new provisions in the OWI chapter or in the general criminal code, even without additional state funding. However, further consideration of House File 8 prompts concern.

Although Chapter 25B as currently written may appear to create an opportunity for city and county law enforcement to avoid enforcing changes in state criminal law, in practice there is a long tradition of local enforcement. The danger with House File 8 is that by specifically excluding Chapters 321J and 701 through 728, it suggests the criminal provisions of the Code create mandates on local government that do not have to be enforced without additional funding.

Perhaps more important is the effect on dozens of other important Code provisions dealing with criminal penalties, which were not specifically excluded in this legislation. Prominent examples include Chapter 321 (motor vehicle laws), Chapter 124 (controlled substances), Chapter 123 (alcoholic beverage control) and Chapter 101A (explosives). The lack of exclusion for these chapters and the specific exclusion of others in this bill calls into question whether local law enforcement agencies would still be required to enforce future additions to these chapters, absent specific state funding.

House File 8 increases the risk that over time, enforcement of Iowa laws will become unpredictable, non-uniform and inequitable. For example, one city could elect to join the Iowa State Patrol in enforcing new additions or changes in Iowa's motor vehicle laws, while neighboring cities or even the county sheriff might decline to do so. The result would be a patchwork of enforcement of Iowa's traffic laws based on the location where the citizen is driving, or even based on the organizational affiliation of the officer who observes the citizen's actions. Iowa citizens should not be placed at risk due to non-uniform enforcement of Iowa's laws. Criminal laws, their application and enforcement, must be reasonably predictable and uniform.

For the above reasons, I hereby respectfully disapprove House File 8.

Sincerely,
Terry E. Branstad
Governor

May 20, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

Senate File 2320, an act relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons under twenty-one years of age, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

This bill was an earnest attempt by members of the General Assembly to place a moratorium on further expansion of gambling in the state of Iowa. While it contains some limitations on gambling, these provisions would not restrict gambling to the extent of my recommendations. More troubling, modifications made to overcome the objections of the gambling industry may actually facilitate the expansion of gambling.

The most troubling provision was apparently perceived as simply permitting the transfer of a gambling license, but in actuality, could result in the creation of several new land-based casinos in our state. Whether it was intentional or not is irrelevant. The language in Section 3 of the bill could be interpreted to allow the creation of new gambling licenses, and such potential is unacceptable.

Further, this bill would limit the fines on a licensee for underage gambling violations to a maximum fine of \$1,000 for most violations. Currently the Racing & Gaming Commission is issuing fines to licensees from \$5,000 to \$25,000 per instance. This provision sends the wrong message and will limit the Commission's ability to police underage gambling.

In addition, this legislation does very little to limit instant access to additional credit at ATM machines which would still be permitted within gambling facilities.

The bill allows a six-month window during which facilities can install additional slot machines prior to commencing a two-year moratorium. Undoubtedly, any facility intending to expand gambling during the next few years will make that request in the next six months, making the limitation of little value. Likewise, it is unlikely additional riverboat casino licenses will be granted by the Commission in the foreseeable future, regardless of this legislation.

For the above reasons, I hereby respectfully disapprove Senate File 2320.

Sincerely,
Terry E. Branstad
Governor

May 20, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

Senate File 2384, an act to provide for the assessment and payment of a thirty-five dollar installment payment fee for fines or court costs paid in installments under certain circumstances and providing for a contingent effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

It is unfortunate that I must veto Senate File 2384. This legislation is only effective in conjunction with Senate File 2281, which the Senate passed overwhelmingly but the House ultimately refused to bring to a final vote.

Senate File 2384 provides that non-indigent persons requesting a payment plan for fines, fees, and costs would be required to pay an installment payment assessment of \$35 before such installment payment plan could be ordered by the Court. A similar provision placing the same assessment on indigent persons seeking a payment plan was part of Senate File 2281.

Senate File 2281 contained many positive reforms of the indigent defense program. It made uniform the processing of fee claims submitted by private attorneys for handling indigent cases. Under Senate File 2281, the state public defender would have established by administrative rule the hourly fee paid to private attorneys and the total case fee ceilings that could have been exceeded by permission of the state public defender.

At the start of the legislative session, I set forth a proposed rate increase in my Budget in Brief. Currently, appointed attorneys in indigent cases receive fee rates of \$45, \$50 or \$55 per hour depending on the severity of the case. The fees I proposed would have brought an innovative new concept to Iowa — one hourly rate for time spent out of court and a higher hourly rate for in-court time. The fees I proposed would have generally been higher than the currently authorized hourly fees.

In addition, Senate File 2281 would have brought statewide uniformity in fee awards in such cases by having all fee claims approved by the state public defender rather than individual judges in every part of the state. The attorney would have the right to seek modified judicial review by the court of the fee approved by the state public defender.

Senate File 2281 would have better defined indigency than does current law

and would have ensured that people who can afford to pay an attorney to represent them would not receive an attorney at taxpayer expense. A defendant's assets, as well as income, could be used to determine ability to pay and wages could be garnished to assist in repayment.

Senate File 2281 would also have allowed the court to hold informal proceedings with individuals who are behind in their payments of fines, fees, and costs, without the necessity of a formal contempt proceeding. This would avoid the appointment of new counsel, and higher costs to the taxpayers.

Senate File 2281 would have capped the counties' maximum liability for juvenile cases at the current level and provided greater accountability over state funds.

Attorneys in the state want higher remuneration in indigent cases. I have been willing to increase such remuneration but I insist on reforming the system and making it more uniform statewide. I am attempting to balance reasonable fees for the appointed attorney on the one hand with accountability to the taxpayers on the other.

Unfortunately, although the Senate passed Senate File 2281 by an almost unanimous margin, ultimately the legislation died in the House and the reforms and uniform fee award system, along with increased fees, died with it. As a result, the appointed lawyers get no fee increase and Senate File 2384 must be vetoed.

For the above reasons, I hereby respectfully disapprove Senate File 2384.

Sincerely,
Terry E. Branstad
Governor

May 18, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

Senate File 2405, an act providing for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by a county, city, and school district, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Under Iowa law, school districts currently have a wide array of options to expand educational programs and facilities including staff and program sharing, whole grade sharing, and reorganization. Each time the legislature has added a new sharing option important principles necessary for statewide implementation are clearly outlined in statute. These principles protect each district entering into the agreement, their constituent communities and the state.

Senate File 2405 fails to address critical implementation issues for schools that, if left to district-by-district administration, may create financial instability and

accreditation difficulties for local school districts. Important details such as the funding of the educational program, transportation costs, and the differences between participating districts' bonding capacity and property tax rates and levies, need statutory clarification.

While I am not opposed to this concept, the legislature should address issues critical to implementation of the statute to consistently and uniformly apply the statute.

For the above reasons, I hereby respectfully disapprove Senate File 2405.

Sincerely,
Terry E. Branstad
Governor

GOVERNOR'S ITEM VETO MESSAGES

May 21, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit House File 2395, an act relating to public expenditure and regulatory matters and making supplemental and other appropriations for the fiscal year beginning July 1, 1997, and subsequent fiscal years, and providing effective dates.

House File 2395 is, therefore, approved on this date with the following exception, which I hereby disapprove.

I am unable to approve the designated portion of Section 12, subsection 4. This item would appropriate unspent fiscal year 1995 lottery funds for operating and testing costs of the state-federal animal health laboratory. It is inappropriate to use one-time funding for ongoing operational expenses.

For the above reason, I hereby respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2395 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 8, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit House File 2496, an act relating to public retirement systems, and providing effective, implementation, and applicability dates.

House File 2496 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the items designated as Sections 46 and 80, in their entirety. These items provide a disability benefits system and the accompanying benefits, effective July 1, 1999 for special service members of the Iowa Public Employees Retirement System (IPERS). Special service members are primarily those in protection occupations such as correctional officers and other law enforcement personnel at the state and local level. This new benefit system would allow

these members to receive long-term disability benefits in the event a work-related disability prevents the member from continuing to work in the public safety field in which the member was originally employed. The new system would be in addition to the social security disability benefits and workers' compensation benefits currently available to these employees.

This new system was advanced in an effort to provide a disability system to IPERS special service members comparable with that available to the Statewide Fire and Police Retirement System and the Public Safety Peace Officers' Retirement, Accident, and Disability System. However, members of those other systems are not eligible for social security benefits, nor in the case of the statewide Fire and Police Retirement System are members eligible for workers' compensation benefits. This legislation would in effect cause the benefits of IPERS special service members to leapfrog those available to other law enforcement personnel and firefighters in the state. Thus, while advanced as promoting parity among the systems, the change may instead create greater disparities among the systems.

Recognizing the drawbacks associated with an ad hoc approach to parity improvements, in Section 115 of this bill the General Assembly has wisely directed a comprehensive review be undertaken of all three systems to determine a benefit structure that would provide comparable and equitable benefits to members of each system. I believe it would be premature to approve additional benefit enhancements before this study is completed. Because the expanded disability benefits provided in this bill would not take effect until July 1, 1999, should the upcoming comparability study indicate the appropriateness of this expansion for IPERS special service members, the legislation could be acted upon again next session and still take effect at the time originally planned. In other words, there would be no impact on members, yet there would be the advantage of a full understanding about the appropriateness and ramifications of this change.

A specific provision about which I am particularly concerned is the presumption that any heart or lung disease is work related. Even if a special service member had smoked cigarettes for twenty or thirty years, should this individual become disabled as a result of heart or lung disease, it would be presumed to be work-related and the officer would be entitled to receive full benefits. It is well known that heavy tobacco use is a major cause of emphysema, lung cancer and heart disease, and our public policy should not be expected to support nor condone it.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2496 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 19, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2498, an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective dates.

House File 2498 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 1, unnumbered and unlettered paragraph 3. This item establishes an appropriation from the Innovation Fund to the Auditor of State for training. The Innovation Fund was created to provide loans to departments for innovative endeavors. The appropriation in this section does not meet that criteria.

I am unable to approve the designated portion of Section 9, unnumbered and unlettered paragraph 2. This item requires the Racing and Gaming Commission to adopt rules consistent with newly enacted legislation for drug and alcohol testing in employer/employee relationships. However, the participants in the racing industry do not have an employer/employee relationship with the Commission. The Commission currently has rules in place to test participants in the racing industry for drugs and alcohol that more appropriately reflect the relationship between regulator and participant.

I am unable to approve the item designated as Section 33, in its entirety. This item requires each state department, agency or office receiving appropriations under this Act to prepare a report on the usage of individual cellular telephones by its employees. Management and oversight of cellular telephone usage by administrative and regulatory agencies is more appropriately a function of the executive branch. I have directed every agency to develop policies on both cell phone and internet use.

I am unable to approve the item designated as Section 35, in its entirety. This item requires the Department of General Services to determine and recommend to the Governor and the General Assembly a reimbursement amount to the City of Des Moines for police and fire protection provided by the city for state-owned buildings and facilities located in the city. The language in this section of the bill requires General Services to conduct a comprehensive study of reimbursement practices, yet no resources were provided to undertake the study. The bill directs further action, which presupposes an outcome to the study.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2498 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 8, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit House File 2533, an act relating to the funding of, operation of, and appropriation of moneys to the College Student Aid Commission, the Department of Cultural Affairs, the Department of Education, and the State Board of Regents, providing related statutory changes, and providing effective dates.

House File 2533 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 3, in its entirety. This item appropriates moneys remaining in the Scholarship and Grant Reserve Fund for Vocational Technical Tuition Grants. The purpose of the Scholarship and Grant Reserve Fund is to alleviate funding shortfalls for scholarship and tuition grant programs. The funds that are currently available need to remain in the fund for this purpose.

I am unable to approve the items designated as Sections 4 and 32, in their entirety. These items specify how the interest earned on Public Law No. 105-33 Recall Account is to be used. Federal law adequately governs the Iowa College Student Aid Commission's use of interest earned on the Recall Account. The College Student Aid Commission should be encouraged to implement a comprehensive default reduction program.

I am unable to approve the items designated as Section 6, and Section 62, subsection 1, in their entirety. These items require the carryover of fiscal year 1998 reversions to be used for marketing, outreach, support and programs at the Western Trails Center. Significant state funding for the Western Trails Center has been provided from the Rebuild Iowa Infrastructure Account.

I am unable to approve the designated portion of Section 8, subsection 4, paragraph a. This item requires the Division of Vocational Rehabilitation to enter into a 28E agreement with Creative Employment Options at the University of Iowa in an effort to count the state funds appropriated to the University as a local match. The United States Department of Education has indicated that implementation of this requirement would result in rejection of the State Plan for Vocational Rehabilitation and preclude federal funding for vocational rehabilitation in Iowa.

I am unable to approve the items designated as Sections 11, 12, 13 and 62, subsections 2 and 3, in their entirety. These items allow anticipated fiscal year 1998 reversions to carry over into fiscal year 1999 to fund ongoing programs. It is inappropriate to use one-time funding sources for ongoing programs.

I am unable to approve the items designated as Sections 28, 47, 48 and 49, in their entirety, the designated portions of Section 52, and Section 61, in its entirety. These items provide appropriations from Phase III of Educational Excellence for ongoing programs that are unrelated to the purpose of Phase III. Appropriations, particularly standing appropriations, which are unrelated to the purpose of Phase III are an inappropriate use of Educational Excellence funding.

I am unable to approve the designated portion of Section 16, and the items designated as Sections 24, 25, 26, 29 and 45, in their entirety. These items contain language that links with the action I am taking on Senate File 2366, the education reform bill. I cannot approve these items until a comprehensive school reform package is enacted, and I cannot support a \$1 million lifetime limit on funding for national board certification award recipients.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2533 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 21, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2539, an act relating to and making appropriations to the justice system and providing effective dates.

House File 2539 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 3, in its entirety. This item requires the Department of Corrections to timely fill all correctional positions. This language fails to account for the difficult circumstances that necessitate flexibility for the department in managing its operations.

I am unable to approve the first designated portion of Section 5. This item would require twenty-one calendar days notice to the appropriations subcommittee before the Department of Corrections can enter into a contract with a private corporation for the purposes of providing employment to inmates under the department's jurisdiction. Contracting for such purposes is more appropriately an executive branch responsibility.

I am unable to approve the second designated portion of Section 5. This item would preclude the Department of Corrections from entering into a contract with a private sector entity to operate a facility that houses inmates. The department is currently studying this issue and it would be inappropriate to impose such a restriction until the outcome of the study has been determined.

I am unable to approve the item designated as Section 8, in its entirety. This item would allow all unspent 1998 appropriations for the Department of Corrections to carry forward and be spent in fiscal year 1999. It is inappropriate to use one-time funding for ongoing expenses.

I am unable to approve the item designated as Section 22, in its entirety. This item would allow all unspent 1998 appropriations for the Fort Dodge prison to carry forward and be spent in fiscal year 1999. It is inappropriate to use one-time funding for ongoing expenses.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2539 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 19, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 2280, an act relating to and making appropriations to the Department for the Blind, the Iowa State Civil Right Commission, the Department of Elder Affairs, the Iowa Department of Public Health, the Department of Human Rights, the Governor's Alliance on Substance Abuse, and the Commission of Veterans Affairs, and providing effective dates.

Senate File 2280 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve Section 7, subsection 3, lettered paragraph c, in its entirety, which relates to successor contractors at the Iowa Veterans Home. While apparently intended to apply to employees of contractors at the Iowa Veterans Home, the language applies only to current state employees and not to the employees of contractors. Therefore, the purpose of this section is not achieved.

I am unable to approve Section 8, subsections 2 (a) and 2 (c), and the first subsection 3, in their entirety. These items collectively relate to diverting money away from the Gamblers Treatment Fund and spending the diverted money for non-related purposes. The Gamblers Treatment Fund, then called the Gamblers Assistance Fund, was created by the same statute that permitted gambling in the State of Iowa. Since that time, the Fund has been the only source of state money used to combat the ill effects of gambling for Iowa citizens. The programs identified to receive these diverted funds have merit. However, the problems associated with gambling, including bankruptcies, broken homes, embezzlement and suicide, have become more prevalent and the need for gamblers' treatment grows more pressing all the time. Therefore, I will not set a precedent that impairs its annual funding.

For the above reasons, I hereby respectfully disapprove these items in accor-

dance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2280 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 19, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2295, an act relating to and making appropriations for agriculture and natural resources and providing an effective date.

Senate File 2295 is, therefore, approved on this date with the following exception, which I hereby disapprove.

I am unable to approve the item designated as Section 17, in its entirety. This item redirects salary savings from the turnover of appointed non-elected positions to other purposes. Such a practice is administratively cumbersome and would result in one-time savings being used to finance ongoing expenses.

For the above reason, I hereby respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2295 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 22, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2296, an act appropriating funds to the Department of Economic Development, certain Board of Regents institutions, the Department of Workforce Development, the Public Employment Relations Board, making related statutory changes, and providing an effective date provision.

Senate File 2296 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of Section 1, subsection 5, unnumbered paragraph 1. The State has assisted 16 local communities support tourism development in their areas by providing financial assistance to build welcome center facilities. These public/private partnerships were designed to assist local communities with the one-time costs of establishing a center. This item would put the state in a position of providing ongoing support for the day to day activities of privately operated welcome centers. Such action, without the authority to implement changes that would lead to self-sufficiency, is short sighted. I am supporting the study of the public and private welcome center system in the state as required in this section because I strongly support the development of the tourism industry in the State of Iowa. I am hopeful that recommendations from this study will strengthen the state welcome center system and provide the direction necessary to put all privately owned welcome centers on the course to self-sufficiency.

I am unable to approve the item designated as Section 31, in its entirety. Requiring departments to submit budget requests in multiple formats is costly and time consuming. Chapter 8 of the Code of Iowa establishes the framework for construction of the budget document that is submitted to the legislature.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2296 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 8, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2366, an act relating to licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions.

Senate File 2366 as amended by House File 2533 comprises this General Assembly's education "reform" package. This legislation was passed in response to the recommendations of the Commission on Educational Excellence for the 21st Century. I used the visionary framework for education reform developed by this Commission as a basis for my recommendations for a five-year plan to move Iowa schools from adequacy to excellence.

I am disappointed with the General Assembly's response to my and the Commission's recommendations. Encompassed in this bill are halting, hesitant, half steps toward education reform. Far too frequently this legislation uses pilot projects and the proffering of more money to existing programs as the basis for education "reform." Iowa's school children instead need dramatic and bold steps to reform our education system.

While I am acutely aware of the limitations of the legislative process, I believe it is wrong to measure the success of this legislation against the political realities of the day. What is right for kids may not always be good politics and may not always be embraced by the interest groups.

What is right for Iowa's kids is a good teacher for every child. What is right for Iowa's kids is access to the highest quality of education that can be provided anywhere in the world. It is against that measure and not the standards of political realities that we will all be measured in our efforts to provide a good education to Iowa's children. And in that regard, this legislation is tentative and incomplete.

I am pleased that this legislature did take some steps to provide for some limited reforms. Raising the minimum salary for teachers to \$23,000 and providing stipends for teachers who receive national certification are certainly steps in the right direction. With this action I am approving those provisions, without the unnecessary limitations that were included in the legislation.

Moreover, as a result of my item vetoes, reasonable steps can be taken toward providing real incentives to those school districts that provide for an extended school year for their children. This is critically important if Iowa's children are to compete with students around the world.

In addition, I commend the legislature for passing necessary educational accountability provisions and actions to help every child become ready to start school at an early age. I am separately approving those initiatives. But the significant reform stopped there.

While the legislature took appropriate action in this legislation to deal with teachers who aren't passing muster, too little was done to provide rewards for teachers who are doing well.

We all know that access to a great teacher is the key to obtaining a great education. We must do more to prepare and reward those teachers who are doing a great job for Iowa's school children.

Specifically, the legislature failed to adopt the groundbreaking teacher merit pay program that I recommended to them. My recommendation would have provided significant financial incentives to up to 6,000 of our best teachers over the next 5 years. The alternative suggested by this legislation is inadequate, unworkable, and falls short of the meaningful change in the method of paying our teachers that is needed to keep our best teachers in the profession.

In addition, I have disapproved those provisions of this legislation that fail to appropriately reform the way we prepare teachers for the classroom. Fundamental redesign of the teacher preparation programs is necessary and the pilot intern and induction programs included in this legislation are clearly off the mark.

This legislation fails to provide the opportunity for all Iowa's school children to have access to all-day everyday kindergarten. It is wrong for any of Iowa's school children to be denied early access to opportunity.

The legislature did include several provisions that provide substantial additional money to existing education programs. However, education reform is not

about just spending more money. It is about fundamentally changing the way we teach our children.

The Center for Continuous Quality Improvement was recommended to help support best practices, efficiency and effectiveness, to sustain relationships integral to the improvement of the teaching profession, and to monitor our progress toward excellence. The legislature failed to commit to these continuous quality improvement concepts supported not only by the Commission, but also by corporations and organizations throughout the world.

I cannot approve these additional appropriations without the fundamental reform that must accompany them. As a result, I am disapproving the K-3 block grant, the advanced increased enrollment funding, the 101% guarantee funding, the extension of the 100% guarantee, and the instructional support increase. Taken together, these programs provide an additional \$17.4 million in additional annual general fund spending and an additional \$6.2 million property tax increases. In the future, I am willing to consider these proposed spending increases if they are accompanied by the necessary reforms that will make a difference in the education of our kids. But simply providing these additional funds without that reform is unacceptable.

In addition, I have disapproved the proposed frontier school legislation that is included in Senate File 2366. This new program raises serious questions of educational policy and this method of dealing with our schools. Nevertheless, with some modifications and improvements, I am willing to consider this concept along with the other recommendations for reform recommended by the Commission and not acted upon by this General Assembly.

In short, I have approved those items in Senate File 2366 that are consistent with the recommendations of the Commission on Educational Excellence and provide for fundamental reform. However, those reforms are few and far between in this legislation. I have disapproved the other provisions of this legislation that take only tentative, half steps toward education reform or provide more money without the necessary reforms.

It is critically important that we provide all Iowa school children with the best possible teachers by reforming the teacher preparation system and rewarding teachers for outstanding performance. And we should no longer deny Iowa school children the right to all-day everyday kindergarten. These are reforms that should not wait.

I am willing to consider the items that I have disapproved in this legislation in conjunction with these additional fundamental reforms. Providing the best for Iowa's school children leaves no room for partisan politics. I am prepared to work with the members of the General Assembly yet this year in a cooperative effort to pass these necessary reforms. It is not important to me who gets the credit for those actions. It is not important to me which party is perceived the winner in that legislative effort. All I care about is what is best for the kids of Iowa.

Senate File 2366 is, therefore, approved on this date with the following exceptions, which I hereby disapprove, for the reasons stated above:

The designated portion of Section 1, subsection 1; Section 1, subsection 5, in its

entirety; the designated portion of Section 1, subsection 7; Sections 2 and 3, in their entirety; the designated portions of Section 4, subsection 1; the designated portions of Section 4, subsection 2; Section 4, subsection 3, in its entirety; Section 4, subsection 5, in its entirety; Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, in their entirety; Sections 28, 29, 30 and 31, in their entirety; Section 39, in its entirety; Section 42, in its entirety; and Section 44, in its entirety.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2366 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 19, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2381, an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the Division of Soil Conservation for deposit in the Loess Hills development and conservation fund; Department of Corrections for renovation of the power plant and improvements to the water system at the Iowa Correctional Institution for Women, for the construction of two additional cellblocks at the Fort Dodge Correctional Facility, for a prior fiscal year, and for the construction of a 200-bed facility at the Iowa State Penitentiary at Fort Madison, and for the construction and renovation of community-based correctional facilities; Department of Cultural Affairs for the creation of a historical site preservation grant program; Department of Economic Development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; Department of Education for infrastructure improvements to the community colleges, for completion of the training facility and site development phase of the National Education Center for Agricultural Safety; Department of General Services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas State Office Building and the Old Historical Building, for renovation of the Lucas State Office Building, for developing a master plan for the Capitol Complex, for planning and design of a parking structure located at the northwest corner of the Capitol Complex, and for Capitol interior restoration; Department of Public Defense for maintenance and repair of National Guard armories and facilities; Department of Public Safety for construction of a new patrol post in District 1; Department of Natural Resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor

Bedell state park and wildlife conservation area, for a recreational grant matching program, creation of a lake rehabilitation pilot program, for the blufflands protection revolving fund, and for the dredging of lakes; Department of Transportation for capital improvements at all ten of the commercial air service airports and for an automated weather observation system; for the Iowa State Fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the State Fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the Capitol Building; and State Board of Regents for capital projects at the Iowa School for the Deaf and the Iowa Braille and Sight Saving School; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the Department of Revenue and Finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the blufflands protection program and revolving fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the Governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the Department of Cultural Affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund, by reallocating certain funds to design and construct new or replacement buildings at the state training school; and providing effective dates.

Senate File 2381 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of Section 2, subsection 4. This item appropriates \$1.5 million for improvements at the facilities of the judicial districts. This item was added late in the legislative session without full benefit of discussion and evaluation.

I am unable to approve the item designated as Section 5, subsection 1, in its entirety. This item appropriates \$2.0 million for improvements at the facilities of the community colleges. While I continue to support additional technology funding for community colleges, capital funding should remain a responsibility of the community college district, not the state.

I am unable to approve the item designated as Section 15, in its entirety. This item would require the Department of General Services to establish a system for comparative evaluation and rating of all state vertical infrastructure needs, including the Board of Regents' institutions. I am disappointed the legislature chose not to establish a citizen board as I recommended, and failed to provide adequate staffing and support to allow the state to become more systematic in its approach to prioritizing infrastructure needs. I believe the board and the additional staffing are necessary to developing a comparative evaluation methodology.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the

State of Iowa. All other items in Senate File 2381 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 19, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2410, an act relating to appropriations for the Department of Human Services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care, and providing effective dates and a retroactive applicability provision.

Senate File 2410 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 7, subsection 7, in its entirety. This item would implement a home and community based waiver for persons with physical disabilities. Allowing residents in a medical institution access for waiver services without first requiring evidence of the likelihood of long-term care could monopolize limited resources available for the program. I believe we should pursue a waiver for persons with physical disabilities, but direct it towards those with a clear prospect of long term institutionalization. Therefore, I am directing the department to implement a cost-effective waiver for persons with physical disabilities.

I am unable to approve the designated portion of Section 9. This item would allow unspent funds from fiscal year 1999 for the new child health care program to carry forward into fiscal year 2000. It is inappropriate to use one-time funding for on-going expenses.

I am unable to approve the item designated as Section 10, subsection 2, in its entirety. This item would prohibit the expansion of prior authorization for prescription drugs under the Medicaid program without approval of the General Assembly. The recent introduction of the new drug Viagra demonstrates the department's need to move forward quickly with prior authorization in a limited number of instances. The high level of media attention, combined with an absence of clinical criteria for restricting utilization, could create unanticipated cost over-runs in the Medicaid program.

I am unable to approve the designated portion of Section 16. This item appears to extend the application of the terms of the Connors consent decree relating to long term institutional settings to the University of Iowa Hospital School for Children with Disabilities. The University of Iowa Hospitals School for Children with Disabilities is not a long-term residential facility; rather it provides short-term

acute care services. It would, therefore, be inappropriate to apply the Connors decree to the University Hospital School.

I am unable to approve the designated portion of Section 28. This item would require the Department of Human Services to reimburse a county when it chooses to offset a reduction in state mental health or mental retardation staff. The department must retain the flexibility to make staffing decisions based upon caseload need.

I am unable to approve the item designated as Section 32, subsection 1, paragraph b, in its entirety. This item would provide a two percent increase for pharmacist services effective January 1, 1999. This item sets precedent in that it applies to pharmacist services rather than dispensing fees, as has been the case in past years. Elsewhere in this bill, Section 10, subsection 4, the General Assembly has directed a study be undertaken to determine the benefits to the state of the provision of pharmaceutical services. It would be inappropriate to explicitly fund pharmacist services until the results of the study are known.

I am unable to approve the item designated as Section 40, in its entirety. This item would require the Department of Human Services to make up from any of its appropriations any shortfall in revenues earmarked for juvenile detention. If the General Assembly believes there may be a shortfall in funding for juvenile detention, it should be addressed in a more straightforward manner through a direct appropriation or an increase in revenue directed to this purpose.

I am unable to approve the item designated as Section 41, in its entirety. This item would allow unspent fiscal year 1999 funds for the Department of Human Services Hospital-Schools to carry forward into fiscal year 2000. It is inappropriate to use one-time funding for on-going expenses.

I am unable to approve the item designated as Section 42, in its entirety. This item would require the department to include penalty provisions for unmet performance expectations in all contracts with a value exceeding \$150,000. The language is drafted so broadly that it could potentially be applied to a physician providing services under Medicaid. I will instead direct the department to implement the intent of this section where appropriate.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2410 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 21, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 2418, an act relating to state government technology and operations, by making and relating to appropriations to the Iowa Communications Network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, establishing the lowAccess system, providing for the use of the network, making miscellaneous related changes, and providing effective dates.

Senate File 2418 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 2, subsection 5, in its entirety. This item relates to an overall level of expenditure by the Iowa Communications Network (ICN) of \$32 million for fiscal year 1999. This \$32 million represented the ICN's best estimate of total demand for services for fiscal year 1999 at the time the budget request was initially formulated. However, the total level of demand cannot be predicted with precision, and therefore designating this expenditure level could adversely affect the ICN's ability to serve the needs of authorized users.

I am unable to approve the item designated as Section 2, subsection 6, in its entirety. This item directs the ICN to establish budget units and accounts as directed jointly by the Department of Management and the Legislative Fiscal Bureau. The ICN will work with the Bureau and the Department to provide financial information needed for decision making and oversight. However, final determination should be an executive branch prerogative.

I am unable to approve the item designated as Section 6, in its entirety. This item would subject the head of the Division of Information Technology Services to Senate confirmation. When the General Assembly acts to create a statutory office of information technology services, as I have recommended, it would be appropriate for the director to be subject to Senate confirmation.

I am unable to approve the designated portion of Section 7, subsection 2m. This item relates to the submission by the ICN of any proposed expenditure of the \$4,000,000 appropriation for optics replacement to the legislative council for review and approval. This action is an unwarranted intrusion on executive branch responsibilities.

I am unable to approve the item designated as Section 7, subsection 3, in its entirety. This item would closeout the Reversion Technology Initiatives Account on June 30, 1999. The future of the Technology Initiatives Account is a decision that should be made as a part of the budgeting process during the 1999 legislative session.

I am unable to approve the item designated as Section 9, in its entirety. This item would have the legislative council initiate a progress audit concerning the implementation of century date change programming. The Year 2000 Project Office already has a contract with an outside entity to audit the state's progress in implementing century date programming, and an additional audit is unnecessary.

I am unable to approve the item designated as Section 10, in its entirety. This item relates to the privatization of the IowAccess system for providing electronic access to government records. The meaning of the term "privatization" is unclear, however there is no question the state must retain the flexibility to contract for services when it lacks a core competency and it is cost-effective to do so. Under a contracting arrangement, the activities of the contractor remain under the direction and control of the state agency.

I am unable to approve the item designated as Sections 11, 12 and 20, in their entirety. These sections create an IowAccess advisory committee and spell out its duties and responsibilities. I strongly support the creation of an advisory committee with these duties and responsibilities. However, I cannot accept such a committee when a majority of its appointed members are appointments made by the General Assembly. Instead, through Executive Order Number 66, I am directing the Director of Information Technology Services to appoint an advisory committee with membership, duties and responsibilities, similar to what is contained in this legislation.

I am unable to approve the designated portion of Section 23. This item prohibits the ICN from making any new connections to the network after June 30, 1999, unless construction has commenced before that date. This language goes beyond video connections and may preclude the ICN from providing even the most basic service to its authorized users.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2418 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

IN MEMORIAM

House

A memorial adopted by the House of Representatives, 1998 Regular Session of the Seventy-seventh General Assembly, commemorating the life, character, and public service of the former members of the House of Representatives.

M.W. "JACK" BEAMAN February 18, 1924 – January 9, 1998

LOUIS MUHLBAUER June 26, 1929 – December 25, 1997

SAMUEL OREBAUGH April 15, 1903 – November 2, 1997

M.W. "JACK" BEAMAN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Jack Beaman, begs leave to submit the following memorial:

Mr. Beaman was born February 18, 1924, in Hopeville, Iowa. He was an Army veteran of World War II who was awarded two Battle Stars, Bronze Star, Purple Heart, and a Good Conduct Medal. He was a former assistant chief of the Iowa Highway Patrol, founder of the KJJC Radio in Osceola and president and CEO of Helco Manufacturing in Murray.

Mr. Beaman was a member of Davis Pence American Legion Post, Evening Star Masonic Lodge, Scottish Rite Temple in Des Moines and Osceola Rotary.

He served as a member of the Republican Party during the 72nd, 73rd, 74th and 75th General Assemblies. The years of 1987-1994.

He passed away, Thursday, January 9, 1998 at Iowa Methodist Hospital Medical Center in Des Moines. He is survived by three daughters, Jackie Hoffa of Cumming, Cindy Hamilton of Indianola, and Jodi Beaman of West Des Moines; a brother, Lloyd of Highland, Kansas; six sisters, Lucille Franck of Ankeny, Betty McMurphy of Garden Grove, Susie Backer, Louise Simms and Alice Jenkins all of Hiawatha, Kansas; and Elma McKay of Highland, Kansas; and six grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-seventh General Assembly of Iowa, That in the passing of the Honorable Jack Beaman, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

RICHARD ARNOLD
DICK WEIDMAN
KEITH KREIMAN

Committee

 LOUIS J. MUHLBAUER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Louis J. Muhlbauer, begs leave to submit the following memorial:

Louis J. Muhlbauer was born June 26, 1929, near Halbur, Iowa. He graduated from Manning High School in 1947. He attended Westmar College for a year, and earned his Bachelor of Science degree from Iowa State University in 1950.

• On June 12, 1950, Louis was united in marriage with Phyllis Kerkhoff of Templeton, Iowa. Nine children were born to this union. Louis taught vocational agriculture for three years at Manning High School. For three years he was the Poultry Supervisor at Priebe and Sons Hatchery. Louis was a livestock and crop farmer for 28 years in the Audubon and Manilla areas. Throughout his life he enjoyed training and working with horses.

Louis served as Crawford County Supervisor for four years. In 1982, he was elected to his first term as State Representative in the Iowa House of Representatives. He continued to serve this office through 1992. While in office, Louis rose to the rank of Assistant Majority Leader.

While in the House, Muhlbauer became known for championing issues related to agriculture, rural development and education. He was in the forefront in the legislature in support of ethanol development as a means to add value to the state's agricultural products.

Muhlbauer thought, as did many of his colleagues, that he could be even more effective in the Iowa Senate. As a Senator, he thought he could have a stronger voice and be more effective in representing the interests of the area and of rural Iowans. Louis gave up his "safe" House seat to challenge a veteran Republican in the Senate district where registration was heavily weighted in the Republican favor. Muhlbauer lost the election, but the choice he made in entering the race was illustrative of the kind of public servant he was: zealous in his dedication to his constituents and committed to improving the lives of the citizens in Crawford County and Western Iowa. Louis was greatly respected by colleagues in the legislature, on both sides of the aisle, for his integrity and honesty.

Mr. Muhlbauer was a member of the Sacred Heart Parish of Manilla, Fourth Degree Knights of Columbus - Council 2074, Lions Club, Chamber of Commerce, Democratic Party, Polka Club of Iowa, and Vice President of Manilla Area Historical Association. Even though he was very involved with his community, spending time with his grandchildren was of the utmost importance to him and gave him great pleasure.

Louis died suddenly and unexpectedly at his home in Manilla on Thursday, December 25, 1997.

He is survived by his wife, Phyllis, of Manilla, nine children, Daryl Muhlbauer and Karen of Atlantic, Barbara and her husband, Russell Baker, of LaVista, Nebraska; Joyce and her husband, Garry Price, of Mifflintown, Pennsylvania; Donna and her husband, Thomas Rohe, of LeMars, Gary Muhlbauer and his wife, Tammy, of Manilla, Daniel Muhlbauer and his wife, Patti, of Manilla, Jeffrey Muhlbauer and his wife, Maria, of Manilla, Michael Muhlbauer and his wife, Theresa, of Lewis, Thomas Muhlbauer of Griswold, and thirty-eight grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-seventh General Assembly of Iowa, That in the passing of the Honorable Louis J. Muhlbauer, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DENNIS COHOON
GARY BLODGETT
BRENT SIEGRIST

Committee

SAMUEL OREBAUGH

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Samuel Orebaugh, begs leave to submit the following memorial:

Mr. Samuel Orebaugh was born in Girard, Kansas on April 15, 1903. He was educated in Des Moines schools and graduated from Drake University Law School with the degree LL.B. He was a member of the University basketball, track and football teams. He served as captain of the football team in 1924 and as captain of the track team in 1925. He was married to Stella Lenore Meier and had one child Carol Lynn.

He was a practicing attorney in the city of Des Moines for many years and served as a member of the city of Des Moines legal department from 1938-1942. He was president of Life Investors Insurance Company of America and held chairmanships with both Des Moines Social Services Coordinating Committee and Polk County Civilian Service Corps. He was a member of the Iowa and Polk County Bar Associations, Des Moines Chamber of Commerce, Des Moines Junior Chamber of Commerce, Polk County Young Republican Club, Masonic Lodge, Za-Ga-Zig Shrine, of which he was a past potentate, and First Christian Church.

He served as a Republican member of the House of Representatives during the Fiftieth General Assembly.

Mr. Orebaugh passed away on November 2, 1997 at Hospice Kavanagh House. He is survived by his daughter, Carol Lynn Carlisle of Davenport and a brother, Charles of West Des Moines.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-seventh General Assembly of Iowa, That in the passing of the Honorable Samuel Orebaugh, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

JANET METCALF
ELIZABETH JACOBS
JOHN CONNORS

Committee

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Withdrawn—190, 193, 250, 356, 397, 401, 402, 445, 449, 469, 474, 500, 502, 503, 508, 509, 552, 567, 585, 600, 618, 619, 621, 625, 626, 632, 647, 652, 656, 665, 669, 671, 675, 680, 684, 685, 687, 719, 721, 723, 740, 741, 743, 756, 771, 772, 773, 779, 781, 792, 832, 857, 876, 878, 889, 891, 892, 893, 908, 924, 949, 952, 953, 955, 971, 981, 984, 985, 992, 996, 1009, 1016, 1017, 1020, 1021, 1033, 1035, 1037, 1038, 1062, 1063, 1065, 1070, 1088, 1101, 1104, 1107, 1120, 1121, 1122, 1158, 1161, 1162, 1163, 1165, 1169, 1192, 1196, 1201, 1205, 1218, 1245, 1251, 1259, 1292, 1307, 1308, 1309, 1312, 1313, 1329, 1341, 1350, 1352, 1361, 1371, 1387, 1389, 1398, 1400, 1406, 1414, 1415, 1418, 1438, 1440, 1442, 1447, 1449, 1453, 1458, 1460, 1462, 1463, 1464, 1465, 1467, 1478, 1485, 1487, 1489, 1537, 1550, 1567, 1585, 1614, 1624, 1658, 1667, 1685, 1692, 1701, 1708, 1710, 1711, 1712, 1722, 1731, 1733, 1743, 1746, 1748, 1751, 1752, 1754, 1755, 1760, 1789, 1790, 1792, 1794, 1801, 1802, 1803, 1804, 1806, 1808, 1810, 1811, 1825, 1826, 1827, 1839, 1872, 1873, 1874, 1906, 1907, 1910, 1953

APPOINTMENTS—See INTERIM APPOINTMENTS

APPROPRIATIONS, COMMITTEE ON—

Amendments filed—788, 824, 965, 1224, 1678, 1772

Amendments offered—896, 1241, 1345, 1559, 1704, 1737, 1782

Amendment withdrawn—924

Bills introduced—188, 189, 239, 320, 403, 559, 910, 1219, 1225, 1268, 1370, 1474, 1553

Recommendations—174, 206, 269, 292, 374-375, 528, 787, 820, 913, 962-963, 1223-1224, 1368, 1422, 1676-1677, 1771

Resolution offered—270

Subcommittee assignments—88, 93, 160, 171, 201, 253, 289, 308, 339, 340, 359, 459, 527, 635, 701, 785, 786, 860, 1274, 1557, 1675, 1901

APPROPRIATIONS SUBCOMMITTEES—

Appointments to—15

ARNOLD, RICHARD—Representative Appanoose-Clarke-Lucas-Wayne Counties

Amendments filed—462, 558, 637, 1089-1101, 1184, 1369, 1423

Amendments offered—536, 1426

Amendments withdrawn—647, 1485

Appointed to the Advisory Commission On Intergovernmental Relations—17

Bills introduced—39, 76, 80, 149, 156, 178, 258, 299, 316
 Committee appointment—830
 Resolutions offered—829, 1319, 1901
 Subcommittee assignments—37, 50, 58, 59, 78, 153, 183, 201, 231, 265, 266,
 308, 359, 556, 689, 728, 799

ASSISTANT MAJORITY LEADERS—

Donna Barry—Representative **Harrison County**
 (See BARRY, DONNA M.—Representative **Harrison County**, Assistant
 Majority Leader)
 Gary Blodgett—Representative **Cerro Gordo County**
 (See BLODGETT, GARY—Representative **Cerro Gordo County**, Assistant
 Majority Leader)
 Danny Carroll—Representative **Jasper-Mahaska-Marshall-Poweshiek**
 Counties
 (See CARROLL, DANNY—Representative **Jasper-Mahaska-Marshall-**
Poweshiek Counties, Assistant Majority Leader)
 Christopher C. Rants—Representative **Woodbury County**
 (See RANTS, CHRISTOPHER C.—Representative **Woodbury County**,
 Assistant Majority Leader)

ASSISTANT MINORITY LEADERS—

John H. Connors—Representative **Polk County**
 (See CONNORS, JOHN H.—Representative **Polk County**, Assistant
 Minority Leader)
 Pam Jochum—Representative **Dubuque County**
 (See JOCHUM, PAM—Representative **Dubuque County**, Assistant
 Minority Leader)
 Michael J. Moreland—Representative **Wapello County**
 (See MORELAND, MICHAEL J.—Representative **Wapello County**,
 Assistant Minority Leader)
 Richard E. Myers—Representative **Johnson County**
 (See MYERS, RICHARD E.—Representative **Johnson County**, Assistant
 Minority Leader)
 Don Shoultz—Representative **Black Hawk County**
 (See SHOULTZ, DON—Representative **Black Hawk County**, Assistant
 Minority Leader)

AWARDS AND GIFTS—

Certificates of excellence to House Pages—476, 1871
 Presented plaques to members of the House who will be retiring or are
 candidates for the Iowa Senate—1902
 Presented House chairs to Representatives Poncy, Stromer and Van Maanen
 for their years of legislative service to the House—16, 77, 1780

BARRY, DONNA M.—Representative **Harrison County**, Assistant Majority
 Leader

Amendments filed—1005, 1129, 1184, 1256, 1424, 1459-1460, 1709
 Amendment offered—1256
 Amendment withdrawn—1487
 Appointed to the Capitol Planning Commission—16
 Bills introduced—80, 149, 156, 157, 176, 178, 187, 261, 273, 299, 346, 349, 367

Leave of absence—1

Presided at sessions of the House—1596

Resolutions offered—1183, 1184, 1319

Subcommittee assignments—87, 92, 93, 152, 183, 252, 253, 265, 289, 339, 373, 727, 785, 800

BELL, PAUL A.—Representative Jasper County

Amendments filed—218, 219, 295, 328, 409, 462, 511-522, 529, 914, 964, 1075, 1114-1115, 1184, 1185, 1186, 1772

Amendment withdrawn—1120

Bills introduced—73, 149, 157, 167, 187, 241, 298, 367

Leave of absence—797

Resolutions offered—240, 1184, 1319

Subcommittee assignments—37, 50, 59, 93, 200, 253, 308, 528, 556, 786

BERNAU, WM. (BILL)—Representative Story County

Amendments filed—218, 219, 271, 295, 461, 583, 636, 687, 728, 864, 914, 915, 1005, 1075, 1105, 1129, 1184, 1185, 1186, 1187, 1217, 1224, 1275, 1424, 1472, 1473, 1558, 1632, 1633, 1685, 1686

Amendments offered—1105, 1217, 1305, 1308, 1341, 1686, 1824, 1836, 1870, 1873, 1874, 1908

Amendments withdrawn—687, 1341, 1567, 1685, 1872, 1873, 1907

Bills introduced—10, 72, 81, 105, 149, 178, 187, 220, 236, 367

Leave of absence—320, 468, 563

Report—35-36

Resolutions offered—1128, 1319

Subcommittee assignments—63, 87, 147, 160, 171, 289, 635, 799, 1367, 1675

BILLS—

(See also action on HOUSE JOINT RESOLUTIONS, HOUSE FILES, SENATE JOINT RESOLUTIONS and SENATE FILES in LEGISLATIVE INDEX VOLUME)

Approved by governor—150, 252, 306-307, 372, 405, 526, 784, 818, 859, 1125, 1182-1183, 1221, 1316-1317, 1470-1471, 1555-1556, 1630, 1674, 1728, 1769-1770, 1833-1834, 1900, 1968-1969

Approved, vetoed or item vetoed subsequent to adjournment—2343-2351

Consideration of—82, 168, 189, 194, 210, 222, 225, 244, 261, 274, 280, 301, 322, 331, 349, 369, 386, 394, 414, 418, 468, 532, 551, 564, 592, 609, 642, 703, 732, 792, 804, 830, 867, 919, 967, 1006, 1076, 1082, 1131, 1188, 1226, 1277, 1323, 1389, 1426, 1484, 1492, 1559, 1604, 1640, 1680, 1731, 1773, 1903

Consideration of resolutions—1664, 1836, 1869, 1906

Deferred, retained on calendar—337, 417, 550, 614, 1082, 1089, 1139, 1157, 1199, 1252, 1254, 1258, 1303, 1344, 1484, 1601, 1619, 1672

Final disposition of motions to reconsider—1968

Introduction of—8-11, 24-25, 39-41, 51, 54-55, 57, 61, 66-67, 72-73, 75-76, 80-81, 85, 99-100, 104-105, 148-149, 156-158, 166-167, 176-180, 186-189, 208-209, 220-222, 236-239, 241-242, 243, 257-261, 272-273, 276-279, 297-299, 313-316, 320-322, 329-331, 338, 346-349, 357-358, 366-368, 379-381, 385, 403-404, 410-412, 413, 464, 531, 550, 559, 638, 694, 804, 910, 960, 961, 1123, 1219, 1225, 1268, 1322, 1370, 1425, 1474, 1553, 1660, 1690

Item veto messages after session—2357-2372

Passed on file—275, 405, 525, 688

Referred to committees—85, 358, 555, 783, 817, 1081, 1420, 1825
 Rereferred to committees—36, 52, 91, 198, 212, 251, 324, 372, 688, 867, 1365
 Resolutions adopted, not otherwise printed in journal—2328-2342
 Resolutions referred to committee—65, 97, 154, 164, 165, 217, 240, 256, 270,
 295
 Resolutions withdrawn—68, 418, 1382, 1924
 Sent to governor—358-359, 699, 817, 1072, 1221, 1316, 1365, 1470, 1554, 1630,
 1769, 1833, 1899, 1970-1971
 Substitutions—191, 196, 303, 323, 333, 565, 579, 838, 849, 851, 852, 854, 855,
 856, 867, 869, 870, 871, 873, 878, 880, 887, 1067, 1168, 1178, 1228, 1229,
 1231, 1280, 1292, 1299, 1381, 1398, 1660, 1774, 1953
 Veto messages after session—2352-2356
 Withdrawn—52, 68, 150, 197, 225, 230, 306, 324, 334, 385, 405, 419, 475, 566,
 570, 580, 592, 704, 711, 833, 841, 851, 853, 855, 856, 858, 868, 870, 871, 872,
 874, 880, 884, 895, 971, 1068, 1137, 1172, 1179, 1191, 1229, 1231, 1232, 1281,
 1293, 1300, 1382, 1400, 1778, 1924, 1954

BILLS SENT TO GOVERNOR—

(See **BILLS**, subheading, Sent to Governor)

BLODGETT, GARY—Representative Cerro Gordo County, Assistant Majority Leader

Amendments filed—235, 462, 529, 558, 636, 637, 691, 692, 702, 729, 863, 915,
 1075, 1089-1101, 1320, 1321, 1558, 1678, 1802, 1803
 Amendments offered—244, 245, 738, 740, 741, 779, 870, 1296, 1638, 1639, 1802
 Amendments withdrawn—474, 781, 1802, 1803
 Bills introduced—76, 80, 81, 149, 156, 158, 177, 187, 298, 299, 346
 Committee appointment—830
 Leave of absence—1559, 1875
 Presided at sessions of the House—544, 1345
 Resolution offered—1319
 Subcommittee assignments—53, 68, 69, 88, 160, 171, 212, 326, 556, 635, 785,
 799, 1367, 1675

BOARDS, COMMISSIONS, COMMITTEES AND/OR COUNCILS—

(See **APPOINTMENTS** and/or **COMMUNICATIONS FROM**, subheading Reports and/or **INDIVIDUAL HEADINGS**)

BODDICKER, DANIEL—Representative Cedar-Clinton-Jones Counties

Amendments filed—207, 589, 789, 825, 863, 914, 964, 965, 1128, 1129, 1187,
 1447, 1466-1467, 1633, 1678, 1729, 1760-1763, 1763
 Amendments offered—742, 1443, 1446, 1447, 1567, 1758, 1760, 1763, 1765,
 1953
 Amendments withdrawn—1447, 1567, 1760, 1953
 Appointed to the Council On Human Investment—17
 Bills introduced—76, 80, 81, 149, 156, 178, 187, 209, 238, 349
 Leave of absence—300, 503, 1065
 Resolutions offered—1183, 1319
 Sang "Danny Boy" with Representative Fallon—726
 Subcommittee assignments—78, 92, 94, 160, 170, 201, 231, 266, 289, 340, 406,
 589, 635, 689, 785, 786, 800

- BOGGESE, EFFIE LEE**—Representative Adams-Page-Taylor Counties
 Amendments filed—409, 1089-1101, 1459-1460
 Appointed to the Council On Human Investment—61
 Appointed to the Renewable Fuels and Coproducts Advisory Committee—17
 Bills introduced—67, 80, 178, 187, 222, 299, 346
 Committee appointment—1
 Report—5
 Resolution offered—1319
 Subcommittee assignments—171, 252, 253, 289, 326, 340, 785
- BRADLEY, CLYDE**—Representative Clinton-Scott Counties
 Amendments filed—344, 461, 529, 530, 589, 803, 863, 1632, 1633
 Amendments offered—421, 431, 537, 538, 584, 919, 1081, 1227, 1228
 Bills introduced—9, 72, 80, 81, 149, 156, 167, 178, 187, 297, 298, 299
 Presented to the House Nicholas Mohr from Pleasant Valley High School,
 recipient of the National Good Citizen Award—1400
 Report—35-36
 Resolutions offered—256, 461
 Subcommittee assignments—69, 78, 146, 147, 160, 171, 202, 230, 231, 253, 266,
 309, 340, 373, 405, 527, 786
- BRAND, WILLIAM J.**—Representative Benton-BlackHawk-Tama Counties
 Amendments filed—218, 219, 271, 295, 328, 461, 462, 511-522, 729, 914, 915,
 916, 963, 964, 966, 1005, 1075, 1185, 1186, 1224, 1275, 1352, 1423, 1467,
 1708, 1763
 Amendments offered—1061, 1194, 1307, 1308, 1352, 1486
 Amendments withdrawn—1308, 1467
 Bills introduced—10, 149, 237, 272, 314, 367
 Committee appointment—1940
 Leave of absence—166, 703
 Petitions presented—464, 1276
 Resolution offered—1319
 Subcommittee assignments—94, 160, 170, 253, 308, 339, 459, 527, 556, 589, 635
- BRANSTAD, GOVERNOR TERRY E.**—
 (See GOVERNOR BRANSTAD, TERRY E.)
- BRAUNS, BARRY D.**—Representative Johnson-Louisa-Muscatine Counties
 Amendments filed—271, 344, 365, 529, 692, 825, 966, 1129, 1184, 1678, 1679,
 1708, 1729
 Amendments offered—738, 795, 832, 1287, 1488, 1704, 1708
 Amendment withdrawn—832
 Appointed to the Law Enforcement Academy Council—17
 Bills introduced—9, 39, 66, 67, 72, 76, 80, 81, 105, 149, 156, 176, 258, 278, 330,
 349
 Explanation of votes—306, 1673
 Petition presented—730
 Presented to the House the Honorable Leroy Corey former member of the
 House—1778
 Report—1956-1959
 Resolution offered—1319
 Subcommittee assignments—52, 53, 59, 69, 93, 213, 265, 266, 326, 556, 728

- BRUNKHORST, BOB**—Representative Black Hawk-Bremer Counties
 Amendments filed—529, 691, 692, 729, 789, 863, 952, 953, 963, 965, 1129, 1224, 1320, 1633, 1678, 1730, 1747, 1748, 1772, 1794, 1794-1795, 1810
 Amendments offered—952, 953, 980, 1027, 1155, 1156, 1157, 1158, 1160, 1161, 1794, 1800, 1801, 1810
 Amendments withdrawn—1033, 1161, 1162, 1794
 Bills introduced—9, 24, 54, 66, 67, 76, 80, 81, 156, 167, 178, 180, 187, 221, 222, 314, 330, 367
 Committee appointment—1840
 Explanation of votes—86
 Presided at sessions of the House—104
 Report—1936-1938
 Resolution offered—1319
 Subcommittee assignments—49, 59, 78, 93, 201, 202, 213, 231, 253, 289, 459, 527, 589, 785
- BUDGET MESSAGE**—
 (See STATE OF THE STATE AND BUDGET MESSAGES)
- BUKTA, POLLY**—Representative Clinton County
 Amendments filed—218, 219, 295, 328, 461, 511-522, 728, 864, 914, 916, 963, 964, 965, 966, 1184, 1186, 1423, 1459-1460
 Amendments offered—225, 986
 Bills introduced—10, 55, 67, 72, 81, 148, 149, 157, 180, 187, 241, 261, 367
 Presented to the House the Honorable Bob Johnson, former member of the House—1394
 Resolutions offered—154, 1319
 Subcommittee assignments—37, 59, 92, 252, 266, 308
- BURNETT, CECELIA**—Representative Story County
 Amendments filed—218, 219, 271, 295, 328, 345, 461, 511-522, 636, 825, 864, 914, 1129, 1185, 1186, 1187, 1256, 1265, 1275, 1320, 1369, 1459-1460, 1558, 1632, 1633
 Amendments offered—1256, 1265, 1416, 1460
 Amendment withdrawn—1414
 Assigned to the Human Services Appropriations subcommittee, replacing Representative Ed Fallon—15
 Bills introduced—10, 55, 67, 72, 81, 149, 157, 178, 180, 186, 187, 189, 220, 236, 238, 241, 260, 367
 Leave of absence—563, 1351
 Resolution offered—1128
 Subcommittee assignments—58, 93, 171, 183, 253, 266, 290, 373, 589
- CARROLL, DANNY C.**—Representative Jasper-Mahaska-Marshall-Poweshiek Counties, Assistant Majority Leader
 Amendments filed—461, 582-583, 637, 692, 693, 728, 729, 863, 1089-1101, 1120, 1184, 1320, 1465
 Amendments offered—582, 652, 769, 776, 780, 795, 875, 876
 Amendments withdrawn—876, 1065
 Bills introduced—9, 39, 54, 76, 80, 81, 149, 156, 187, 208, 278, 299, 348, 349
 Bills referred to committee (as acting Speaker)—358
 Explanation of votes—525, 556, 1673

Leave of absence—1486
 Petition presented—91
 Presentation of visitors (as acting Speaker)—359, 1222, 1630-1631
 Presided at sessions of the House—350, 495, 623, 745, 1201, 1353, 1370, 1400,
 1442, 1549, 1603, 1606, 1619, 1681
 Resolutions offered—1183, 1319, 1091
 Rulings made (as acting Speaker)—1207, 1208, 1211, 1215, 1626
 Subcommittee assignments—37, 59, 69, 87, 93, 94, 201, 230, 265, 266, 289, 308,
 326, 340, 556, 557, 635

CATALDO, MICHAEL J.—Representative Polk County

Amendments filed—218, 219, 295, 461, 511-522, 529, 558, 590, 789, 892, 914,
 1005, 1129, 1185, 1186, 1187, 1772
 Amendment offered—1158
 Amendment withdrawn—892
 Bills introduced—54, 55, 72, 314, 367
 Explanation of votes—1220, 1470, 1629, 1969
 Leave of absence—496, 953, 1264, 1370, 1425, 1476, 1701
 Subcommittee assignments—23, 63, 78, 146, 201, 289, 459, 527, 556, 701

CERTIFICATES OF RECOGNITION—

22-23, 37, 48, 52, 58, 62-63, 77-78, 86-87, 92, 101, 151-152, 159, 170, 182-183,
 200, 212, 230, 252, 263-265, 307, 317, 324-325, 338-339, 359, 372-373, 456-459,
 526-527, 561, 699-701, 727, 784-785, 799, 818-819, 859-860, 912-913, 962, 1004,
 1073-1074, 1126-1127, 1183, 1222, 1274, 1317-1318, 1366-1367, 1421, 1471,
 1556-1557, 1631-1632, 1675, 1770-1771, 1834-1835, 1900-1901, 1970, 1971-1977

CHAPLAINS—

Resolution relating to:

Senate Concurrent Resolution 1—S.J. 54, 69, 70 adopted, 76 msgd., 1544 -
 H.J. 75, 78, 1705-1718 as amended, adopted & msgd. - 1998 - S.J. 27-31,
 91, 92 as amended, adopted - H.J. 68, 71, 82 as amended, adopted, 85
 msgd. - S.J. 140

CHAPMAN, KAY—Representative Linn County

Amendments filed—98, 218, 235, 271, 295, 328, 344, 378, 462, 463, 511-522,
 728, 729, 825, 915, 1071, 1186, 1204-1205, 1459-1460, 1472, 1473, 1558, 1678
 Amendments offered—280, 501, 506, 777, 1071, 1204, 1665, 1837
 Amendments withdrawn—502, 1667
 Bills introduced—10, 25, 40, 55, 66, 73, 105, 149, 188, 241, 258, 367
 Leave of absence—413, 703, 1130
 Resolutions offered—79, 97, 1319
 Subcommittee assignments—50, 171, 212, 213, 265, 289, 459, 527, 635, 785,
 786, 1367, 1675

CHIEF CLERK OF THE HOUSE, Elizabeth A. Isaacson

Communications received and on file—18-21, 36-37, 52, 55, 57-58, 62, 74, 86,
 100-101, 150-151, 159, 170, 200, 212, 289, 307, 338, 372, 526, 589, 699, 798,
 859, 1073, 1222, 1471, 1674-1675, 1970, 1971

Reports:

Certificates of recognition—22-23, 37, 48, 52, 58, 62-63, 77-78, 86-87, 92, 101,
 151-152, 159, 170, 182-183, 200, 212, 230, 252, 263-265, 307, 317, 324-325,

- 338-339, 359, 373-373, 456-459, 526-527, 561, 699-701, 727, 784-785, 799, 818-819, 859-860, 912-913, 962, 1004, 1073-1074, 1126-1127, 1183, 1222, 1274, 1317-1318, 1366-1367, 1421, 1471, 1556-1557, 1631-1632, 1675, 1770-1771, 1834-1835, 1900-1901, 1970, 1971-1977
- Committee recommendations—64, 70-71, 97, 103, 154, 163-164, 174-175, 185, 206-207, 216-217, 233-234, 240, 255-256, 268-270, 292-295, 310-312, 318-319, 327-328, 342-344, 361-364, 374-377, 382-384, 406-408, 460-461, 528, 557, 636, 689-691, 787-788, 801-802, 819-824, 826-828, 860-862, 913-914, 962-963, 1127-1128, 1223-1224, 1274, 1318-1319, 1368, 1422, 1676-1677, 1729, 1771
- Enrolled bills—358-359, 699, 817, 1072, 1221, 1316, 1365, 1470, 1554, 1630, 1769, 1833, 1899, 1970-1971
- Resolution relating to:
Senate Concurrent Resolution 1—S.J. 54, 69, 70 adopted, 76 msgd., 1544 - H.J. 75, 78, 1705-1718 as amended, adopted & msgd. - 1998 - S.J. 27-31, 91, 92 as amended, adopted - H.J. 68, 71, 82 as amended, adopted, 85 msgd. - S.J. 140

CHIEF JUSTICE OF THE SUPREME COURT, The Honorable Arthur A. McGiverin
(See SUPREME COURT OF IOWA)

CHIODO, FRANK J.—Representative Polk County

- Amendments filed—207, 218, 219, 295, 409, 461, 462, 511-522, 529, 590, 629-630, 631, 636, 692, 728, 729, 782, 789, 862, 863, 914, 915, 916, 1005, 1185, 1186, 1369, 1633, 1678, 1712-1713, 1755
- Amendments offered—857, 1712
- Amendments withdrawn—889, 891, 893, 1016, 1755, 1804
- Bills introduced—81, 158, 259, 367
- Committee appointment—1840
- Explanation of votes—91, 288, 372, 456, 634, 726, 1470
- Report—1936-1938
- Resolution offered—1319
- Subcommittee assignments—23, 49, 59, 69, 93, 152, 183, 201, 212, 213, 231, 728

CHURCHILL, STEVEN W.—Representative Dallas-Polk Counties

- Amendments filed—409, 461, 529, 636, 692, 863, 966, 1224, 1633, 1711, 1729, 1730, 1743-1745, 1746, 1747, 1751
- Amendments offered—812, 893, 1241, 1251, 1743, 1747, 1751
- Amendments withdrawn—891, 1387, 1711, 1746
- Bills introduced—72, 76, 80, 81, 149, 156, 238, 299, 1474
- Committee appointment—1871
- Presented to the House eleven Russian insurance agents—918
- Presided at sessions of the House—1951
- Report—1876-1896
- Resolutions offered—1319, 1422
- Subcommittee assignments—50, 160, 200, 231, 459, 528, 589, 689, 701

CITIZEN'S AIDE/OMBUDSMAN—

- Communications from—18, 1471

CLAIMS—

(See CLAIMS FILED)
(See MANAGEMENT, DEPARTMENT OF)
(See STATE APPEAL BOARD)

CLAIMS FILED—

(See also MANAGEMENT, DEPARTMENT OF)
(See also STATE APPEAL BOARD)
Claims filed & approved—116-146
Claims filed & disapproved—106-115, 1270-1273, 1767-1768
Communications from State Appeal Board—105-106, 1270, 1767
Communication from Department of Management—115

COHOON, DENNIS M.—Representative Des Moines County

Amendments filed—218, 219, 295, 328, 378, 511-522, 529, 530, 692, 729, 769,
915, 916, 963, 964, 966, 1005, 1129, 1185, 1186, 1187
Amendments offered—553, 768, 769, 959
Bills introduced—10, 55, 148, 149, 156, 157, 178, 180, 187, 237, 241, 297, 330,
367
Committee appointment—830
Resolutions offered—830, 1319
Subcommittee assignments—37, 53, 213, 231, 689

COLLEGE STUDENT AID COMMISSION—

Communication from—1222

COMMERCE-REGULATION, COMMITTEE ON—

Amendments filed—344, 691, 803, 825
Amendments offered—534, 1081, 1140
Amendment withdrawn—1389
Bills introduced—259, 276, 321, 346, 348, 358, 368, 379, 380, 412, 464
Recommendations—240, 292-293, 310, 342-343, 361, 406-407, 557, 690, 801,
820
Subcommittee assignments—69, 201, 202, 230, 231, 309, 459, 556, 689, 702,
785, 786, 819

COMMISSIONS, COMMITTEES, BOARDS AND/OR COUNCILS—

(See APPOINTMENTS and/or COMMUNICATIONS, sub-heading Reports
and/or ININDIVIDUAL HEADINGS)

COMMITTEE ASSIGNMENTS—

(See HOUSE COMMITTEE ASSIGNMENTS)

COMMITTEE OF THE WHOLE—

Subcommittee Assignments:
House File 2361—1675
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FEDERAL AGENCIES)

CONNORS, JOHN H.—Representative Polk County, Assistant Minority Leader
Amendments filed—218, 219, 234, 287, 295, 328, 461, 462, 509-510, 511-522,
558, 590, 692, 728, 762-763, 915, 964, 966, 997, 1005, 1184, 1185, 1186, 1678,
1690-1691

Amendments offered—507, 509, 762, 981, 997, 1552, 1612

Amendments withdrawn—984, 996

Appointed to the Interstate Cooperation Commission—16

Bills introduced—10, 55, 157, 180, 187, 220, 241, 272, 279, 298, 331, 367

Committee appointments—829, 1977

Leave of absence—257, 401

Petition presented—236

Presented to the House the Honorable Wayne McKinney, former Majority
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Subcommittee assignments—183, 340, 727, 728

CORBETT, RON J.—Representative Linn County
(See SPEAKER OF THE HOUSE—Ron J. Corbett, Representative Linn
County)

CORMACK, MIKE—Representative Webster County

Amendments filed—462, 529, 590, 729, 769, 863, 1075, 1114-1115, 1184, 1224,
1275, 1320, 1633

Amendments offered—769, 1251, 1351, 1353, 1620

Amendments withdrawn—1251, 1361

Bills introduced—9, 10, 24, 40, 72, 73, 76, 80, 99, 156, 158, 178, 187, 299, 321,
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Committee appointment—26

Explanation of votes—961

Leave of absence—865

Resolutions offered—240, 1128, 1319

Subcommittee assignments—37, 49, 88, 265, 308, 326, 701

DINKLA, DWIGHT—Representative Adair-Guthrie-Madison Counties

Amendments filed—168, 803, 914, 1187, 1678

Amendments offered—1042, 1326

Amendment withdrawn—567

Bill introduced—40

Leave of absence—533, 1025, 1773

Subcommittee assignments—49, 69, 87, 93, 171, 213, 459, 460, 527, 635, 689,
786, 800, 1183, 1367, 1675

DIX, BILL—Representative Butler-Grundy Counties

Amendments filed—250, 335-337, 529, 862, 864, 917, 1089-1101, 1184, 1224,
1424, 1558, 1678, 1730, 1743-1745, 1747, 1748, 1794-1795

Amendments offered—250, 335, 534, 883, 968, 1165, 1168, 1169, 1171, 1441,

1752, 1775, 1776

Amendments withdrawn--1251, 1748, 1752
 Appointed to the Agricultural Education Advisory Council--15
 Bills introduced--67, 80, 81, 156, 178, 209, 220, 242, 465
 Committee appointment--26
 Presided at sessions of the House--826
 Resolution offered--1319
 Subcommittee assignments--68, 69, 88, 170, 201, 231, 265, 308, 340, 359, 459,
 556, 557, 702, 727, 860, 1367, 1675

DODERER, MINNETTE—Representative **Johnson County**

Amendments filed--218, 219, 235, 271, 295, 409, 461, 511-522, 529, 590, 616-
 618, 728, 781, 803, 825, 863, 864, 915, 1005, 1075, 1087, 1184, 1185, 1186,
 1204-1205, 1424, 1459-1460, 1472, 1473
 Amendments offered--283, 284, 419, 781, 1087, 1109, 1203, 1209, 1670
 Amendments withdrawn--632, 1874
 Bills introduced--72, 80, 81, 105, 149, 157, 178, 187, 220, 259, 261, 299, 367
 Petition presented--61
 Resolutions offered--165, 1183, 1901
 Subcommittee assignments--88, 152, 171, 231, 252, 307, 308, 309, 689, 786,
 913, 1367, 1675

DOLECHECK, CECIL—Representative Decatur-Ringgold-Taylor-Union
 Counties

Amendments filed--312, 729, 1089-1101, 1184, 1275, 1423
 Amendment offered--901
 Amendment withdrawn--1485
 Appointed to the Interstate Agriculture Grain Marketing Commission--16
 Bills introduced--25, 80, 81, 156, 167, 187, 299
 Committee appointments--1, 1411
 Presided at sessions of the House--477, 955, 1671
 Reports--5, 1661-1663
 Resolution offered--1319
 Subcommittee assignments--37, 49, 59, 78, 160, 202, 265, 308, 786

DOTZLER, BILL—Representative **Black Hawk County**

Amendments filed--218, 234, 295, 328, 378, 461, 462, 463, 498, 500, 502, 511-
 522, 529, 692, 728, 729, 789, 803, 825, 864, 914, 915, 964, 966, 1005, 1129,
 1184, 1185, 1186, 1224, 1251-1252, 1260, 1260-1261, 1275, 1320, 1350-1351,
 1369, 1423, 1473, 1614, 1614-1615, 1633, 1730
 Amendments offered--495, 498, 500, 502, 505, 509, 816, 1260, 1306, 1417,
 1418, 1455, 1478, 1547, 1550, 1609, 1613
 Amendments withdrawn--500, 1350, 1414, 1418, 1478, 1487, 1489, 1550, 1614,
 1751
 Bills introduced--10, 55, 149, 156, 157, 180, 187, 220, 222, 241, 242, 261, 276,
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 Committee appointment--1871
 Resolution offered--1319
 Subcommittee assignments--88, 152, 252, 253, 289, 373

DRAKE, JACK—Representative Audubon-Pottawattamie-Shelby Counties

Amendments filed--461, 558, 964, 966, 1184, 1678

Amendment offered—1065

Bills introduced—76, 80, 149, 156, 187, 299, 346, 367

Explanation of votes—405, 634

Leave of absence—385

Resolution offered—1319

Subcommittee assignments—23, 93, 147, 171, 202, 213, 252, 266, 290, 308, 373,
459, 727, 785, 913, 1367, 1675

DREES, JIM—Representative Carroll-Greene Counties

Amendments filed—219, 271, 461, 511-522, 529, 692, 728, 863, 864, 915, 966,
1184, 1186, 1558, 1794

Appointed to the Agricultural Energy Management Advisory Council—16

Bills introduced—67, 81, 100, 149, 157, 187, 367

Resolution offered—1319

Subcommittee assignments—37, 58, 69, 266, 325, 326, 556, 799

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Bills introduced—176, 330, 347, 348, 366

Recommendations—163, 318, 343-344

Subcommittee assignments—101, 252, 253, 265, 266, 289, 290, 373

EDDIE, RUSSELL J.—Representative Buena Vista-Clay-Pocahontas Counties

Amendments filed—692, 863, 966, 1089-1101, 1678

Amendments offered—772, 1710

Bills introduced—67, 72, 76, 80, 81, 156

Committee appointment—41

Explanation of votes—726

Resolution offered—1970

Subcommittee assignments—37, 53, 160, 201, 212, 252, 266

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Amendments filed—207, 234, 295, 788, 789, 825

Amendments offered—1048, 1194

Amendment withdrawn—924

Bills introduced—241, 347, 366, 403

Recommendations—185, 206, 216, 234, 255, 269, 293, 310, 327-328, 361, 375,
787-788, 820

Subcommittee assignments—49, 59, 78, 92, 93, 160, 172, 183, 213, 231, 252,
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- Amendment offered—421
- Bills introduced—258, 277, 329, 381, 411
- Recommendations—255, 269, 328, 361-362, 382, 801-802
- Subcommittee assignments—56, 69, 93, 171, 266, 339, 340, 373, 785

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FALCK, STEVE—Representative Buchanan-Fayette Counties

Amendments filed—207, 218, 295, 296, 312, 328, 344, 378, 409, 462, 463, 511-
 522, 529, 766, 864, 915, 916, 953, 963, 964, 966, 1000, 1185, 1186, 1187, 1710,
 1730, 1747, 1789, 1795-1796

Amendments offered—228, 399, 506, 777, 984, 992, 1036, 1551, 1747, 1789, 1793, 1795

Amendments withdrawn—356, 952, 953, 984, 1000, 1037, 1710

Bills introduced—55, 81, 149, 157, 180, 187, 220, 260, 261, 298, 348, 367

Leave of absence—82, 797, 1225

Named as ranking member of the Oversight and Communications Appropriations Subcommittee—15

Resolutions offered—1183, 1184, 1319, 1557

Subcommittee assignments—59, 87, 92, 93, 213, 340, 727

FALLON, ED—Representative Polk County

Amendments filed—295, 296, 328, 345, 384, 461, 462, 463, 511-522, 528, 529, 589, 692, 789, 825, 863, 864; 915, 964, 966, 1005, 1129, 1185, 1186, 1224, 1275, 1369, 1558, 1632, 1633, 1678, 1711, 1729, 1755, 1760

Amendments offered—448, 492, 552, 598, 599, 1138, 1226, 1487, 1626, 1711

Amendments withdrawn—449, 600, 1165, 1169, 1400

Assigned to the Transportation, Infrastructure and Capital Appropriations Subcommittee, replacing Representative Geri Huser—15

Bills introduced—10, 67, 72, 73, 81, 149, 157, 179, 208, 221, 261, 278, 315, 321, 338, 367

Entertained the House with Irish music and sang "Danny Boy" with Representative Boddicker—726

Explanation of votes—1554

Leave of absence—1, 76, 82

Presented to the House three college students from Denmark—1419

Presented to the House Ms. Ruth Ann Gaines, Iowa Teacher of the Year for 1998—1642

Resolutions offered—803, 1183, 1368, 1369, 1423

Subcommittee assignments—59, 171, 201, 265, 266, 340, 359, 556, 800

FEDERAL AGENCIES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS and/or FEDERAL AGENCIES)

FOEGE, RO—Representative Johnson-Linn Counties

Amendments filed—218, 271, 295, 328, 378, 461, 511-522, 619, 692, 729, 864, 915, 916, 963, 964, 965, 1005, 1185, 1186, 1187, 1224, 1275, 1320, 1359-1360, 1369, 1423, 1453, 1460-1461, 1633

Amendments offered—619, 708, 988, 1329, 1460

Amendments withdrawn—1453, 1460

Bills introduced—10, 55, 72, 81, 149, 157, 177, 180, 187, 220, 272, 278, 349, 367

Petition presented—730

Resolutions offered—79, 1319, 1091

Subcommittee assignments—93, 265, 340, 556, 589, 786

FORD, WAYNE W.—Representative Polk County

Amendments filed—218, 219, 295, 461, 511-522, 529, 692, 915, 916, 965, 966, 1005, 1129, 1185, 1186, 1187, 1321, 1558

Amendments offered—551, 1062, 1360, 1710

Amendment withdrawn—1062

Appointed to the Commission on Children, Youth and Families—16

Bills introduced—55, 72, 105, 222, 241, 258, 260, 299, 316, 367

Explanation of votes—962
 Leave of absence—320
 Resolution offered—1128
 Subcommittee assignments—87, 92, 153, 160, 212, 252, 326, 340, 527, 786

FREVERT, MARCELLA R.—Representative Clay-Kossuth-Palo Alto Counties
 Amendments filed—218, 295, 328, 461, 511-522, 529, 530, 637, 863, 914, 915, 965, 966, 1186, 1187, 1459-1460, 1472, 1558
 Amendments offered—226, 647, 667, 685, 1012, 1025, 1027, 1033, 1042, 1838
 Amendments withdrawn—685, 1839
 Bills introduced—10, 55, 67, 72, 81, 157, 180, 186, 187, 189, 220, 221, 241, 261, 298, 367
 Presented to the House the Emmetsburg Little Irish Dancers and Paul Connaughton T.D. from Galway Ireland, member of the Irish Parliament—730-731
 Presented to the House the Honorable Janet Adams, former member of the House—1072
 Resolutions offered—217, 1319
 Subcommittee assignments—69, 93, 202, 213, 253, 459, 800, 1367, 1675

GARMAN, TERESA—Representative Marshall-Story Counties
 Amendments filed—590, 789, 803, 914, 915, 949-950, 983, 1074, 1088, 1114, 1115, 1184, 1412, 1459-1460, 1633, 1730, 1743-1745, 1747, 1748
 Amendments offered—949, 1117, 1178, 1383, 1412, 1803
 Amendment withdrawn—1088
 Bills introduced—10, 40, 67, 73, 80, 156, 178, 189, 208, 258, 273, 299
 Leave of absence—194, 209, 1225
 Resolution offered—240
 Subcommittee assignments—49, 59, 101, 183, 213, 253, 702, 799

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(See also ADMINISTRATION AND RULES COMMITTEE in the GENERAL INDEX and/or HOUSE CONCURRENT RESOLUTIONS, HOUSE RESOLUTIONS and SENATE CONCURRENT RESOLUTIONS listed in LEGISLATIVE INDEX VOLUME)

Resolutions relating to:

House Concurrent Resolution 101, condition of the state and budget message—H.J. 2 adopted & msgd. - S.J. 8 adopted, 37 msgd. - H.J. 26
 House Concurrent Resolution 102, condition of the judicial department—H.J. 2 adopted & msgd. - S.J. 9, 37 adopted & msgd. - H.J. 26
 House Resolution 107, honor Representatives Charles Poncy, Delwyn Stromer and Harold Van Maanen, years of legislative service— H.J. 1677, 1780 adopted
 Senate Concurrent Resolution 1, compensation of chaplains, officers and employees—S.J. 54, 69, 70 adopted, 76 msgd., 1544 - H.J. 75, 78, 1705-1718 as amended, adopted & msgd. - 1998 - S.J. 27-31, 91, 92 as amended, adopted - H.J. 68, 71, 82 as amended, adopted, 85 msgd. - S.J. 140
 Senate Concurrent Resolution 122, final adjournment—S.J. 1477 adopted, 1478 msgd., 1481 - H.J. 1967-1968 adopted

GIFTS—

(See AWARDS AND GIFTS)

- GIPP, CHUCK**—Representative Allamakee-Winneshiek Counties, Assistant Majority Leader
 Amendments filed—461, 529, 915, 965, 1089-1101, 1184, 1633
 Amendments offered—1033, 1643
 Appointed to the Board of Statewide Fire and Police Retirement Trustees—16
 Bills introduced—24, 39, 54, 72, 80, 156, 178, 222, 346
 Presentation of visitors (as acting Speaker)—1471
 Presided at sessions of the House—566, 655, 684, 1001, 1456, 1463, 1469, 1873
 Resolutions offered—1128, 1319
 Subcommittee assignments—23, 37, 56, 69, 87, 147, 171, 183, 202, 253, 266, 289, 373, 635, 689, 728, 800, 860, 1274
- GOVERNOR BRANSTAD, TERRY E.**—
 Addressed joint convention—27-35
 Bills signed by—150, 252, 306-307, 372, 405, 526, 784, 818, 859, 1125, 1182-1183, 1221, 1316-1317, 1470-1471, 1555-1556, 1630, 1674, 1728, 1769-1770, 1833-1834, 1900, 1968-1969, 2343-2351
 Closing message—1977-1979
 Committees to notify and escort—1, 27, 35, 1977
 Communication from—1977-1979
 Delivered the Condition of the State and Budget Message—27-35
 Item veto messages after session—2357-2372
 Resolution relating to the condition of the State Message and Budget Message, HCR 101—2 adopted & msgd. - S.J. 8 adopted, 37 msgd. - H.J. 26
 Resolutions relating to:
 House Concurrent Resolution 116, recognizing and commending the efforts of the Iowa Summit on Volunteerism—1184, 1925-1926 adopted & msgd. - S.J. 1463
 Senate Concurrent Resolution 106, designate March 1998 as Iowa Women's History Month (comp. to HCR 111)—S.J. 312, 369, 391, 463-464 adopted, 490 msgd. - H.J. 413, 417 adopted
 Veto messages after session—2352-2356
- GREIG, JOHN M.**—Representative Dickinson-Emmet-Palo Alto Counties
 Amendments filed—328, 528, 864, 1089-1101, 1358, 1633, 1678, 1729
 Amendments offered—334, 898
 Amendment withdrawn—1825
 Bills introduced—67, 80, 81, 156, 177, 178, 187, 273, 315, 380
 Resolution offered—1319
 Subcommittee assignments—212, 213, 290, 308, 326, 459, 557, 800, 860, 913, 1367, 1675
- GREINER, SANDRA H.**—Representative Keokuk-Mahaska-Wapello-Washington Counties
 Amendments filed—207, 223, 408, 529, 530, 637, 692, 721-722, 788, 825, 1089-1101, 1678
 Amendments offered—717, 718, 721, 794, 896, 897
 Bills introduced—25, 80, 81, 187, 276, 321, 346
 Committee appointment—1411
 Presented to the House the Honorable Bob Kistler, former member of the House—1371
 Presided at sessions of the House—236, 559

- Report—1661-1663
 Resolution offered—1319
 Subcommittee assignments—49, 93, 152, 160, 201, 325, 340, 689, 786, 1274
- GRIES, DON**—Representative **Crawford**-Monona-Woodbury Counties
 Amendments filed—409, 914, 915, 966, 1184, 1185, 1320, 1677, 1686
 Amendments offered—923, 924
 Amendment withdrawn—924
 Bills introduced—72, 80, 81, 156, 187, 346
 Committee appointment—1
 Resolution offered—1319
 Subcommittee assignments—172, 231, 266, 308, 589, 800
- GRUNDBERG, BETTY**—Representative **Polk** County
 Amendments filed—271, 409, 590, 692, 729, 789; 863, 864, 916, 963, 964, 965, 966, 1075, 1202, 1203, 1320, 1369, 1459-1460, 1463, 1472, 1617-1619, 1794-1795
 Amendments offered—287, 765, 878, 978, 983, 998, 999, 1017, 1034, 1194, 1202, 1203, 1440, 1459, 1463
 Amendments withdrawn—779, 878, 981, 1016, 1017
 Bills introduced—67, 72, 80, 149, 177, 179, 208, 236, 237, 242, 258, 260, 261, 277, 279, 299, 315, 346, 347, 349
 Leave of absence—451
 Presented to the House winners of "Write Women Back Into History" essay contest—417-418
 Resolutions offered—270, 1319, 1901
 Subcommittee assignments—63, 88, 92, 213, 231, 253, 308, 339, 359, 589, 701, 785, 786, 800
- HAHN, JAMES F.**—Representative **Muscatine**-Scott Counties
 Amendments filed—529, 789, 825, 908-909, 1089-1101, 1184, 1275, 1320, 1369, 1633
 Amendments offered—816, 1415, 1417, 1419
 Amendment withdrawn—1415
 Bills introduced—67, 76, 80, 81, 104, 156, 187, 299, 346, 367
 Committee appointments—41, 42
 Resolutions offered—1184, 1319
 Subcommittee assignments—50, 58, 152, 252, 253
- HANSEN, BRAD L.**—Representative **Pottawattamie** County
 Amendments filed—461, 590, 616, 619, 626, 915, 965, 1089-1101, 1184, 1359-1360, 1424, 1466-1467, 1467, 1678, 1811-1812
 Amendments offered—471, 616, 618, 619, 621, 622, 623, 626, 1359, 1457, 1466, 1467, 1811
 Amendment withdrawn—1467
 Appointed to the Medical Assistance Advisory Council—17
 Bills introduced—72, 80, 149, 158, 299, 346, 349, 358
 Presided at sessions of the House—437, 1307
 Resolution offered—1319
 Subcommittee assignments—23, 69, 93, 152, 201, 202, 212, 213, 309, 527, 728, 819, 1004, 1183, 1367, 1675

- HEATON, DAVID E.—Representative Des Moines-Henry-Washington Counties
 Amendments filed—245-247, 365, 558, 691, 915, 965, 1005, 1114-1115, 1184,
 1224, 1369, 1423, 1462, 1617-1619, 1633
 Amendments offered—245, 672, 770, 1035, 1103, 1404, 1462, 1617, 1643
 Amendment withdrawn—1104
 Bills introduced—73, 75, 76, 99, 149, 156, 177, 178, 188, 209, 258, 273, 278, 299,
 315, 321, 330, 346, 349, 357
 Explanation of votes—1674
 Resolutions offered—240, 1319, 1901
 Subcommittee assignments—49, 59, 69, 252, 308
- HOLMES, DANNY J.—Representative Scott County
 Amendments filed—461, 529, 589, 789, 1184, 1633, 1678, 1747
 Amendment offered—852
 Bills introduced—9, 67, 80, 149, 176, 187, 299
 Committee appointment—1840
 Petition presented—51
 Report—1936-1938
 Resolutions offered—461, 1319
 Subcommittee assignments—23, 58, 68, 69, 87, 146, 160, 200, 253, 340, 557,
 1367, 1675
- HOLVECK, JACK K., JR.—Representative Polk County
 Amendments filed—218, 219, 295, 328, 344, 345, 409, 461, 511-522, 529, 590,
 616-618, 825, 864, 914, 915, 966, 1005, 1102, 1184, 1185, 1186, 1251-1252,
 1259-1260, 1266, 1369, 1424, 1473, 1552, 1633, 1730, 1748-1749, 1754
 Amendments offered—415, 439, 440, 443, 449, 713, 1102, 1266, 1307, 1552,
 1748, 1751, 1753, 1754
 Appointed to the Medical Assistance Advisory Council—17
 Bills introduced—10, 105, 149, 238, 261, 278, 367
 Committee appointment—1871
 Explanation of votes—783
 Leave of absence—82, 756, 865, 1012, 1773
 Presented to the House winners of "Write Women Back Into History" essay
 contest—417-418
 Resolutions offered—270, 1319
 Subcommittee assignments—49, 69, 101, 231, 309, 339, 459, 527, 689, 786, 800

HOUSE COMMITTEE ASSIGNMENTS—15

HOUSE CONCURRED—

- House Concurrent Resolution 15, H-8069, as amended—923
 House File 8, H-8002, as amended—1537
 House File 299, H-8119—524
 House File 382, H-8741—1295
 House File 667, H-8997, as amended—1592
 House File 681, H-8666—1267
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 House File 2120, H-8933—1491
 House File 2162, H-8322—1282
 House File 2163, H-9271, as amended—1922

House File 2164, H-8994, as amended—1658
House File 2166, H-8996—1639
House File 2169, H-8601—1236
House File 2175, H-8888—1480
House File 2211, H-8826—1240
House File 2262, H-8599—1237
House File 2269, H-9193, as amended—1821
House File 2271, H-8600—1301
House File 2272, H-8625—1009
House File 2275, H-9135—1602
House File 2290, H-8758, as amended—1478
House File 2335, H-8995—1435
House File 2348, H-9235—1817
House File 2374, H-9192—1735
House File 2394, H-8735—1263
House File 2395, H-9333, as amended—1951
House File 2400, H-9096—1494
House File 2424, H-8825—1290
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House File 2472, H-8759—1481
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House File 2487, H-8863—1482
House File 2494, H-9048—1536
House File 2496, H-9180—1650
House File 2498, H-9118, as amended—1812
House File 2514, H-8760—1626
House File 2517, H-9120—1546
House File 2528, H-8832—1286
House File 2533, H-9210—1726
House File 2539, H-8958, as amended—1413
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Senate File 2311, H-9007—1496
Senate File 2320, H-9332—1930
Senate File 2321, H-8842—1395
Senate File 2332, H-9328—1919
Senate File 2345, H-9324—1898
Senate File 2391, H-8960—1397
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Senate File 2410, H-9178—1653
Senate File 2418, H-9329—1917

HOUSE INSISTS—

House File 2498—1840

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HOUSE RECEDES—

House Concurrent Resolution 15—1832
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HOUSE REFUSED TO CONCUR—

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Senate File 2296, H-9327—1867
Senate File 2381, H-9331—1936

HOUSER, HUBERT M.—Representative Fremont-Mills-Pottawattamie Counties

Amendments filed—636, 692, 693, 729, 789, 965, 966, 1063, 1063-1064, 1089-1101, 1184, 1320, 1369, 1423, 1424, 1452, 1461, 1462, 1463, 1466-1467, 1617-1619, 1709, 1729, 1730, 1747
Amendments offered—707, 1048, 1059, 1063, 1449, 1452, 1461, 1462, 1464, 1465, 1745
Amendments withdrawn—1063, 1449, 1458
Appointed to the Agricultural Energy Management Advisory Council and the Innovation Zone Board—16
Bills introduced—61, 80, 149, 156, 187, 278, 299, 314, 349
Leave of absence—804
Resolutions offered—1319, 1901
Subcommittee assignments—37, 58, 69, 87, 92, 93, 201, 213, 266, 308, 309, 326, 339, 340, 373, 459, 556, 701, 1274

HUMAN RESOURCES, COMMITTEE ON—

Amendments filed—409, 803, 825
Amendments offered—707, 875, 1174, 1443
Amendment withdrawn—876
Bills introduced—257, 329, 358, 404, 410, 411, 412, 464
Recommendations—216, 255, 318-319, 362, 407-408, 460, 802, 821
Subcommittee assignments—87, 92, 93, 94, 160, 170, 183, 201, 265, 266, 289, 308, 339, 340, 556, 557, 635, 785, 800

HUSEMAN, DANIEL A.—Representative Buena Vista-Cherokee-O'Brien-Plymouth Counties

Amendments filed—966, 1677, 1678
Amendments offered—1173, 1773
Amendment withdrawn—1773
Bills introduced—39, 67, 72, 80, 156, 176, 187
Resolution offered—1319
Subcommittee assignments—37, 50, 58, 59, 93, 171, 200, 201, 202, 231, 265, 556

HUSER, GERI—Representative Polk County

Amendments filed—218, 219, 295, 328, 378, 384, 395-396, 461, 462, 463, 508, 511-522, 529, 590, 629-630, 637, 692, 693, 729, 863, 864, 915, 964, 965, 966, 1086, 1101, 1158, 1185, 1186, 1196, 1224, 1401-1402, 1423, 1459-1460, 1558, 1633, 1678, 1747, 1748, 1755, 1772, 1808, 1808-1809
Amendments offered—395, 396, 508, 628, 1085, 1086, 1101, 1196, 1287, 1398, 1454, 1755, 1777, 1803, 1808, 1809
Amendments withdrawn—397, 401, 503, 1196, 1398, 1460, 1803, 1808
Appointed to the Advisory Commission On Intergovernmental Relations and

- the Medical Assistance Advisory Council—17
- Assigned to the Oversight and Communications Appropriations Subcommittee, replacing Representative Cecelia Burnett—15
- Bills introduced—10, 39, 54, 55, 67, 148, 158, 178, 180, 187, 208, 331, 367
- Committee appointments—41, 42 1840
- Explanation of votes—1315
- Leave of absence—1225
- Report—1936-1938
- Subcommittee assignments—53, 59, 153, 253, 266, 289, 326, 635

INTERIM APPOINTMENTS—

- Agricultural Education Advisory Council:
 - Bill Dix—15
- Agricultural Energy Management Advisory Council:
 - Jim Drees—16
 - Hubert Houser—16
- Capitol Planning Commission:
 - Donna Barry—16
- Children, Youth and Families, Commission On:
 - Wayne Ford—16
 - Beverly Nelson—16
- Comprehensive Health Insurance Association:
 - Janet Metcalf—17
- Education Commission of the States:
 - Christopher Rants—16
- Elder Affairs, Commission of:
 - Todd Taylor—16
- Human Investment, Council On:
 - Dan Boddicker—17
 - Effie Boggess—61
- Innovation Zone Board:
 - Hubert Houser—16
- Intergovernmental Relations, Advisory Commission On:
 - Richard Arnold—17
 - Geri Huser—17
- Interstate Agriculture Grain Marketing Commission:
 - Cecil Dolecheck—16
- Interstate Cooperation Commission:
 - John Connors—16
 - Chuck Larson—16
 - Dolores Mertz—17
 - Janet Metcalf—17
 - Dick Weidman—17
- Law Enforcement Academy Council:
 - Barry Brauns—17
- Medical Assistance Advisory Council:
 - Brad Hansen—17
 - Jack Holveck—17
 - Geri Huser—17
- Renewable Fuels and Coproducts Advisory Committee:
 - Effie Boggess—17
- Statewide Fire and Police Retirement System, Board of Trustees:

Chuck Gipp—16

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Appointments to—15, 16, 17

Resolutions relating to:

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House Concurrent Resolution 109, management of solid waste and recycling, cmte. study—253, 266, 361, 914, 1558, 1632

House Concurrent Resolution 112, state, and local government revenue and spending programs, cmte. study—296

House Concurrent Resolution 117, increasing the percent of oxygen by weight in motor fuel, cmte. study—1319

House Resolution 101, state child support recovery programs, cmte. study—65

JACOBS, LIBBY—Representative Polk County

Amendments filed—271, 399, 461, 529, 590, 692, 693, 729, 863, 964, 965, 1129, 1320, 1393, 1459-1460, 1678, 1690-1691, 1792-1793, 1793-1794, 1794-1795

Amendments offered—399, 603, 733, 777, 795, 889, 1162, 1163, 1392, 1393, 1690, 1782, 1792, 1793

Appointed to the Legislative Oversight Committee—17

Bills introduced—67, 72, 149, 158, 177, 178, 179, 187, 222, 242, 299, 320, 346, 367

Committee appointment—829

Leave of absence—550

Resolution offered—1128

Subcommittee assignments—23, 63, 69, 201, 202, 213, 289, 290, 326, 459, 527, 556, 701, 702, 728, 785, 1274

JENKINS, G. WILLARD—Representative Black Hawk County

Amendments filed—344, 528, 1089-1101, 1633, 1678, 1772

Amendments offered—1778, 1789

Amendments withdrawn—445, 1201

Appointed to the Legislative Oversight Committee—17

Bills introduced—57, 72, 149, 187, 222, 299, 338, 346

Resolution offered—1319

Subcommittee assignments—69, 78, 101, 252, 253, 308, 340, 459, 701, 1367, 1675

JOCHUM, PAM—Representative Dubuque County, Assistant Minority Leader

Amendments filed—218, 219, 295, 328, 378, 461, 511-522, 529, 590, 609-613, 615, 619, 621, 622, 625, 625-626, 626, 728, 862, 864, 914, 1005, 1185, 1186, 1275, 1320, 1369, 1423, 1424, 1459, 1459-1460, 1472, 1473, 1633, 1678

Amendments offered—609, 615, 622, 625, 906, 1179, 1205, 1211, 1410, 1454, 1458, 1459, 1463, 1640, 1805, 1907

Amendments withdrawn—619, 621, 626, 743, 1460, 1465, 1585, 1906, 1907

Bills introduced—10, 54, 72, 105, 149, 187, 261, 316, 330, 367

Resolutions offered—1319, 1901

Subcommittee assignments—50, 69, 87, 147, 152, 201, 202, 213, 326, 405, 527, 799, 860, 1367, 1675

JOINT CONVENTIONS—

- Condition of the Judicial Department message—42-47
- Condition of the State Message and Budget Message—27-35
- Resolutions relating to:
 - House Concurrent Resolution 101, condition of the state and budget message—2 adopted & msgd. - S.J. 8 adopted, 37 msgd. - H.J. 26
 - House Concurrent Resolution 102, condition for the judicial department—2 adopted & msgd. - S.J. 9, 37 adopted & msgd. - H.J. 26

JUDICIARY, COMMITTEE ON—

- Amendments filed—175, 295, 558, 825, 863
- Amendments offered—210, 533, 839, 1176, 1234, 1324, 1328, 1383, 1571
- Amendment withdrawn—1329
- Bills introduced—167, 237, 257, 273, 277, 297, 313, 321, 366, 368, 379, 380, 404, 411, 465
- Recommendations—64, 163-164, 175, 216, 240, 269, 293-294, 311, 362-363, 375-376, 408, 557, 690, 821-823, 826-827, 860-861
- Subcommittee assignments—48, 49, 50, 63, 87, 88, 92, 93, 101, 152, 160, 213, 231, 252, 253, 289, 307, 309, 325, 406, 459, 460, 527, 528, 635, 636, 689, 785, 786, 799, 800

KINZER, RON—Representative Scott County

- Amendments filed—218, 219, 295, 461, 462, 511-522, 692, 915, 916, 963, 964, 1005, 1184, 1185, 1186, 1187, 1678
- Amendment offered—494
- Bills introduced—10, 40, 55, 72, 81, 157, 180, 241, 367
- Explanation of votes—1273, 1315
- Leave of absence—82, 166
- Resolution offered—1319
- Subcommittee assignments—160, 183, 265, 340, 557

KLEMME, RALPH—Representative Plymouth-Woodbury Counties

- Amendments filed—789, 914, 965, 1074, 1184, 1224, 1678
- Amendments offered—1386, 1484, 1487
- Amendment withdrawn—1485
- Bills introduced—39, 67, 72, 76, 80, 81, 148, 156, 157, 176, 178, 187, 209, 299
- Committee appointment—1411
- Report—1661-1663
- Resolutions offered—154, 1319
- Subcommittee assignments—50, 59, 78, 93, 160, 201, 254, 265, 309, 326, 728, 785

KOENIGS, DEO A.—Representative Floyd-Mitchell Counties

- Amendments filed—218, 271, 295, 328, 461, 511-522, 529, 530, 558, 589, 590, 636, 637, 671, 692, 728, 825, 864, 915, 916, 1005, 1039-1040, 1075, 1185, 1186, 1729, 1730, 1747
- Amendments offered—593, 655, 662, 663, 680, 722, 849, 900, 1303, 1312, 1745, 1752
- Amendments withdrawn—652, 665, 671, 721, 908, 1312
- Bills introduced—67, 104, 149, 158, 314, 367
- Leave of absence—166, 829, 1225, 1425
- Presented to the House the Honorable Con Bunde, State Representative

- of Anchorage, Alaska—1073
 - Resolution offered—1319
 - Subcommittee assignments—49, 93, 152, 160, 202, 309, 340, 556, 635, 702, 786, 860, 1274
- KREIMAN, KEITH A.—Representative Appanoose-Davis-Monroe-Van Buren Counties
 - Amendments filed—71, 103, 175, 185, 207, 218, 223, 295, 328, 344, 461, 462, 511-522, 528, 558, 621, 629-630, 637, 729, 828, 863, 914, 915, 1005, 1075, 1101, 1114, 1117-1118, 1120-1121, 1185, 1186, 1320, 1424, 1473, 1585, 1632, 1730, 1750-1751, 1755-1756, 1763, 1772
 - Amendments offered—83, 191, 222, 223, 349, 356, 621, 839, 1111, 1114, 1117, 1120, 1330, 1484, 1750, 1755, 1763
 - Amendments withdrawn—190, 193, 469, 647, 687, 1101, 1121, 1122, 1537, 1585, 1731
 - Bills introduced—10, 54, 104, 105, 149, 157, 178, 180, 186, 238, 260, 261, 273, 278, 313, 367
 - Committee appointment—830
 - Explanation of votes—634
 - Leave of absence—563
 - Resolution offered—1319
 - Subcommittee assignments—48, 49, 63, 88, 92, 93, 152, 253, 308, 325, 460, 786
- KREMER, JOSEPH M.—Representative Black Hawk-Buchanan-Delaware Counties
 - Amendments filed—825, 836, 864, 965, 1184, 1678, 1825
 - Amendments offered—533, 839, 1103, 1340, 1343, 1823, 1825
 - Amendment withdrawn—1712
 - Bills introduced—10, 57, 76, 80, 149, 156, 176, 178, 187, 241, 259, 299, 367
 - Leave of absence—1065
 - Resolutions offered—1319, 1557
 - Subcommittee assignments—63, 87, 92, 93, 252, 265, 406, 527, 528, 556, 635, 689, 727, 786
- LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ON—
 - Amendment filed—862
 - Amendment offered—968
 - Bills introduced—367, 368, 411
 - Recommendations—206, 363, 382, 861
 - Subcommittee assignments—49, 87, 88, 152, 265, 340, 373, 557, 727, 800
- LAMBERTI, JEFFREY M.—Representative Polk County
 - Amendments filed—344, 384, 395-396, 462, 529, 590, 692, 728, 863, 965, 966, 1075, 1089-1101, 1114-1115, 1115, 1158, 1184, 1185, 1224, 1320, 1401-1402, 1408-1409, 1466-1467, 1558, 1730, 1835, 1921
 - Amendments offered—395, 596, 880, 1089, 1102, 1114, 1115, 1328, 1338, 1339, 1375, 1401, 1408, 1571, 1582, 1585, 1732, 1733, 1921
 - Amendments withdrawn—772, 1292, 1329, 1733
 - Bills introduced—39, 54, 57, 76, 80, 81, 85, 149, 156, 178, 179, 187, 298, 299, 346
 - Committee appointment—42
 - Leave of absence—189
 - Presided at sessions of the House—1910

Subcommittee assignments—48, 49, 63, 87, 92, 93, 94, 152, 201, 213, 252, 253, 265, 266, 289, 307, 325, 340, 459, 460, 527, 556, 635, 636, 689, 785, 786, 799, 1367, 1675

LARKIN, RICK—Representative Des Moines-Lee Counties

Amendments filed—218, 219, 295, 328, 378, 401, 409, 461, 462, 511-522, 529, 691, 692, 729, 754, 915, 964, 966, 1005, 1114-1115, 1129, 1184, 1185, 1186, 1187, 1423, 1472, 1473

Amendments offered—401, 753, 754, 764, 1249, 1279, 1839, 1874

Amendments withdrawn—1438, 1872

Bills introduced—67, 73, 149, 156, 157, 180, 297, 315, 330, 357, 367

Resolution offered—240

Subcommittee assignments—23, 37, 93, 147, 160, 171, 201, 202, 212, 213, 266, 308, 326, 561, 689, 799, 800, 1367, 1675

LARSON, CHUCK—Representative Linn County

Amendments filed—529, 590, 629-630, 728, 1075, 1089-1101, 1129, 1176, 1184, 1245, 1245-1249, 1251-1252, 1632, 1633, 1677, 1696-1700, 1825

Amendments offered—629, 1176, 1234, 1245, 1251, 1324, 1691, 1696

Amendments withdrawn—1245, 1406, 1692, 1701

Appointed to the Interstate Cooperation Commission—16

Bills introduced—9, 67, 76, 80, 149, 156, 158, 178, 187, 221, 313, 316

Explanation of votes—634

Leave of absence—1006

Resolutions offered—79, 1184, 1319

Subcommittee assignments—48, 49, 68, 69, 88, 101, 160, 170, 171, 201, 213, 265, 289, 290, 527, 556, 635, 689, 785, 786, 800, 860, 1367, 1675

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1, 76, 82, 150, 166, 189, 194, 209, 222, 257, 300, 320, 331, 346, 366, 385, 401, 412-413, 450, 468, 496, 503, 533, 550, 563, 591, 703, 756, 777, 797, 804, 829, 865, 953, 1006, 1012, 1025, 1065, 1130, 1225, 1264, 1351, 1370, 1425, 1476, 1486, 1559, 1701, 1773, 1875

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Appointments to—17

Resolutions relating to:

House Concurrent Resolution 104—154, 253, 318

House Concurrent Resolution 110—270, 275 adopted & msgd. - S.J. 346, 385, 1346, 1355 adopted, 1362 msgd. - H.J. 1757

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House Concurrent Resolution 117—1319

House Resolution 101—65

Senate Concurrent Resolution 119—S.J. 1237, 1250 adopted, 1251 msgd., 1457 - H.J. 1635, 1677, 1920 adopted, 1923 msgd.

LEGISLATIVE EMPLOYEES—

(See OFFICERS AND EMPLOYEES)

LOCAL GOVERNMENT, COMMITTEE ON—

Amendments filed—165, 217, 240, 364, 365, 384, 462, 828, 862

Amendments offered—737, 776, 795, 830, 1287, 1386, 1426, 1776, 1903

Amendment withdrawn—1773

Bills introduced—188, 221, 243, 276, 329, 331, 347, 368, 403, 410, 413

Recommendations—103, 164, 217, 240, 256, 294, 319, 363-364, 382-383, 408, 460-461, 827-828, 861-862

Subcommittee assignments—52, 59, 78, 171, 183, 201, 230, 231, 265, 266, 308, 309, 326, 359, 373, 556, 727, 728, 785, 800

LORD, DAVID G.—Representative **Dallas-Madison Counties**

Amendments filed—312, 1184, 1632, 1678

Bills introduced—66, 76, 80, 81, 149, 156, 177, 187, 209, 241, 276, 349

Committee appointment—27

Resolutions offered—1183, 1319

Subcommittee assignments—69, 87, 93, 160, 170, 171, 212, 213, 289, 635, 727, 1367, 1675

MAJORITY LEADER, Brent Siegrist—Representative **Pottawattamie County**
(See **SIEGRIST, BRENT**—Representative **Pottawattamie County, Majority Leader**)

MANAGEMENT, DEPARTMENT OF—

Claims filed & approved—116-146

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MARTIN, MONA—Representative **Scott County**

Amendments filed—529, 636, 637, 691, 729, 863, 864, 1088, 1089-1101, 1129, 1320, 1459-1460, 1678, 1772

Amendments offered—642, 746, 750, 752, 756, 765, 885, 1163, 1355, 1804

Amendment withdrawn—1802

Bills introduced—67, 85, 157, 177, 187, 241, 258, 299

Resolutions offered—461, 1184, 1319

Subcommittee assignments—59, 92, 93, 101, 160, 171, 201, 213, 253, 265, 266, 308, 727, 799

MASCHER, MARY—Representative **Johnson County**

Amendments filed—218, 219, 271, 295, 345, 378, 461, 511-522, 590, 702, 729, 825, 864, 915, 916, 917, 963, 964, 965, 966, 1005, 1184, 1185, 1186, 1266,

1296, 1369, 1459-1460, 1473, 1632, 1678, 1708, 1722, 1725, 1753-1754

Amendments offered—283, 433, 442, 445, 449, 755, 763, 902, 989, 995, 1012, 1016, 1020, 1027, 1029, 1266, 1296, 1722, 1725, 1753

Amendments withdrawn—756, 949, 992, 1021, 1624, 1708, 1712, 1722

Bills introduced—10, 55, 72, 80, 81, 105, 149, 157, 176, 178, 180, 187, 220, 238, 241, 259, 261, 367

Presented to the House Kurt Seelman from Bamberg, Germany—385-386

Resolutions offered—1123, 1319, 1901

Subcommittee assignments—49, 160, 252, 702, 800

MAY, DENNIS—Representative **Cerro Gordo-Mitchell-Worth Counties**

Amendments filed—219, 295, 328, 409, 461, 462, 511-522, 691, 692, 728, 915, 916, 963, 964, 966, 1075, 1184, 1678

Bills introduced—10, 55, 81, 149, 157, 180, 187, 241, 367

Resolution offered—1319

Subcommittee assignments—49, 201, 326, 556, 635

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MERTZ, DOLORES M.—Representative Humboldt-Kossuth Counties

Amendments filed—155, 218, 295, 409, 462, 511-522, 529, 558, 728, 803, 863,
 864, 915, 916, 963, 966, 1039-1040, 1184, 1185, 1186, 1459-1460, 1710, 1712,
 1724, 1729
 Amendments offered—671, 897, 905, 1712, 1724
 Amendment withdrawn—684
 Appointed to the Interstate Cooperation Commission—16
 Bills introduced—55, 67, 80, 149, 156, 157, 176, 187, 220, 241, 261, 272, 278,
 298, 349, 367
 Committee appointment—1411
 Report—1661-1663
 Requested her name be added as a sponsor of House File 2368—306
 Résolutions offered—1184, 1319, 1901
 Subcommittee assignments—52, 160, 171, 201, 231, 290, 309, 326, 557, 785

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 918, 961, 967, 1003, 1047, 1123-1124, 1130-1131, 1181-1182, 1219-1220, 1276-
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 895, 910, 922, 924, 970, 1002, 1010, 1011, 1047, 1068, 1072, 1079, 1081, 1106,
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 1408, 1411, 1414, 1427, 1436, 1443, 1449, 1469, 1479, 1483, 1493, 1495, 1537,
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 Veto messages after session—2352-2356

METCALF, JANET—Representative Polk County

Amendments filed—271, 590, 692, 864, 964, 965, 966, 1075, 1089-1101, 1184, 1459-1460, 1678

Amendments offered—283, 1140, 1148

Appointed to the Comprehensive Health Insurance Association and the Interstate Cooperation Commission—17

Bills introduced—72, 149, 187, 299, 315, 346

Committee appointments—1, 829

Presided at sessions of the House—54

Resolutions offered—829, 1319

Subcommittee assignments—59, 88, 92, 230, 309, 373, 556, 689, 785, 786, 819

MEYER, JIM—Representative Ida-Sac-Woodbury Counties

Amendments filed—529, 651-652, 803, 1224, 1473

Amendments offered—651, 1037, 1559, 1560, 1737

Bills introduced—76, 156

Presented to the House the Honorable Wayne Bennett former member of the House and Senate—1126

Resolution offered—1319

Subcommittee assignments—49, 56, 160, 171, 253, 339, 340, 359, 786, 1274

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Supplemental report—35-36

Supplemental report adopted—57

MILLAGE, DAVID A.—Representative Scott County

Amendments filed—71, 312, 378, 529, 558, 691, 692, 963, 964, 1075, 1089-1101, 1129, 1259, 1447, 1466-1467, 1558, 1633, 1678, 1811, 1951

Amendments offered—349, 400, 567, 568, 1027, 1259, 1591, 1811, 1951

Amendments withdrawn—567, 924, 1107

Bills introduced—51, 67, 156, 187, 222, 238, 259

Committee appointments—1871, 1977

Leave of absence—804

Report—1875-1896

Resolution offered—461

Subcommittee assignments—49, 88, 152, 160, 171, 201, 253, 289, 308, 309, 339, 340, 359, 527, 1557, 1675, 1901

MINORITY LEADER, David Schrader—Representative Marion-Warren Counties

(See SCHRADER, DAVID—Representative Marion-Warren Counties, Minority Leader)

MORELAND, MICHAEL J.—Representative Wapello County, Assistant Minority Leader

Amendments filed—271, 295, 345, 378, 461, 462, 511-522, 651, 728, 729, 789, 915, 965, 966, 1033, 1185, 1186, 1187, 1275, 1423

Amendments offered—285, 437, 441, 444, 651, 1088, 1174, 1355

Bills introduced—72, 100, 105, 149, 157, 316, 367

Explanation of votes—92, 263, 338, 556, 1124, 1273, 1629

Leave of absence—209, 222

Resolution offered—1319

Subcommittee assignments—63, 87, 88, 92, 94, 160, 201, 266, 308, 309, 406,
527, 635, 689, 785, 786, 800.

MOTIONS TO RECONSIDER:

Filed:

House File 8—1833
House File 2164, H-9021—1629
House File 2424—589
House File 2482—634
House File 2546—1629
House File 2558—1673
Senate File 187—1554
Senate File 2082—198

Lost:

House File 8—1968

Prevailed:

House File 2164, H-9021—1658
House File 2482—774
House File 2533, H-8610—1045

Ruled out of order:

House File 2482—774

Withdrawn:

House File 2424—632
House File 2546—1736
House File 2558—1701
Senate File 187—1605
Senate File 2082—225

Motions to reconsider (filed from the floor):

House File 2335, H-8146—723
House File 2506, H-8955 to H-8847—1418
House File 2533, H-8610—1044
Senate File 2295, H-8587—908
Senate File 2320, H-8555—893

Lost:

House File 2335, H-8146—724
House File 2506, H-8955 to H-8847—1418
Senate File 2295, H-8587—908

Prevailed:

House File 2533, H-8610—1045
Senate File 2320, H-8555—893

Final disposition of—1968

MUNDIE, NORMAN—Representative Boone-Calhoun-Hamilton-Webster
Counties

Amendments filed—218, 295, 328, 461, 463, 511-522, 529, 558, 637, 864, 915,
964, 966, 1184, 1185, 1186, 1187, 1275, 1467-1468, 1729
Amendments offered—653, 654, 665, 667, 668, 680, 684, 1159, 1283, 1467
Amendments withdrawn—508, 656, 680
Bills introduced—55, 67, 75, 80, 149, 156, 176, 178, 180, 257, 261, 367
Explanation of votes—1629, 1769
Resolutions offered—1319, 1901
Subcommittee assignments—152, 183, 265, 728

MURPHY, PATRICK J.—Representative Dubuque County

- Amendments filed—218, 219, 295, 328, 378, 461, 462, 463, 511-522, 529, 691, 692, 702, 825, 836, 863, 914, 915, 964, 966, 1005, 1074, 1075, 1129, 1154, 1185, 1186, 1187, 1275, 1320, 1350, 1350-1351, 1352-1353, 1354, 1453, 1456, 1463, 1465, 1614-1615, 1678, 1722, 1729, 1763, 1772
- Amendments offered—398, 605, 709, 835, 836, 901, 1088, 1152, 1154, 1156, 1254, 1350, 1352, 1354, 1453, 1456, 1465, 1614
- Amendments withdrawn—741, 1120, 1350, 1352, 1810, 1953
- Bills introduced—10, 39, 55, 67, 72, 81, 100, 149, 157, 167, 180, 187, 257, 261, 299, 367
- Committee appointments—1411, 1977
- Report—1661-1663
- Resolution offered—1319
- Subcommittee assignments—87, 88, 160, 201, 265, 340, 557, 701, 785, 800, 1557, 1675

MYERS, RICHARD E.—Representative Johnson County, Assistant Minority Leader

- Amendments filed—218, 295, 328, 408, 461, 511-522, 529, 590, 692, 728, 825, 915, 1005, 1114-1115, 1129, 1185, 1186, 1187, 1320, 1465, 1472, 1610, 1632, 1686, 1696-1700
- Amendments offered—1088, 1205, 1362, 1610, 1671
- Bills introduced—10, 54, 55, 73, 80, 81, 149, 156, 157, 177, 178, 179, 180, 187, 241, 278, 322, 367
- Resolutions offered—240, 1128, 1319, 1901
- Subcommittee assignments—59, 68, 78, 88, 170, 171, 230, 308, 309, 373, 727, 1367, 1675

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- Amendments offered—1173, 1484
- Bill introduced—410
- Recommendations—97, 206, 294, 311, 383-384, 690, 823
- Subcommittee assignments—37, 50, 58, 59, 88, 152, 171, 200, 201, 202, 266, 308, 556, 557, 799

NELSON, BEVERLY J.—Representative Marshall County

- Amendments filed—271, 344, 461, 462, 529, 692, 864, 915, 965, 1088, 1089-1101, 1320, 1458, 1459-1460, 1633, 1678, 1730, 1747, 1748
- Amendments offered—370, 574, 774, 1345, 1349, 1359, 1360
- Amendment withdrawn—1088
- Appointed to the Commission On Children, Youth and Families—16
- Bills introduced—11, 72, 99, 149, 177, 178, 187, 188, 241, 338, 346, 348
- Committee appointment—27
- Explanation of votes—198, 1273
- Resolutions offered—1128, 1319
- Subcommittee assignments—37, 53, 69, 101, 152, 160, 171, 183, 201, 202, 212, 213, 253, 290, 308, 326, 339, 405, 459, 527, 556, 689, 701, 728, 785

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- Raised—287, 469, 493, 595, 613, 679, 766, 892, 977, 984, 994, 1035, 1041, 1043, 1108, 1119, 1215, 1615, 1812, 1838, 1840, 1909

O'BRIEN, MICHAEL J.—Representative **Boone-Greene** Counties
 Amendments filed—218, 295, 328, 408, 409, 461, 462, 463, 511-522, 529, 729,
 915, 1185, 1186, 1187, 1633
 Amendments offered—495, 496, 781
 Amendment withdrawn—857
 Bills introduced—80, 167, 176, 208, 367
 Leave of absence—331, 346, 1012
 Subcommittee assignments—50, 88, 308

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 91, 92 as amended, adopted - H.J. 68, 71, 82 as amended, adopted, 85
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OSTERHAUS, ROBERT J.—Representative **Dubuque-Jackson** Counties

Amendments filed—218, 219, 295, 328, 378, 461, 511-522, 616-618, 625, 691,
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 91, 92 as amended, adopted - H.J. 68, 71, 82 as amended, adopted, 85
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 Senate Joint Resolution 2004, H-9113—Representative Larson—1908
 Senate Joint Resolution 2004, H-9114—Representative Larson—1909

PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES—

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 House Concurrent Resolution 113, increase utilization of the Rock Island Arsenal—461, 468 adopted & msgd. - (Comp to SCR 110) - S.J. 593
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 House Concurrent Resolution 116, recognize & commend the efforts of the Iowa Summit on Volunteerism—1184, 1925-1926 adopted & msgd. - S.J. 1463
 House Concurrent Resolution 118, fed. government take all necessary and appropriate action to ensure that Japan establish and maintains open and competitive market for United States exports—1422, 1926 adopted, 1931 msgd. - S.J. 1463
 House Concurrent Resolution 119, urge fed. Congressional support for widows and widowers under the Federal Railroad Retirement Act of 1974 (comp to SCR 115)—1423
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 Senate Concurrent Resolution 115, urge fed. Congressional support for widows and widowers under the Federal Railroad Retirement Act of 1974 (comp to HCR 119)—S.J. 1139, 1148, 1211-1212 adopted, 1215 msgd., 1310 - H.J. 1603, 1632, 1661 adopted & msgd.

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RANTS, CHRISTOPHER C.—Representative **Woodbury** County, Assistant
Majority Leader

Amendments filed—207, 256, 377, 378, 384, 462, 529, 803, 828, 915, 916, 964,
965, 1075, 1089-1101, 1129, 1184, 1359-1360, 1678, 1819-1821

Amendments offered—469, 474, 568, 985, 1038, 1681, 1819

Amendments withdrawn—889, 1009, 1038, 1163

Appointed to the Education Commission of the States—16

Bills introduced—67, 72, 73, 76, 80, 81, 148, 149, 176, 177, 178, 179, 237, 238,
242, 258, 299

Bills referred to committee (as acting Speaker)—555

Bills rereferred to committees (as acting Speaker)—251

Leave of absence—209

Presentation of visitors (as acting Speaker)—1317

Presided at sessions of the House—244, 287, 302, 550, 551, 646, 654, 662, 670,
745, 896, 969, 983, 1011, 1101, 1105, 1156; 1305, 1308, 1822, 1837, 1902,
1904, 1911

Reports—11-15, 198-200, 1269-1270

Resolutions offered—154, 1319, 1677

Rulings made (as acting Speaker)—244, 247, 665, 675, 679, 684, 1105

Subcommittee assignments—59, 69, 78, 201, 213, 266, 309, 339, 800, 1367, 1675

RAYHONS, HENRY—Representative **Hancock-Winnebago-Wright** Counties

Amendments filed—155, 190, 529, 692, 863, 1089-1101, 1184, 1275, 1678

Amendments offered—190, 1398

Amendment withdrawn—1447

Bills introduced—80, 149, 156, 187, 320

Committee appointment—1940

Report—1956-1959

Resolution offered—1319

Subcommittee assignments—37, 93, 152, 153, 171, 213, 253, 254, 266, 290, 308,
556, 557, 785

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RESIGNATIONS—

(See OFFICERS AND EMPLOYEES)

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Filed:

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House Concurrent Resolution 104—154
House Concurrent Resolution 105—164
House Concurrent Resolution 106—165
House Concurrent Resolution 107—217
House Concurrent Resolution 108—240
House Concurrent Resolution 109—256
House Concurrent Resolution 110—270
House Concurrent Resolution 111—270
House Concurrent Resolution 112—295
House Concurrent Resolution 113—461
House Concurrent Resolution 114—803
House Concurrent Resolution 115—824
House Concurrent Resolution 116—1184
House Concurrent Resolution 117—1319
House Concurrent Resolution 118—1422
House Concurrent Resolution 119—1423
House Concurrent Resolution 120—1423
House Concurrent Resolution 121—1557
House Concurrent Resolution 122—1970
House Resolution 101—65
House Resolution 102—79
House Resolution 103—1128
House Resolution 104—1183
House Resolution 105—1368
House Resolution 106—1369
House Resolution 107—1677
House Resolution 108—1901
House Resolution 109—1901
Senate Concurrent Resolution 101—1004
Senate Concurrent Resolution 102—256
Senate Concurrent Resolution 109—914
Senate Concurrent Resolution 113—1632
Senate Concurrent Resolution 114—1471
Senate Concurrent Resolution 115—1632
Senate Concurrent Resolution 118—1771
Senate Concurrent Resolution 119—1677

Adopted:

House Concurrent Resolution 15—924, 1832
House Concurrent Resolution 101—2
House Concurrent Resolution 102—2
House Concurrent Resolution 105—274
House Concurrent Resolution 110—275
House Concurrent Resolution 113—468
House Concurrent Resolution 116—1925-1926
House Concurrent Resolution 118—1926
House Concurrent Resolution 120—1426
House Concurrent Resolution 121—1642
House Resolution 102—86
House Resolution 103—1157

- House Resolution 104—1955
 House Resolution 106—1642
 House Resolution 107—1780
 House Resolution 108—1920
 House Resolution 109—1954-1955
 Senate Concurrent Resolution 1—82
 Senate Concurrent Resolution 101—1371
 Senate Concurrent Resolution 102—302-303
 Senate Concurrent Resolution 106—417
 Senate Concurrent Resolution 111—614-615
 Senate Concurrent Resolution 115—1661
 Senate Concurrent Resolution 119—1920
 Senate Concurrent Resolution 121—1926
 Senate Concurrent Resolution 122—1968
 Laid over under Rule 25:
 House Concurrent Resolution 103—175
 House Concurrent Resolution 104—318
 House Concurrent Resolution 105—207
 House Concurrent Resolution 107—342
 House Concurrent Resolution 109—361
 House Concurrent Resolution 110—270
 House Concurrent Resolution 111—376
 House Concurrent Resolution 113—461
 House Concurrent Resolution 114—803
 House Concurrent Resolution 115—824
 House Concurrent Resolution 116—1184
 House Concurrent Resolution 117—1319
 House Concurrent Resolution 118—1422
 House Concurrent Resolution 119—1423
 House Concurrent Resolution 120—1423
 House Concurrent Resolution 121—1557
 House Concurrent Resolution 122—1970
 House Resolution 102—79
 House Resolution 103—1128
 House Resolution 104—1183-1184
 House Resolution 105—1368
 House Resolution 106—1369
 House Resolution 107—1677
 House Resolution 108—1901
 House Resolution 109—1901
 Senate Concurrent Resolution 101—1004
 Senate Concurrent Resolution 102—275
 Senate Concurrent Resolution 109—914
 Senate Concurrent Resolution 113—1632
 Senate Concurrent Resolution 114—1472
 Senate Concurrent Resolution 115—1632
 Senate Concurrent Resolution 118—1772
 Senate Concurrent Resolution 119—1677
 Referred to committee:
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 House Concurrent Resolution 105—164

- House Concurrent Resolution 106—165
- House Concurrent Resolution 107—217
- House Concurrent Resolution 108—240
- House Concurrent Resolution 109—256
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- House Concurrent Resolution 112—295
- House Resolution 101—65
- Senate Concurrent Resolution 102—256
- Unanimous consent:
 - House Concurrent Resolution 101—2
 - House Concurrent Resolution 102—2
 - House Concurrent Resolution 106—417
 - Senate Concurrent Resolution 122—1967
- Withdrawn:
 - House Concurrent Resolution 17—68
 - House Concurrent Resolution 111—418
 - House Resolution 105—1382

REYNOLDS-KNIGHT, REBECCA—Representative Jefferson-Van Buren-Wapello Counties

- Amendments filed—218, 219, 295, 461, 511-522, 692, 729, 864, 915, 965, 966, 1184, 1185, 1186, 1224, 1261, 1459-1460, 1729
- Amendments offered—767, 1261
- Amendment withdrawn—1751
- Bills introduced—10, 54, 55, 67, 72, 73, 104, 105, 149, 157, 180, 220, 238, 241, 261, 278, 298, 314, 331, 367
- Resolutions offered—65, 1319
- Subcommittee assignments—59, 160, 201, 265, 308, 701, 786

RICHARDSON, STEVE—Representative Warren County

- Amendments filed—175, 185, 217, 218, 295, 328, 461, 462, 503, 511-522, 529, 590, 692, 693, 728, 729, 768, 771, 789, 803, 915, 963, 964, 966, 998, 1005, 1114-1115, 1129, 1184, 1423, 1472, 1633, 1722
- Amendments offered—245, 351, 503, 768, 771, 776, 804, 980, 985, 992, 996, 998, 1201, 1202, 1399, 1711, 1722, 1872
- Amendments withdrawn—771, 773, 985, 992, 1201, 1218, 1398, 1907
- Bills introduced—10, 40, 51, 55, 72, 73, 81, 149, 166, 180, 187, 237, 242, 260, 338, 367
- Explanation of votes—634, 1124, 1182, 1273
- Petition presented—236
- Resolutions offered—240, 1319
- Subcommittee assignments—59, 170, 171, 201, 213, 308, 326, 459, 556, 727, 860, 1367, 1675

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- House File 2482, H-8272—595
- House File 2494, H-8231—679
- House File 2498, H-9291 to H-9118—1803
- House File 2498, H-9257, as amended to H-9118—1812
- House File 2513, H-8814—1207

House File 2513, H-8848—1208
House File 2513, H-8865—1215
House File 2514, invoked Rule 32—1626
House File 2517, H-8315—613
House File 2533, H-8727B—1035
House File 2533, H-8777—1041
House File 2533, H-8776—1043
House File 2538, H-8746—1439
House File 2539, H-8742B—1108
House File 2539, H-8788—1110
House File 2539, H-8794—1113
House File 2539, H-8798—1114
House File 2539, H-8811B—1119
House File 2539, H-8810B—1121
House File 2560, invoked Rule 32—1781
Senate File 2073, H-8075—287
Senate File 2295, H-8602—908
Senate File 2313, H-9055—1448
Senate File 2320, H-8481, as amended—892
Senate File 2345, H-9204—1765
Senate File 2366, H-8685 to H-8616—977
Senate File 2366, H-8691 to H-8616—978
Senate File 2366, H-8652 to H-8616—984
Senate File 2366, H-8648 to H-8616—988
Senate File 2366, H-8674 to H-8616—994
Senate File 2366, H-8616, as amended—1000
Senate File 2418, H-9285B, as amended—1791
Senate Joint Resolution 2004, H-9065, as amended—1838
Senate Joint Resolution 2004, H-9100—1840
Senate Joint Resolution 2004, H-9107—1870
Senate Joint Resolution 2004, H-9114—1909
Rule 32 (commitment of appropriation and revenue bills):
 House File 2514—1626
 House File 2560—1781

Lost:

House File 299—493
House File 2482, H-8272—596
House File 2494, H-8231—680
House File 2498, H-9291 to H-9118—1803
House File 2513, H-8814—1208
House File 2513, H-8848—1209
House File 2513, H-8865—1216
House File 2517, H-8315 to H-8013—614
House File 2533, H-8727B—1035
House File 2533, H-8777—1041
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House File 2539, H-8742B—1108
House File 2539, H-8788—1111
House File 2539, H-8794 & H-8798—1114
House File 2539, H-8811B—1120
House File 2539, H-8810B—1122

Senate File 2073, H-8075—287
 Senate File 2295, H-8602—909
 Senate File 2313, H-9055—1448
 Senate File 2345, H-9204—1765
 Senate File 2366, H-8685 to H-8616—978
 Senate File 2366, H-8652 to H-8616—984
 Senate File 2366, H-8648 to H-8616—989
 Senate File 2366, H-8674 to H-8616—995
 Senate Joint Resolution 2004, H-9065—1838
 Senate Joint Resolution 2004, H-9100—1840
 Senate Joint Resolution 2004, H-9107—1870
 Senate Joint Resolution 2004, H-9114—1909

Prevailed:

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 Senate File 2366, H-8691 to H-8616—979
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Rule 32 (commitment of appropriation and revenue bills):

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 House File 2514—1627
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Pursuant to Rule 31.7 (first reading, commitments and amendments):

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 House File 2130—234
 House File 2386—383
 Senate File 2061—461
 Senate File 2218—802
 Senate File 2366—787

Pursuant to Rule 73.g (reconsideration):

House File 8—1968

Rules Invoked:

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 Senate File 2368—1081

Rule 75 (duty of voting):

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 House File 299, H-8232—510
 House File 681, H-8112 to H-8054—437
 House File 2164, H-9021 to H-8994—1597
 House File 2282, H-8071—352
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 House File 2335, H-8146—723
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 House File 2424, H-8217—585
 House File 2494, H-8161—647
 House File 2496, H-8389, as amended—754
 House File 2498, H-9276—1808
 House File 2499, H-8207—553

House File 2513, H-8814—1207
 House File 2528, H-8288—770
 House File 2528, H-8386—772
 House File 2533, H-8661—1017
 House File 2533, H-8629—1025
 House File 2533, H-8611—1032
 House File 2533, H-8610—1045
 House File 2538, H-9025—1441
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 Senate File 2094, H-8036—227
 Senate File 2277, H-8970—1401
 Senate File 2280, H-8984—1354
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 Senate File 2295, H-8581—899
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 Senate File 2295, H-8535—907
 Senate File 2295, H-8602—909
 Senate File 2333, H-8615 & H-9146—1610
 Senate File 2333, H-8636—1612
 Senate File 2366, H-8690—950
 Senate File 2366, H-8694A to H-8616—987
 Senate File 2366, H-8616, as amended—1001
 Senate File 2387, H-8620—1338
 Senate File 2415, H-9281—1755
 Senate File 2416, H-9216 to H-9205C—1686
 Senate Joint Resolution 2004, H-9114—1909

Rules Suspended:

House Concurrent Resolution 110—275
 House Concurrent Resolution 113—468
 House Resolution 102—85
 House Resolution 107—1780
 House File 681—371
 House File 2101, H-8565—885
 House File 2425—744
 House File 2553—1407
 House File 2557—1604
 House File 2558—1604
 Senate Concurrent Resolution 111—614
 Senate Concurrent Resolution 121—1926
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 Senate File 2391, H-8796, as amended—1105

Rule 4 (preservation of order):

Filming of IPT-TV documentary—1199

Rule 31.8 (first reading, commitment and amendment):

Timely filing of amendments for consideration of amendments requested from the Legislative Service Bureau—609

Rule 57 (committee notice and agenda):

Committee notice and agenda—8

Appropriations meeting—1269, 1628

Under provisions of Rule 76 (limitations on right to vote):

House File 2153—305

House File 2339—601

House File 2496, H-8389, as amended—755

House File 2496—766

House File 2560—1823

Senate File 2281—1734

SCHERRMAN, PAUL—Representative Delaware-Dubuque Counties

Amendments filed—295, 328, 378, 461, 462, 463, 511-522, 528, 558, 637, 729, 864, 914, 915, 916, 965, 966, 1005, 1039-1040, 1185, 1186, 1187

Amendments offered—493, 606, 666, 669, 670, 1030

Amendments withdrawn—669, 985

Bills introduced—10, 55, 67, 72, 148, 149, 157, 180, 187, 209, 236, 237, 367

Committee appointment—1

Leave of absence—209

Resolutions offered—154, 1319

Subcommittee assignments—49, 69, 171, 252, 254, 265, 785

SCHRADER, DAVID F.—Representative Marion-Warren Counties, Minority Leader

Amendments filed—217, 218, 219, 295, 354-355, 378, 442, 451, 461, 511-522, 691, 728, 864, 915, 964, 1115-1116, 1186, 1369, 1678

Amendments offered—244, 354, 442, 451, 773, 986, 1115, 1400

Amendment withdrawn—1489

Bills introduced—10, 67, 158, 186, 238, 272, 273, 367, 550, 638

Committee appointment—1940

Presented to the House the Honorable David Osterberg former member of the House—688

Remarks by—6-7, 1960-1962

Report—1956-1959

Resolutions offered—2, 164, 1319

Special presentation to House pages—476, 1871

Special presentation to retiring members and leaders—1902

SEATS—

Assignments of seats in press gallery—47-48, 77

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SHOULTZ, DON—Representative Black Hawk County, Assistant Minority Leader

Amendments filed—218, 219, 295, 296, 328, 344, 345, 378, 461, 511-522, 530, 720-721, 728, 892, 915, 965, 966 1005, 1184, 1185, 1186, 1265, 1265-1266, 1266-1267, 1311-1312, 1369, 1402, 1464, 1472, 1558, 1633, 1752, 1789-1790, 1790, 1790-1791, 1791-1792, 1792, 1826, 1827

Amendments offered—429, 434, 436, 437, 438, 440, 720, 892, 1021, 1023, 1199, 1208, 1265, 1266, 1311, 1402, 1623, 1752, 1790, 1791, 1792, 1826, 1827, 1873

Amendments withdrawn—552, 892, 1464, 1585, 1789, 1790, 1792, 1826, 1827
 Bills introduced—10, 61, 66, 75, 99, 149, 178, 221, 260, 314, 367
 Explanation of votes—1182
 Petition presented—91
 Resolution offered—1319
 Subcommittee assignments—56, 78, 93, 308, 340, 636, 785, 1367, 1675

SIEGRIST, BRENT—Representative **Pottawattamie** County, Majority Leader

Amendment filed—442
 Amendment offered—442
 Announced bill passed on file—525
 Bills introduced—72, 260, 277, 550
 Committee appointment—830
 Explanation of votes—170
 Leave of absence—166
 Placed bills on unfinished business calendar—816-817, 960, 970-971
 Presented to the House the Honorable Larry Allen former member of the House—727
 Presented to the House Congressman Charles E. Grassley, United States Senator and former member of the House—300
 Presented to the House the Honorable Linda Nelson former member of the House—526
 Presented to the House the Honorable Sue Mullins former member of the House—405
 Remarks by—2-5, 1962-1964
 Rereferred bills to committee—867
 Resolutions offered—2, 1128, 1319
 Special presentation to retiring members and leaders—1902
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SPEAKER OF THE HOUSE—Ron. J. Corbett, Representative **Linn** County

Addressed the House—7-8, 1964-1967
 Announcements—15, 275, 688
 Bills introduced—80, 156
 Bills referred and rereferred to committees—36, 52, 85, 212, 372, 688, 1365
 Bills signed by—358-359, 699, 817, 1072, 1221, 1316, 1365, 1470, 1554, 1630, 1769-1770, 1833, 1899, 1970-1971
 Committees appointed by—41, 1977
 Communication from the governor—1877-1979
 Conference committees appointed—1840, 1871, 1940
 Final adjournment—1979
 Final adjournment, 1998 Second Session of the Seventy-seventh General Assembly, Senate Concurrent Resolution 122—S.J. 1477 adopted, 1478 msgd., 1481 - H.J. 1967-1968 adopted
 Interim appointments—15, 16, 17
 Leave of absence—468
 Presentation of visitors—100, 289, 372, 526, 688, 912, 962, 1004, 1073, 1126, 1273, 1365-1366, 1556, 1674, 1728-1729, 1834, 1900, 1969
 Presided at sessions of the House—1, 25, 35, 39, 41, 47, 51, 57, 66, 72, 80, 99, 148, 156, 166, 186, 208, 220, 225, 243, 272, 276, 280, 285, 287, 313, 320, 329, 334, 346, 366, 379, 393, 395, 410, 416, 434, 442, 476, 492, 524, 531, 563, 609, 626, 646, 647, 662, 666, 687, 694, 703, 730, 792, 841, 879, 899, 918, 948, 953,

955, 959, 967, 970, 971, 984, 1001, 1025, 1064, 1076, 1086, 1089, 1106, 1130, 1138, 1139, 1157, 1188, 1199, 1225, 1251, 1276, 1303, 1362, 1370, 1425, 1474, 1490, 1552, 1612, 1634, 1658, 1660, 1661, 1666, 1670, 1671, 1680, 1701, 1704, 1731, 1736, 1746, 1749, 1756, 1773, 1780, 1796, 1823, 1836, 1837, 1870, 1874, 1906, 1911, 1920, 1925, 1951, 1955, 1970

Remarks by—7-8, 1964-1967

Resolutions offered—79, 1128, 1319

Resolutions relating to:

House Concurrent Resolution 101—2 adopted & msgd. - S.J. 8 adopted, 37 msgd. - H.J. 26

Rulings made—492, 620, 889, 890, 892, 959, 977, 978, 984, 988, 991, 994, 1000, 1030, 1035, 1037, 1040, 1043, 1081, 1107, 1110, 1112, 1113, 1114, 1119, 1121, 1286, 1486, 1487, 1724, 1749, 1802, 1806, 1812, 1837, 1838, 1839, 1840, 1908, 1909

Special presentation to House pages—476, 1871

SPEAKER PRO TEMPORE, Harold G. Van Maanen—Representative Mahaska-Marion Counties

(See **VAN MAANEN, HAROLD G.**—Representative Mahaska-Marion Counties, Speaker Pro Tempore)

SPECIAL COMMITTEES—

(See **COMMITTEES, SPECIAL**)

SPECIAL ORDER CALENDAR—

House File 681—255, 280, 371, 416, 421

House File 2494—381

Senate Joint Resolution 2004—1315, 1659

Removed:

House File 2494—555

SPECIAL PRESENTATION—

Urbandale Chorus—61

Miss Jamie Solinger former Miss Teen USA 1992, and Miss Iowa USA 1998—75

Representative Siegrist presented to the House Congressman Charles E. Grassley, United States Senator and former member of the House—300

Representative Mascher presented to the House Kurt Seelman from Bamberg, Germany—385-386

Representative Siegrist presented to the House the Honorable Sue Mullins former member of the House—405

Representatives Holveck and Grundberg presented winners of "Write Women Back Into History" essay contest—417-418

Representative Connors presented to the House the Honorable Wayne McKinney former Majority Leader and member of the House—456

Representative Siegrist presented to the House the Honorable Linda Nelson former member of the House—526

Representative Van Maanen presented to the House the Honorable Bill Harbor former member of the House—526

Representative Schrader presented to the House the Honorable David Osterberg former member of the House—688

Representative Fallon and others entertained the House with Irish music—726

- Representative Siegrist presented to the House the Honorable Larry Allen former member of the House—727
- Representative Churchill presented to the House eleven Russian insurance agents—918
- Representative Frevert presented to the House the Honorable Janet Adams former member of the House—1072
- Representative Koenigs presented to the House the Honorable Con Bunde, State Representative of Anchorage, Alaska—1073
- Representative Van Maanen presented to the House the Honorable Jim Geringer, Governor of Wyoming—1073
- Representative Meyer presented to the House the Honorable Wayne Bennett former member of the House and Senate—1126
- Representative Osterhaus presented to the House four foreign exchange students—1126
- Representative Welter presented to the House Marcy Machaciek, the recipient of the Mother of the Year Award—1126
- Representative Van Maanen presented to the House Gina Bandstra, Queen of the 1998 Pella Tulip Festival—1322
- Representative Greiner presented to the House the Honorable Bob Kistler former member of the House—1371
- Representative Taylor presented to the House the Honorable Rich Running former member of the House and Senate—1389
- Representative Bukta presented to the House the Honorable Bob Johnson former member of the House—1394
- Representative Bradley presented to the House Nicholas Mohr, Pleasant Valley High School, recipient of the National Good Citizen Award—1400
- Representative Fallon presented to the House three college students from Denmark—1419
- Representative Osterhaus presented to the House Pharmacist Almar Grimsson of Iceland—1425
- Representative Fallon presented to the House Ms. Ruth Ann Gaines, Iowa teacher of the Year for 1998—1642
- Representative Connors presented to the House Dr. Joan Roberts, 1997 Iowa Secondary Principal of the Year—1642
- Representative Veenstra presented to the House Shane Scholten who proposed marriage to Joy Veenstra, legislative clerk—1748
- Representative Brauns presented to the House the Honorable Leroy Corey former member of the House—1778
- To House Pages—476, 1871
- Presentation to retiring members and leaders—1902

SPONSOR—

Added:

- House File 2284—Representative Cormack—317
- House File 2368—Representative Mertz—306

ST. PATRICK'S DAY OBSERVANCE—730-731

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(Richard D. Johnson, Chairman)

Claims approved—116-146

Claims filed & disapproved—106-115, 1270-1273, 1767-1768

Communications from, stating claims filed with—105-106, 115-116, 1270, 1767

STATE GOVERNMENT, COMMITTEE ON—

- Amendments filed—235, 271, 344, 378, 691
- Amendments offered—331, 471, 1179
- Bills introduced—166, 176, 241, 273, 313, 347, 380, 381, 385
- Recommendations—154, 175, 207, 217, 234, 256, 270, 294-295, 343-344, 376-377, 690-691, 788, 823-824
- Subcommittee assignments—23, 37, 58, 63, 69, 78, 87, 93, 101, 146, 147, 152, 160, 171, 183, 200, 201, 202, 212, 213, 253, 266, 289, 290, 326, 405, 527, 556, 561, 589, 689, 728, 799, 800

STATE OF THE STATE AND BUDGET MESSAGES—

- Delivered by Governor Terry E. Branstad—27-35
- Resolution relating to, HCR 101—2 adopted & msgd. - S.J. 8 adopted, 37 msgd. - H.J. 26

STUDY BILL COMMITTEE ASSIGNMENTS—

- Agriculture—23, 60, 89, 254, 268, 291, 310, 327
- Appropriations—97, 147, 163, 173, 215, 216, 255, 291, 317, 406, 801
- Commerce-Regulation—64, 96, 153, 162, 173, 184, 204, 268, 327, 341, 360
- Economic Development—95, 102, 174, 267
- Education—70, 90, 97, 153, 184, 203, 204, 205, 291
- Environmental Protection—162, 172, 215, 233
- Human Resources—153, 163, 185, 203, 204, 215, 267, 268, 341
- Judiciary—50, 64, 89, 90, 95, 96, 154, 162, 205, 267, 317, 327, 360, 374
- Labor and Industrial Relations—64, 162, 173, 327
- Local Government—78, 79, 96, 147, 163, 202, 203, 204, 267, 291, 292, 310
- Natural Resources—147, 233, 317
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- Transportation—96, 173, 204, 205, 233, 291, 310
- Ways and Means—38, 79, 90, 147, 161, 233, 310, 360, 382, 557, 689, 787

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(See also LEGISLATIVE COUNCIL)

Resolutions relating to:

- House Concurrent Resolution 14—426 - 1998 - 266
- House Concurrent Resolution 15—H.J. 463-464, 706 adopted, 712 msgd. - S.J. 718, 726, 854 - 1998 - S.J. 261-262, 331, 332-333 adopted, 336 msgd. - H.J. 280, 295, 409, 922-924 adopted & msgd. - S.J. 901, 917, 1211 refused to concur, 2115 msgd. - H.J. 1603, 1832 adopted & msgd. - S.J. 1402
- House Concurrent Resolution 104—154, 253, 318
- House Concurrent Resolution 109—253, 266, 361, 914, 1558, 1632
- House Concurrent Resolution 110—270, 275 adopted & msgd. - S.J. 346, 385, 1346, 1355 adopted, 1362 msgd. - H.J. 1757
- House Concurrent Resolution 112—295
- House Concurrent Resolution 117—1319
- House Resolution 101—65

SUBCOMMITTEE ASSIGNMENTS—

Assigned—23, 37-38, 48-50, 52-53, 56, 58-59, 63, 68-69, 78, 87-88, 92-94, 101, 146-147, 152-153, 160, 170-172, 183, 200-202, 212-213, 230-231, 252-254, 265-266, 289-290, 307-309, 325-326, 339-340, 359, 373, 405-406, 459-460, 527-528, 556-557, 561, 589, 635-636, 689, 701-702, 727, 728, 785-786, 799-800, 819, 860, 913, 1004, 1183, 1274, 1367, 1557, 1675, 1901
 Reassigned—68, 69, 92, 200, 252, 289, 635, 701, 785, 800

SUKUP, STEVEN E.—Representative Franklin-Hardin Counties

Amendments filed—462, 529, 789, 828, 863, 965, 966, 1089-1101, 1101, 1105, 1320, 1424, 1746-1747
 Amendments offered—210, 813, 888, 1371, 1409, 1746
 Amendment withdrawn—1371
 Announcement of bill passed on file (as acting Speaker)—405
 Appointed to the Legislative Oversight Committee—17
 Bills introduced—10, 67, 72, 76, 80, 81, 156, 178, 208, 298, 299, 314, 346
 Presided at sessions of the House—397
 Resolutions offered—1128, 1184, 1319
 Subcommittee assignments—49, 50, 87, 88, 160, 171, 201, 252, 253, 308, 309, 339, 340, 359, 406, 527, 635, 636, 689, 702, 786, 800, 860, 1557, 1675, 1901

SUPREME COURT OF IOWA—

(Chief Justice Arthur A. McGiverin)

Delivered the Condition of the Judicial Department's Message—42-47
 Resolution relating to the condition of the judicial department, HCR 102—2
 adopted & msgd. - S.J. 9, 37 adopted & msgd. - H.J. 26

TAYLOR, TODD—Representative Linn County

Amendments filed—207, 218, 219, 295, 328, 378, 384, 461, 462, 463, 504, 511-522, 529, 558, 637, 728, 778, 778-779, 779, 864, 889-890, 915, 965, 966, 1005, 1075, 1185, 1186, 1187, 1224, 1458, 1473, 1549, 1614, 1677, 1730, 1747, 1748, 1772, 1789-1790
 Amendments offered—396, 498, 499, 500, 501, 502, 504, 511, 778, 779, 889, 1084, 1086, 1087, 1458, 1549, 1551, 1611, 1613, 1614, 1789, 1808
 Amendments withdrawn—402, 509, 1550, 1751
 Appointed to the Commission of Elder Affairs—16
 Bills introduced—10, 55, 149, 157, 177, 180, 187, 241, 367
 Leave of absence—591
 Presented to the House the Honorable Rich Running former member of the House and Senate—1389
 Resolutions offered—79, 97, 1319
 Subcommittee assignments—23, 49, 101, 201, 202, 253, 265, 373, 800

TEIG, RUSSELL W.—Representative Franklin-Hamilton-Hardin-Wright Counties

Amendments filed—637, 654, 728, 966, 1089-1101, 1184, 1558, 1678
 Amendments offered—648, 654
 Bills introduced—80, 149, 156, 178, 187, 299, 316, 320
 Resolution offered—1319
 Subcommittee assignments—160, 171, 213, 252, 340, 459, 799, 913, 1367, 1675

THOMAS, ROGER—Representative Allamakee-Clayton-Fayette Counties

Amendments filed—219, 296, 328, 378, 409, 462, 511-522, 529, 729, 825, 864, 915, 916, 963, 964, 965, 966, 1039-1040, 1112-1113, 1184, 1185, 1186, 1187, 1275, 1369, 1558, 1678, 1729
 Amendments offered—353, 833, 1112, 1658
 Amendment withdrawn—1161
 Bills introduced—8, 24, 41, 55, 67 80, 104, 149, 157, 180, 187, 241, 278, 297, 298, 367
 Leave of absence—150
 Petitions presented—80, 1634
 Resolutions offered—1184, 1319, 1557
 Subcommittee assignments—49, 92, 213, 289, 340, 635

THOMSON, ROSEMARY—Representative Linn County

Amendments filed—702, 728, 915, 950-951, 965, 1005, 1089-1101, 1633
 Amendments offered—739, 950, 1360
 Amendment withdrawn—740
 Bills introduced—9, 10, 25, 51, 66, 67, 72, 80, 81, 104, 149, 156, 178, 220, 221, 241, 259, 299, 346, 349
 Leave of absence—533, 563, 591
 Resolutions offered—79, 1184, 1319
 Subcommittee assignments—49, 59, 93, 160, 183, 252, 265, 266, 308, 589, 635

TRANSPORTATION, COMMITTEE ON—

Amendment filed—803
 Amendment offered—1076
 Bills introduced—297, 329, 330, 348, 380, 411, 413, 531
 Recommendations—71, 207, 270, 319, 364, 384, 802, 862
 Subcommittee assignments—37, 49, 53, 59, 69, 152, 153, 171, 212, 213, 231, 265, 266, 308, 325, 326, 556, 635, 689, 785

TYRRELL, PHIL—Representative Benton-Iowa Counties

Amendments filed—461, 529, 1184, 1678
 Bills introduced—51, 57, 67, 73, 80, 81, 149, 156, 157, 178, 187, 260, 299
 Presided at sessions of the House—537
 Report—35-36
 Resolutions offered—1319, 1423
 Rulings made (as acting Speaker)—540
 Subcommittee assignments—23, 59, 93, 147, 171, 183, 200, 201, 213, 253, 265, 266, 527, 561, 728, 800

UNANIMOUS CONSENT—

House File 2532—1124
 Senate File 2385—1923

UNFINISHED BUSINESS CALENDAR—

Bills placed on—816-817, 960, 970-971

VAN FOSSEN, JAMES—Representative Scott County

Amendments filed—461, 529, 624, 637, 1089-1101, 1129, 1184, 1424, 1678, 1772
 Amendments offered—538, 624, 1292, 1389, 1622, 1780
 Amendments withdrawn—625, 1389
 Bills introduced—67, 76, 80, 81, 156, 188, 177, 178, 187, 222, 299

Committee appointments—1871, 1940
 Explanation of votes—1072
 Presided at sessions of the House—85, 1666, 1670, 1910
 Reports—1875-1896, 1956-1959
 Resolutions offered—461, 1184, 1319
 Subcommittee assignments—23, 63, 68, 78, 93, 147, 170, 171, 201, 212, 230,
 265, 309, 339, 527, 556, 561, 589, 689, 701, 702, 728, 860, 913, 1004, 1367,
 1675

VAN MAANEN, HAROLD G.—Representative Mahaska-Marion Counties,
 Speaker Pro Tempore
 Amendments filed—803, 891, 965, 1677, 1772
 Amendments offered—891, 1806
 Amendment withdrawn—1806
 Appointments announced (as acting Speaker)—61
 Bills introduced—80, 81, 156, 178, 638
 Bills referred or rereferred to committees (as acting Speaker)—77, 91, 198,
 783, 817
 Committee appointments—1840, 1977
 Committees appointed by (as acting Speaker)—829, 830
 Conference committee appointments (as acting Speaker)—1411
 Leave of absence—346, 366
 Presentation of visitors (as acting Speaker)—634-635, 784, 818, 1183
 Presented to the House the Honorable Bill Harbor former member of the
 House—526
 Presented to the House the Honorable Jim Geringer, Governor of Wyoming—
 1073
 Presented to the House Gina Bandstra, Queen of the 1998 Pella Tulip
 Festival—1322
 Presided at sessions of the House—24, 61, 66, 75, 91, 176, 192, 194, 225, 241,
 257, 276, 284, 385, 412, 417, 449, 464, 468, 503, 522, 562, 591, 608, 632, 638,
 642, 733, 772, 790, 804, 829, 865, 947, 1006, 1011, 1158, 1226, 1322, 1323,
 1345, 1388, 1403, 1438, 1440, 1447, 1460, 1489, 1536, 1559, 1644, 1686, 1756,
 1780, 1869, 1918
 Report—1936-1938
 Resolution offered—1319
 Rulings made (as acting Speaker)—595, 613, 1160, 1439, 1448, 1781, 1791,
 1794, 1870
 Special presentation to House pages—476
 Subcommittee assignments—78, 92, 172, 183, 213, 252, 340, 556, 785

VANDE HOEF, RICHARD—Representative Lyon-O'Brien-Osceola-Sioux
 Counties
 Amendments filed—558, 789, 914, 965, 1184, 1224, 1369, 1464, 1678, 1729,
 1746, 1772
 Amendments offered—331, 586, 735, 737, 1169, 1171, 1299, 1776, 1903
 Amendments withdrawn—585, 1754, 1811
 Bills introduced—10, 39, 40, 66, 73, 76, 80, 81, 156, 176, 178, 187, 188, 346, 367
 Petition presented—694
 Resolutions offered—240, 1319, 1901
 Subcommittee assignments—49, 59, 201, 230, 231, 265, 309, 325, 326, 373, 727,
 728, 785, 800

VEENSTRA, KEN—Representative Sioux County

Amendments filed—789, 1005, 1089-1101, 1184, 1369, 1464, 1466
 Amendments offered—1192, 1456, 1464, 1466
 Amendment withdrawn—1463
 Bills introduced—76, 80, 81, 149, 156, 176, 188, 299, 349
 Leave of absence—413
 Presented to the House Shane Scholten who proposed marriage to Joy Veenstra, legislative clerk—1748
 Presentation of visitors (as acting Speaker)—1420, 1770
 Presided at sessions of the House—297, 508, 716, 718, 767, 952, 1059, 1082, 1139, 1199, 1416, 1687, 1755, 1763
 Resolutions offered—1183, 1319
 Rulings made (as acting Speaker)—721, 722, 1765
 Subcommittee assignments—63, 93, 94, 101, 160, 213, 252, 265, 307, 340, 527, 557, 635, 689, 702, 786, 800

VISITORS—

Presentation of—100, 289, 359, 372, 526, 634-635, 688, 784, 818, 912, 962, 1004, 1073, 1126, 1183, 1222, 1273, 1317, 1365-1366, 1420, 1471, 1556, 1630-1631, 1674, 1728-1729, 1770, 1834, 1900, 1969

VOTES—

Non-record—245, 249, 287, 337, 401, 437, 445, 500, 524, 598, 606, 654, 667, 670, 722, 723, 764, 765, 768, 769, 771, 772, 774, 777, 781, 812, 857, 889, 893, 894, 897, 901, 906, 908, 909, 950, 984, 986, 1035, 1038, 1039, 1042, 1085, 1086, 1087, 1088, 1114, 1201, 1205, 1226, 1260, 1261, 1267, 1286, 1304, 1305, 1306, 1308, 1312, 1313, 1338, 1353, 1360, 1418, 1441, 1448, 1455, 1468, 1491, 1610, 1612, 1626, 1639, 1670, 1672, 1696, 1700, 1710, 1726, 1750, 1755, 1765, 1777, 1781, 1790, 1791, 1793, 1802, 1803, 1806, 1808, 1812, 1825, 1826, 1836, 1838, 1840, 1870, 1872, 1873, 1874
 Record—192, 226, 227, 228, 249, 282, 284, 285, 286, 350, 352, 355, 397, 398, 400, 430, 435, 436, 437, 440, 442, 444, 447, 450, 451, 474, 493, 494, 496, 499, 503, 504, 508, 510, 522, 523, 553, 585, 595, 599, 613, 615, 620, 647, 655, 662, 666, 668, 670, 679, 686, 718, 723, 754, 770, 813, 834, 890, 899, 902, 904, 907, 948, 954, 955, 957, 959, 977, 978, 979, 987, 988, 995, 1000, 1001, 1014, 1016, 1020, 1024, 1025, 1028, 1032, 1036, 1041, 1043, 1044, 1045, 1084, 1107, 1108, 1110, 1116, 1119, 1121, 1154, 1195, 1200, 1207, 1208, 1215, 1217, 1250, 1261, 1304, 1309, 1310, 1354, 1357, 1401, 1412, 1416, 1439, 1441, 1453, 1455, 1548, 1550, 1597, 1610, 1612, 1624, 1625, 1627, 1666, 1671, 1686, 1691, 1723, 1725, 1747, 1749, 1809, 1813, 1815, 1909, 1935
 Quorum call—412, 477, 510, 563, 592, 608, 646, 745, 896, 918, 947, 983, 1012, 1082, 1089, 1138, 1139, 1199, 1323, 1388, 1440, 1491, 1604, 1670, 1687, 1746, 1780, 1869

WARNSTADT, STEVE—Representative Woodbury County

Amendments filed—207, 296, 328, 384, 511-522, 529, 692, 789, 828, 862, 863, 864, 914, 915, 916, 963, 964, 965, 966, 1075, 1184, 1185, 1186, 1187, 1319, 1320, 1358, 1473, 1557, 1558, 1677, 1678, 1712
 Amendments offered—907, 971, 1015, 1131, 1134, 1358, 1361, 1598, 1664, 1870
 Amendments withdrawn—971, 1035, 1070, 1192, 1440, 1658, 1712, 1801, 1910
 Bills introduced—10, 55, 66, 72, 81, 99, 148, 149, 157, 178, 180, 187, 237, 257, 273, 278, 314, 347, 357, 367, 380

Committee appointment—1940
 Report—1956-1959
 Resolutions offered—154, 295, 1319
 Subcommittee assignments—171, 172, 201, 253, 290, 308, 359, 527, 1274, 1901

WAYS AND MEANS, COMMITTEE ON—

Amendments filed—1128, 1320, 1730
 Amendments offered—1775, 1778, 1823
 Bills introduced—104, 176, 243, 314, 315, 316, 411, 531, 638, 694, 804, 960, 961,
 1123, 1268, 1322, 1370, 1425, 1660, 1690
 Recommendations—103, 164, 185, 234, 311-312, 377, 528, 636, 788, 913-914,
 963, 1127-1128, 1274, 1318-1319, 1422, 1677, 1729
 Subcommittee assignments—68, 69, 78, 88, 170, 171, 212, 213, 265, 308, 459,
 527, 556, 701, 727, 799, 800, 860, 913, 1004, 1183, 1367, 1675

WEIDMAN, DICK—Representative Cass-Montgomery-Pottawattamie Counties

Amendments filed—558, 692, 728, 1089-1101, 1275, 1320, 1678, 1729
 Amendments offered—771, 830, 856, 1488
 Amendment withdrawn—1487
 Appointed to the Interstate Cooperation Commission—17
 Bills introduced—61, 73, 80, 149, 156, 187
 Committee appointments—27, 830
 Leave of absence—300
 Resolution offered—1319
 Subcommittee assignments—37, 59, 88, 153, 201, 231, 266, 308, 325, 326, 556,
 689, 785, 799

WEIGEL, KEITH—Representative Chickasaw-Howard-Winneshiek Counties

Amendments filed—165, 168, 207, 218, 235, 248-249, 296, 378, 461, 511-522,
 523, 529, 590, 637, 691, 720, 728, 729, 915, 916, 956, 957-959, 965, 1005, 1039-
 1040, 1043, 1074, 1075, 1185, 1186, 1187, 1251-1252, 1275, 1307, 1311, 1423,
 1472, 1473, 1730, 1746, 1750
 Amendments offered—168, 247, 248, 250, 523, 675, 719, 720, 721, 956, 957,
 1039, 1043, 1161, 1200, 1299, 1304, 1307, 1309, 1311, 1312, 1438, 1596, 1667,
 1746, 1750, 1836, 1838
 Amendments withdrawn—250, 719, 722, 1307, 1312, 1313, 1755
 Bills introduced—10, 180, 260, 272, 367
 Committee appointment—26
 Explanation of votes—358
 Leave of absence—320, 331
 Subcommittee assignments—101, 201, 230, 252, 459, 527, 701, 800, 1183, 1367,
 1675

WELTER, JERRY J.—Representative Jones-Linn Counties

Amendments filed—207, 462, 529, 691, 692, 729, 863, 963, 964, 1114-1115,
 1184, 1729
 Amendments offered—195, 741, 773, 1076, 1077
 Bills introduced—72, 73, 76, 80, 149, 156, 176, 177, 178, 187
 Presented to the House Marcy Machaciek, the recipient of the Mother of the
 Year Award—1126
 Resolutions offered—240, 824, 1319
 Subcommittee assignments—49, 52, 59, 265, 308, 309, 326, 556, 635, 800

WHITEAD, WESLEY—Representative **Woodbury County**

Amendments filed—218, 219, 296, 328, 378, 461, 462, 511-522, 529, 530, 558,
863, 915, 964, 1005, 1075, 1184, 1185, 1186, 1187, 1320, 1423, 1473, 1678
Amendments offered—503, 539, 1082, 1157, 1486, 1710
Bills introduced—10, 55, 67, 72, 81, 148, 149, 157, 176, 180, 187, 220, 237, 241,
257, 258, 278, 314, 347, 367
Resolution offered—154
Subcommittee assignments—69, 147, 200, 213, 326, 527, 556, 728

WISE, PHILIP—Representative **Henry-Lee Counties**

Amendments filed—218, 296, 328, 378, 408, 409, 462, 511-522, 529, 675, 691,
692, 729, 803, 864, 914, 915, 916, 947-948, 963, 964, 966, 1005, 1033, 1075,
1185, 1186, 1320, 1423, 1473, 1632, 1633, 1677, 1686, 1692-1696, 1722-1723,
1725
Amendments offered—496, 502, 673, 899, 947, 953, 1161, 1312, 1598, 1686,
1692, 1722, 1725
Amendments withdrawn—675, 955, 1309, 1442, 1906
Bills introduced—10, 55, 72, 81, 100, 149, 156, 180, 187, 188, 367
Leave of absence—777
Resolutions offered—1184, 1319
Subcommittee assignments—59, 78, 93, 201, 213, 230, 252, 253, 266, 339, 459,
589, 689, 785, 1274

WITT, WILLIAM G.—Representative **Black Hawk County**

Amendments filed—207, 296, 344, 462, 511-522, 528, 529, 530, 637, 692, 788,
789, 803, 824, 825, 863, 864, 915, 1005, 1129, 1185, 1186, 1216, 1369, 1423,
1632, 1633, 1678, 1709
Amendments offered—386, 552, 582, 656, 792, 901, 903, 1016, 1026, 1216,
1467, 1625, 1626, 1709
Amendments withdrawn—792, 1020
Bills introduced—10, 67, 72, 80, 104, 149, 157, 178, 208, 220, 261, 272, 276, 278,
298, 367
Explanation of votes—688
Subcommittee assignments—253, 265, 289, 340