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**Convened January 8, 2001
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**Volume II
April 23, 2001—May 8, 2001**

**THOMAS J. VILSACK, Governor
BRENT SIEGRIST, Speaker of the House
MARY KRAMER, President of the Senate**

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JOURNAL OF THE HOUSE

One Hundred Sixth Calendar Day - Seventy-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 23, 2001

The House met pursuant to adjournment at 1:12 p.m., Speaker Siegrist in the chair.

Prayer was offered by Reverend Michael Schueller, pastor of St. Boniface Catholic Church, Garner and St. Wenceslaus Catholic Church, Duncan. He was the guest of Representative Henry Rayhons from Hancock County.

The Journal of Friday, April 20, 2001 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the 4-H group from Harrison County. They are the guests of the Honorable Donna Barry, state representative from Harrison County.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kuhn of Floyd until his arrival, on request of Bukta of Clinton; Witt of Black Hawk, until his arrival, on request of Myers of Johnson.

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, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 662, a bill for an act relating to Iowa's community empowerment initiative and providing an effective date.

Also: That the Senate has on April 20, 2001, passed the following bill in which the concurrence of the House is asked:

Senate File 532, a bill for an act relating to matters related to the tobacco settlement including the tobacco settlement authority, the tobacco settlement trust fund, and the tobacco settlement endowment fund, and providing an effective date.

Also: That the Senate has on April 20, 2001, passed the following bill in which the concurrence of the House is asked:

Senate File 533, a bill for an act relating to and making appropriations to the tobacco settlement trust fund and providing a contingent effective date.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 532, by committee on appropriations, a bill for an act relating to matters related to the tobacco settlement including the tobacco settlement authority, the tobacco settlement trust fund, and the tobacco settlement endowment fund, and providing an effective date.

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

Senate File 533, by committee on appropriations, a bill for an act relating to and making appropriations to the tobacco settlement trust fund and providing a contingent effective date.

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

CONSIDERATION OF BILLS

Unfinished Business Calendar

Senate Joint Resolution 3, a joint resolution authorizing the sixth judicial district department of correctional services to extend a lease-purchase agreement and providing an effective date.

Kettering of Sac offered the following amendment H-1489 filed by him and moved its adoption:

H-1489

- 1 Amend Senate Joint Resolution 3, as passed by the
- 2 Senate, as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "Milwaukee" the following: "for the acquisition of
- 5 approximately ten acres of real property located next
- 6 to the community-based correctional facility in Cedar
- 7 Rapids, Iowa. The general assembly also authorizes
- 8 the sixth judicial district department of correctional
- 9 services, in lieu of extending the current lease-

10 purchase agreement, to enter into a new lease-purchase
11 agreement for a period beginning in the year 2001 and
12 extending through June 1, 2008, for the purpose of
13 refunding the current lease-purchase agreement and
14 financing the acquisition of approximately ten acres
15 of real property located next to the community-based
16 correctional facility in Cedar Rapids, Iowa".

17 2. Page 1, line 10, by striking the words "of
18 the" and inserting the following: "or entering into
19 of a new".

20 3. Page 1, line 12, by striking the word "the"
21 and inserting the following: "or enter into a new".

22 4. Title, page 1, line 2, by striking the word
23 "a" and inserting the following: "or enter into a
24 new".

25 5. Title, page 1, line 16, by inserting after the
26 word "Iowa" the following: ", or is desirous to enter
27 into a new lease-purchase agreement to refund the
28 current lease-purchase agreement and to acquire such
29 property".

30 6. Title, page 1, by inserting after line 18 the
31 following:

32 "WHEREAS, if a new lease-purchase agreement is
33 entered into, the term would commence in the year
34 2001, and end on June 1, 2008; and".

35 7. Title, page 2, by inserting after line 1 the
36 following:

37 "WHEREAS, the sixth judicial district department of
38 correctional services requests authorization to enter
39 into a new lease-purchase agreement in lieu of
40 extending the current lease-purchase agreement if the
41 district department so desires; and".

42 8. Title, page 2, line 6, by striking the word
43 "the" and inserting the following: "or entering into
44 a new".

45 9. Title, page 2, line 7, by striking the word
46 "the" and inserting the following: "or enter into a
47 new".

Amendment H-1489 was adopted.

Kettering of Sac 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.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 3)

The ayes were, 93:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Fallon
Finch	Foege	Ford	Frevort
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Winckler
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 7:

Falck	Kuhn	Myers	Reynolds
Schrader	Wise	Witt	

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

MOTION TO RECONSIDER WITHDRAWN (Senate File 141)

Van Fossen of Scott asked and received unanimous consent to withdraw the motion to reconsider **Senate File 141**, a bill for an act relating to the allocation of program job credits to program costs under the accelerated career education program and providing effective and retroactive applicability dates, filed by him on April 17, 2001.

Senate File 81, a bill for an act relating to limitations on the disbursement of economic development financial assistance moneys by state agencies, with report of committee recommending amendment and passage, was taken up for consideration.

Hoffman of Crawford offered the following amendment H-1438 filed by the committee on economic development and moved its adoption:

H-1438

- 1 Amend Senate File 81, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 4, by striking the words "shall
- 4 give priority" and inserting the following: "may give
- 5 additional consideration or additional points in the
- 6 application of rating or evaluation criteria".

The committee amendment H-1438 was adopted.

Hoffman of Crawford 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. 81)

The ayes were, 98:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevrt	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Houser
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson

Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Winckler
Wise	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 2:

Schrader	Witt
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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 84, a bill for an act prohibiting the sale or distribution of purple loosestrife, with report of committee recommending amendment and passage, was taken up for consideration.

Baudler of Adair offered the following amendment H-1429 filed by the committee on natural resources and moved its adoption:

H-1429

- 1 Amend Senate File 84, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 24 through 27, and
- 4 inserting the following: "~~hours~~. Any person
- 5 violating the provisions of this".

The committee amendment H-1429 was adopted.

Baudler of Adair 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. 84)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohon

Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Falck	Fallon
Finch	Foege	Ford	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Rekow	Reynolds	Richardson	Roberts
Scherrman	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Warnstadt
Weidman	Winckler	Wise	Mr. Speaker
			Siegrist

The nays were, none.

Absent or not voting, 4:

Barry	Schrader	Van Fossen	Witt
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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

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Joint Resolution 3** and **Senate Files 81** and **84**.

Senate File 265, a bill for an act prohibiting the installation, distribution, or sale of nonoperative air bags and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Johnson 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. 265)

The ayes were, 98:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Houser
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Winckler
Wise	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 2:

Schrader Witt

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

Senate File 313, a bill for an act relating to removal of county board of supervisor appointees, with report of committee recommending passage, was taken up for consideration.

Van Engelenhoven of Mahaska 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. 313)

The ayes were, 98:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Houser
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Winckler
Wise	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 2:

Schrader Witt

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

Senate File 323, a bill for an act relating to the standard for investment of retirement funds by municipal utilities, with report of committee recommending passage, was taken up for consideration.

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. 323)

The ayes were, 98:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boguess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Houser
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Winckler
Wise	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 2:

Schrader Witt

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

Senate File 473, a bill for an act relating to the regulation of securities, by defining the terms "agent" and "security", providing registration requirements, providing for disciplinary actions, imposing fees and civil penalties, providing for testimony and the production of evidence, authorizing cooperation with law enforcement entities, providing criminal penalties, and eliminating reporting requirements, with report of committee recommending amendment and passage, was taken up for consideration.

Hoffman of Crawford offered amendment H-1448 filed by the committee on commerce and regulation as follows:

H-1448

1 Amend Senate File 473, as passed by the Senate, as
2 follows:

3 1. Page 7, by inserting after line 4, the
4 following:

5 "SUBCHAPTER 1

6 SHORT TITLE AND DEFINITIONS

7 Sec. ____ NEW SECTION. 523A.101 SHORT TITLE.

8 This chapter may be cited as the "Iowa Cemetery and
9 Funeral Merchandise and Funeral Services Act".

10 Sec. ____ NEW SECTION. 523A.102 DEFINITIONS.

11 For purposes of this chapter, unless the context
12 otherwise requires:

13 1. "Authorized to do business within this state"
14 means a person licensed, registered, or subject to
15 regulation by an agency of the state of Iowa or who
16 has filed a consent to service of process with the
17 commissioner for purposes of this chapter.

18 2. "Beneficiary" means any natural person
19 specified or included in a purchase agreement, upon
20 whose future death cemetery merchandise, funeral
21 merchandise, funeral services, or a combination
22 thereof are to be provided under the purchase
23 agreement.

24 3. "Burial account" means an account established
25 by a person with a financial institution for the
26 purpose of funding the future purchase of cemetery
27 merchandise, funeral merchandise, or a combination
28 thereof without any related trust agreement.

29 4. "Burial trust fund" means an irrevocable burial
30 trust fund established by a person with a financial
31 institution for the purpose of funding the future
32 purchase of cemetery merchandise, funeral merchandise,
33 funeral services, or a combination thereof upon the
34 death of the person named in the burial trust fund's
35 records or a related purchase agreement. "Burial
36 trust fund" does not include or imply the existence of
37 any oral or written purchase agreement for cemetery
38 merchandise, funeral merchandise, funeral services, or
39 a combination thereof between the person and a seller.

40 5. "Cemetery merchandise" means foundations, grave
41 markers, tombstones, ornamental merchandise,
42 memorials, and monuments sold under a purchase
43 agreement that does not require installation within
44 twelve months of the purchase.

45 6. "Commissioner" means the commissioner of
46 insurance or the deputy administrator authorized in

47 section 523A.801 to the extent the commissioner
48 delegates functions to the deputy administrator.
49 7. "Common business enterprise" means a group of
50 two or more business entities that share common

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1 ownership in excess of fifty percent.
2 8. "Credit sale" means a sale of goods, services,
3 or an interest in land in which all of the following
4 are applicable:
5 a. Credit is granted either under a seller credit
6 card or by a seller who regularly engages as a seller
7 in credit transactions of the same kind.
8 b. The buyer is a person other than an
9 organization.
10 c. The goods, services, or interest in land are
11 purchased primarily for a personal, family, or
12 household purpose.
13 d. Either the debt is payable in installments or a
14 finance charge is made.
15 e. For goods and services, the amount financed
16 does not exceed twenty-five thousand dollars.
17 9. "Delivery" occurs when:
18 a. The cemetery merchandise, funeral merchandise,
19 or the title document establishing an easement for
20 burial rights is physically delivered to the purchaser
21 or installed, except that burial of any item at the
22 site of its ultimate use shall not constitute delivery
23 for purposes of this chapter.
24 b. If authorized by a purchaser under a purchase
25 agreement, cemetery merchandise has been permanently
26 identified with the name of the purchaser or the
27 beneficiary and delivered to a bonded warehouse or
28 storage facility approved by the commissioner and both
29 title to the merchandise and a warehouse receipt have
30 been delivered to the purchaser or beneficiary and a
31 copy of the warehouse receipt has been delivered to
32 the establishment for retention in its files.
33 c. If authorized by a purchaser under a purchase
34 agreement, a polystyrene or polypropylene outer burial
35 container has been permanently identified with the
36 name of the purchaser or the beneficiary and delivered
37 to a bonded warehouse or storage facility approved by
38 the commissioner and both title to the merchandise and
39 a warehouse receipt have been delivered to the
40 purchaser or beneficiary and a copy of the warehouse
41 receipt has been delivered to the establishment for
42 retention in its files.
43 10. "Doing business in this state" means issuing
44 or performing wholly or in part any term of a purchase
45 agreement executed within the state of Iowa.

46 11. "Establishment" means each business
47 establishment that advertises, sells, promotes, or
48 offers cemetery merchandise, funeral merchandise,
49 funeral services, or a combination thereof prior to
50 the death of the person named or implied in a purchase

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1 agreement.
2 12. "Financial institution" means a state or
3 federally insured bank, savings and loan association,
4 credit union, trust department thereof, or a trust
5 company authorized to do business within this state
6 and which has been granted trust powers under the laws
7 of this state or the United States, which holds funds
8 under a trust agreement. "Financial institution" does
9 not include:
10 a. A seller.
11 b. Anyone employed by or directly involved with
12 the seller in the seller's cemetery merchandise,
13 funeral merchandise, or funeral services business.
14 13. "Funeral merchandise" means personal property
15 used for the final disposition of a dead human body,
16 including but not limited to clothing, caskets,
17 vaults, urns, and interment receptacles. "Funeral
18 merchandise" does not include easements for burial
19 rights in a completed space or cemetery merchandise.
20 14. "Funeral services" means services provided for
21 the final disposition of a dead human body, including
22 but not limited to services necessarily or customarily
23 provided for a funeral, or for the interment,
24 entombment, or cremation of a dead human body, or any
25 combination thereof. "Funeral services" does not
26 include perpetual care or maintenance.
27 15. "Inner burial container" means a container in
28 which human remains are placed for burial or
29 entombment. Where only one container is used for
30 burial or entombment, "inner burial container"
31 includes a container serving as a burial vault, urn
32 vault, grave box, grave liner, or lawn crypt.
33 16. "Insolvent" means the inability to pay debts
34 as they become due in the usual course of business.
35 17. "Interest or income" means unrealized net
36 appreciation or loss in the fair value of cemetery
37 merchandise, funeral merchandise, and funeral services
38 trust assets for which a market value may be
39 determined with reasonable certainty, plus the return
40 in money or property derived from the use of trust
41 principal or income, net of investment losses, taxes,
42 and expenses incurred in the sale of trust assets, any
43 cost of the operation of the trust, and any annual
44 audit fee. "Interest or income" includes but is not

45 limited to:

- 46 a. Rent of real or personal property, including
- 47 sums received for cancellation or renewal of a lease
- 48 and any royalties.
- 49 b. Interest on money lent, including sums received
- 50 as consideration for prepayment of principal.

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- 1 c. Cash dividends paid on corporate stock.
- 2 d. Interest paid on deposit funds or debt
- 3 obligations.
- 4 e. Gain realized from the sale of trust assets.
- 5 18. "Next of kin" means the surviving spouse and
- 6 heirs at law of the deceased.
- 7 19. "Nonguaranteed" means that the price of the
- 8 merchandise and services selected has not been fixed
- 9 or guaranteed and will be determined by existing
- 10 prices at the time the merchandise and services are
- 11 delivered or provided.
- 12 20. "Outer burial container" means a container
- 13 used for the burial of human remains that is used
- 14 exclusively to surround or enclose an inner burial
- 15 container and to support the earth above the
- 16 container, commonly known as a burial vault, urn
- 17 vault, grave box, or grave liner, but not including a
- 18 lawn crypt.
- 19 21. "Parent company" means a corporation that has
- 20 a controlling interest in an establishment.
- 21 22. "Person" means an individual, business,
- 22 corporation, trust, firm, partnership, association, or
- 23 any other legal entity.
- 24 23. "Personal representative" means a personal
- 25 representative as defined in section 633.3.
- 26 24. "Provider" means a person that provides
- 27 funeral services, funeral merchandise, or cemetery
- 28 merchandise purchased in a purchase agreement.
- 29 25. "Purchase agreement" means an agreement to
- 30 furnish cemetery merchandise, funeral merchandise,
- 31 funeral services, or a combination thereof when
- 32 performance or delivery may be more than one hundred
- 33 twenty days following the initial payment on the
- 34 account.
- 35 26. "Purchase price" means the negotiated price
- 36 for the item of merchandise or service, if itemized in
- 37 the purchase agreement, or the price of the item
- 38 listed in the seller's general price list at the time
- 39 the purchase agreement is signed.
- 40 27. "Purchaser" means a person who purchases
- 41 cemetery merchandise, funeral merchandise, funeral
- 42 services, or a combination thereof. The purchaser
- 43 need not be a beneficiary of the agreement.

44 28. "Seller" means a person doing business within
45 this state, including a person doing business within
46 this state who sells insurance, who advertises, sells,
47 promotes, or offers to furnish cemetery merchandise,
48 funeral merchandise, funeral services, or a
49 combination thereof when performance or delivery may
50 be more than one hundred twenty days following the

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1 initial payment on the account whether the transaction
2 is completed or offered in person, through the mail,
3 over the telephone, by the internet, or through any
4 other means of commerce. "Seller" includes any person
5 performing any term of a purchase agreement executed
6 within this state, and any person identified under a
7 burial account as the provider of cemetery
8 merchandise, funeral merchandise, funeral services, or
9 a combination thereof.

10 29. "Total purchase price" means the aggregate
11 amount the purchaser is obligated to pay for
12 merchandise or services pursuant to the purchase
13 agreement, excluding any taxes, administrative
14 charges, or financing charges.

SUBCHAPTER 2

16 ESTABLISHMENT OF TRUSTS, DEPOSIT, INVESTMENT, 17 AND REPORTING REQUIREMENTS

18 Sec. NEW SECTION. 523A.201 ESTABLISHMENT OF 19 TRUST FUNDS.

20 Unless proceeding under section 523A.401, 523A.402,
21 or 523A.403, a seller must establish a trust fund
22 prior to advertising, selling, promoting, or offering
23 cemetery merchandise, funeral merchandise, funeral
24 services, or a combination thereof in this state as
25 follows:

26 1. The trust fund must be established at a
27 financial institution.

28 2. If a seller agrees to furnish cemetery
29 merchandise, funeral merchandise, funeral services, or
30 a combination thereof and performance or delivery may
31 be more than one hundred twenty days following the
32 initial payment on the account, a minimum of eighty
33 percent of all payments made under the purchase
34 agreement shall be placed and remain in trust until
35 the person for whose benefit the funds were paid dies.

36 3. If a purchase agreement for cemetery
37 merchandise, funeral merchandise, funeral services, or
38 a combination thereof provides that payments are to be
39 made in installments, the seller shall deposit eighty
40 percent of each payment in the trust fund until the
41 full amount required to be placed in trust has been
42 deposited. If the purchase agreement is financed with

43 or sold to a financial institution, the purchase
44 agreement shall be considered paid in full and the
45 trust requirements shall be satisfied within fifteen
46 days after the close of the month in which the seller
47 receives funds from the financial institution.

48 4. A seller shall not invade the trust principal
49 for any purpose.

50 5. A seller who lacks insurance coverage which

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1 protects against the loss of purchaser payments not
2 placed in trust within the time period required by
3 this section and section 523A.202 shall not commingle
4 these payments with any other seller funds. A seller
5 who lacks insurance coverage may use one or more of
6 the following methods to dispose of these payments:

7 a. Deposit purchaser funds into an escrow account
8 until the required amount has been deposited into a
9 trust account at a financial institution.

10 b. Make a prior delivery or warehouse cemetery or
11 funeral merchandise or a combination thereof as
12 provided by this chapter.

13 c. Make a prior filing of a surety bond in lieu of
14 establishing a trust fund as required by this section.

15 d. Make a simultaneous, same-day deposit of the
16 purchaser's payments into the seller's bank account
17 and the required amount into the seller's trust fund.

18 6. Payments otherwise subject to this section are
19 not exempt merely because they are held in
20 certificates of deposit.

21 7. Commingling of trust funds with other funds of
22 the seller is prohibited.

23 8. Interest or income earned on amounts deposited
24 in trust shall remain in trust under the same terms
25 and conditions as payments made under the purchase
26 agreement, except that the seller may withdraw so much
27 of the interest or income as represents the difference
28 between the amount needed to adjust the trust funds
29 for inflation as set by the commissioner based on the
30 consumer price index and the interest or income earned
31 during the preceding year not to exceed fifty percent
32 of the total interest or income on a calendar-year
33 basis. The early withdrawal of interest or income
34 under this provision does not affect the purchaser's
35 right to a credit of such interest or income in the
36 event of a nonguaranteed price agreement,
37 cancellation, or nonperformance by the seller.

38 9. The commissioner may require amendments to a
39 trust agreement not in accord with the provisions of
40 this chapter.

41 10. If a seller voluntarily or involuntarily

42 ceases doing business and the seller's obligation to
43 provide merchandise or services has not been assumed
44 by another establishment holding a current
45 establishment permit, all trust funds, including
46 accrued interest or income, shall be repaid to the
47 purchaser within one hundred twenty days following the
48 seller's cessation of business or, in the event of
49 circumstances where a payment is not possible within
50 one hundred twenty days, as soon as is reasonably

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1 practicable.

2 Sec. NEW SECTION. 523A.202 TRUST FUND
3 DEPOSIT REQUIREMENTS.

4 1. All funds held in trust pursuant to section
5 523A.201 shall be deposited in a financial
6 institution, within fifteen days after the close of
7 the month a seller receives the funds. The financial
8 institution shall hold the funds for the designated
9 beneficiary until released.

10 2. All funds required to be deposited by the
11 purchaser for a purpose described in section 523A.201
12 shall be deposited consistent with one of the
13 following methods:

14 a. The payments shall be deposited directly into
15 an interest-bearing burial account in the purchaser's
16 name.

17 b. The purchaser shall deposit payments directly
18 into a separate trust account in the purchaser's name.
19 The account may be made payable to the seller upon the
20 death of the purchaser or the designated beneficiary,
21 provided that, until death, the purchaser retains the
22 exclusive power to hold, manage, pledge, and invest
23 the trust account funds and may revoke the trust and
24 withdraw the funds, in whole or in part, at any time
25 during the term of the agreement.

26 c. The purchaser or the seller shall deposit
27 payments directly into a separate trust account in the
28 name of the purchaser, as trustee, for the named
29 beneficiary, to be held, invested, and administered as
30 a trust account for the benefit and protection of the
31 beneficiary. The depositor shall notify the financial
32 institution of the existence and terms of the trust,
33 including at a minimum, the name of each party to the
34 agreement, the name and address of the trustee, and
35 the name and address of the beneficiary. The account
36 may be made payable to the seller upon the
37 beneficiary's death.

38 d. The payments shall be deposited in the name of
39 the trustee, as trustee, under the terms of a master
40 trust agreement and the trustee may invest, reinvest,

41 exchange, retain, sell, and otherwise manage the trust
42 fund for the benefit and protection of the named
43 beneficiary.

44 3. The commissioner may by rule authorize other
45 methods of deposit upon a finding that such methods
46 provide equivalent safety of the principal and
47 interest or income and the seller lacks access to the
48 proceeds prior to performance.

49 4. This section does not prohibit moving trust
50 funds from one financial institution to another.

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1 Sec. ____ NEW SECTION. 523A.203 FINANCIAL
2 INSTITUTION TRUSTEE QUALIFICATION AND INVESTMENT
3 REQUIREMENTS.

4 1. A financial institution may serve as a trustee
5 if granted those powers under the laws of this state
6 or of the United States. A financial institution
7 acting as a trustee of trust funds under this chapter
8 shall invest the funds in accordance with applicable
9 law.

10 2. A financial institution acting as a trustee of
11 trust funds under this chapter has a fiduciary duty to
12 make reasonable investment decisions and to properly
13 oversee and manage the funds entrusted to it. The
14 trustee shall use the judgment and care under the
15 circumstances then prevailing that persons of
16 prudence, discretion, and intelligence exercise in the
17 management of their own affairs, not in regard to
18 speculation but in regard to the permanent disposition
19 of their funds, considering the probable income as
20 well as the probable safety of their capital. The
21 commissioner may take enforcement action against a
22 financial institution in its capacity as trustee for a
23 breach of fiduciary duty proven under this chapter.

24 3. Moneys deposited under a master trust agreement
25 may be commingled by the financial institution for
26 investment purposes if each deposit includes a
27 detailed listing of the amount deposited in trust for
28 each beneficiary and maintenance of a separate
29 accounting of each purchaser's principal, interest,
30 and income.

31 4. Subject to a master trust agreement, the seller
32 may appoint an independent investment adviser to
33 advise the financial institution about investment of
34 the trust funds.

35 5. Subject to agreement between the parties, the
36 financial institution may receive a reasonable fee
37 from the trust funds for services rendered as trustee.
38 The trust shall pay the trust operation costs and any
39 annual audit fees.

- 40 6. The seller or any officer, director, agent,
41 employee, or affiliate of the seller shall not serve
42 as trustee. A financial institution holding trust
43 funds shall not do any of the following:
- 44 a. Be owned, under the control of, or affiliated
45 with a seller.
 - 46 b. Use any funds required to be held in trust
47 under this chapter or chapter 566A to purchase an
48 interest in any contract or agreement to which a
49 seller is a party.
 - 50 c. Otherwise invest, directly or indirectly, in a

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- 1 seller's business operations.
2 Sec. ____ NEW SECTION. 523A.204 ESTABLISHMENT
3 ANNUAL REPORTING REQUIREMENTS.
- 4 1. An establishment shall file with the
5 commissioner not later than March 1 of each year an
6 annual report on a form prescribed by the commissioner
7 containing all of the following:
 - 8 a. The seller's name and address and the name and
9 address of the establishment that will provide the
10 cemetery merchandise, funeral merchandise, funeral
11 services, or a combination thereof.
 - 12 b. The balance of each trust account as of the end
13 of the preceding calendar year, identified by
14 purchaser or beneficiary name.
 - 15 c. A report of any amounts withdrawn from the
16 trust account including the reason for each
17 withdrawal.
 - 18 d. A detailed listing of the insurance funding
19 outstanding at the end of the preceding calendar year,
20 identified by the name of the purchaser or the
21 beneficiary.
 - 22 e. A complete inventory of the cemetery
23 merchandise, funeral merchandise, or a combination
24 thereof delivered in lieu of trust fund requirements
25 under section 523A.401, including the following:
 - 26 (1) The location of the merchandise.
 - 27 (2) Merchandise serial numbers or warehouse
28 receipt numbers identified by the name of the
29 purchaser or the beneficiary.
 - 30 (3) A verified statement of a certified public
31 accountant on a form prescribed by the commissioner
32 that all of the following have occurred:
 - 33 (a) A physical inventory of the cemetery
34 merchandise or funeral merchandise has been conducted.
 - 35 (b) Each item of that merchandise is in the
36 seller's possession at the specified location.
 - 37 f. The purchaser and beneficiary names, the amount
38 of each purchase agreement made in the preceding year,

39 and the date the purchase agreement was made.
40 g. A summary of any purchase agreements converted
41 from trust-funded benefits to insurance-funded or
42 annuity benefits during the preceding year which shall
43 include, as of the conversion date, the following
44 information, as well as aggregated totals for each of
45 the following categories of information, if
46 appropriate:
47 (1) Insured's name.
48 (2) Insured's policy number.
49 (3) Original prepaid purchase agreement amount.
50 (4) Amount paid in.

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1 (5) Unpaid balance of the prepaid purchase
2 agreement.
3 (6) Unpaid balance of the purchase agreement.
4 (7) Amount retained by the establishment.
5 (8) Amount applied to the purchase of the
6 insurance policy or annuity.
7 (9) Initial cash surrender value and initial death
8 benefit under the insurance policy.
9 The establishment shall include a notarized
10 statement attesting that the insurance policies or
11 annuities have been issued and funded on behalf of the
12 purchasers listed in the summary and that all notices
13 required under this section have been given.
14 h. A summary of any purchase agreements converted
15 from trust-funded benefits to a surety bond during the
16 preceding year which shall include, as of the
17 conversion date, the following information, as well as
18 aggregated totals for each of the following categories
19 of information, if appropriate:
20 (1) Name of the purchaser and beneficiary.
21 (2) Original prepaid purchase agreement amount.
22 (3) Amount paid in.
23 (4) Unpaid balance of the prepaid purchase
24 agreement.
25 (5) Unpaid balance of the purchase agreement.
26 (6) Amount retained by the establishment.
27 (7) Amount applied to the purchase of the surety
28 bond.
29 (8) A description of the surety bond and the
30 applicable amount of coverage.
31 i. Any other information the commissioner deems
32 necessary for the administration of this chapter.
33 2. A person holding multiple establishment permits
34 may elect to file only one annual report after noting
35 all establishments on the report.
36 3. An establishment shall make a good faith effort
37 to complete the annual report. The establishment

38 shall note on the annual report any information not
39 reasonably available to the establishment as an
40 exception or variance. Account balances within twelve
41 months of the date of the filing of the annual report
42 shall be accepted if the actual date of the account
43 balances is noted.

44 4. In lieu of the annual report form described in
45 subsection 1, the commissioner may authorize an
46 establishment to file a short form annual report on a
47 form prescribed by the commissioner. The short form
48 annual report may incorporate by reference information
49 readily available to the establishment. The
50 commissioner may certify and decertify establishments

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- 1 authorized to file the short form based upon:
 - 2 a. The establishment's recordkeeping system.
 - 3 b. The number of purchase agreements which the
4 establishment has sold that are subject to regulation
5 under chapter 523A.
 - 6 c. The availability and accessibility of
7 information at the establishment for purchase
8 agreements subject to regulation.
 - 9 d. Whether the establishment places one hundred
10 percent of funds received pursuant to its purchase
11 agreements in trust.
 - 12 e. The findings of the commissioner concerning
13 audits and consumer complaints.
- 14 The commissioner shall retain the authority to
15 require establishments permitted to file the short
16 form annual report to provide all of the information
17 required in the annual report form required by
18 subsection 1 for audit purposes or otherwise.
- 19 5. An establishment filing an annual report shall
20 pay a filing fee of ten dollars per purchase agreement
21 sold during the year covered by the report. The fee
22 does not apply to any of the following:
 - 23 a. A purchase agreement where the beneficiary dies
24 in the same year the agreement was sold.
 - 25 b. Any modifications or additions, such as
26 payments, for an existing purchase agreement sold in a
27 previous year.
 - 28 c. An additional agreement purchased and already
29 reported to the commissioner by the purchaser.
 - 30 d. A purchase agreement canceled or revoked in the
31 same year it was sold.
 - 32 All purchase agreement changes for which a filing
33 fee is not required must be reported to the
34 commissioner on the annual report for the year
35 covered.
- 36 6. As part of the annual filing with the

37 commissioner, an establishment shall file an
38 authorization for the commissioner or a designee to
39 investigate, audit, and verify all funds, accounts,
40 safe deposit boxes, and other evidence of
41 establishment trust funds held by or in a financial
42 institution.
43 7. Forms may be obtained at cost from the
44 commissioner upon request. The commissioner may
45 accept annual reports submitted in an electronic
46 format, including but not limited to computer
47 diskettes.
48 8. Notwithstanding chapter 22, all records
49 maintained by the commissioner under this section
50 shall be confidential and shall not be made available

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1 for inspection or copying except upon approval of the
2 commissioner or the attorney general.
3 Sec. . NEW SECTION. 523A.205 FINANCIAL
4 INSTITUTION ANNUAL REPORTING REQUIREMENTS.
5 1. A financial institution shall file with the
6 commissioner not later than March 1 of each year an
7 annual report on a form prescribed by the commissioner
8 showing all funds deposited by an establishment under
9 a trust agreement during the previous year. Each
10 report shall contain all information requested.
11 2. Forms may be obtained from the commissioner
12 upon request. The commissioner may accept annual
13 reports submitted in an electronic format, including
14 but not limited to computer diskettes.
15 3. Notwithstanding chapter 22, all records
16 maintained by the commissioner under this section
17 shall be confidential and shall not be made available
18 for inspection or copying except upon approval of the
19 commissioner or the attorney general.
20 Sec. . NEW SECTION. 523A.206 AUDITS.
21 1. The commissioner may make audits of the
22 establishment and of the records of a seller, at the
23 times and in the scope the commissioner determines.
24 The audits may be made without prior notice to the
25 seller. The commissioner may copy all records the
26 commissioner feels are necessary to conduct the audit.
27 The commissioner may require an audit of a seller or
28 other person by a certified public accountant to
29 verify compliance with this chapter, implementing
30 rules, or orders.
31 2. A seller or other person shall pay for the
32 audit unless the commissioner waives this requirement.
33 The cost of an audit involving multiple sellers or
34 other persons shall be prorated among them upon any
35 reasonable basis as determined by the commissioner.

36 The accountant shall deliver the audit report to the
37 commissioner and to the seller or other persons.
38 3. The commissioner shall not make public the
39 information obtained in the course of an audit, except
40 when a duty under this chapter requires the
41 commissioner to take action against a seller or to
42 cooperate with another enforcement or regulatory
43 agency, or except when the commissioner is called as a
44 witness in a civil or criminal proceeding.

45 SUBCHAPTER 3

46 DISBURSEMENT OF REMAINING BURIAL ACCOUNT FUNDS,
47 BURIAL TRUST FUNDS, AND INSURANCE OR ANNUITY PROCEEDS
48 UNDER THE REQUIREMENTS OF SECTION 249A.5

49 Sec. __. NEW SECTION. 523A.301 DEFINITION.

50 As used in sections 523A.302 and 523A.303,

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1 "director" means the director of human services.
2 Sec. __. NEW SECTION. 523A.302 IDENTIFICATION
3 OF MERCHANDISE AND SERVICE PROVIDER.
4 If a burial trust fund identifies, either in the
5 trust fund records or in a related purchase agreement,
6 the seller who will provide the cemetery merchandise,
7 funeral merchandise, funeral services or a combination
8 thereof, the trust fund records or the related
9 purchase agreements must contain a statement signed by
10 an authorized representative of the seller agreeing to
11 furnish the cemetery merchandise, funeral merchandise,
12 funeral services, or a combination thereof upon the
13 death of the beneficiary. The burial trust fund shall
14 not identify a specific seller as payee unless the
15 trust fund records or the related purchase agreements,
16 if any, contain the signature of an authorized
17 representative of the seller and, if the agreement is
18 for funeral services as defined in chapter 156, the
19 name of a funeral director licensed to deliver those
20 services. A person may enter into agreements
21 authorizing the establishment of more than one burial
22 trust fund and agreeing to furnish the applicable
23 merchandise and services.
24 Sec. __. NEW SECTION. 523A.303 DISBURSEMENT OF
25 REMAINING FUNDS.
26 1. If funds remain in a nonguaranteed irrevocable
27 burial trust fund or from the proceeds of an insurance
28 policy or annuity made payable or assigned to the
29 seller or a provider after the payment of funeral and
30 burial expenses in accordance with the conditions and
31 terms of the purchase agreement for cemetery
32 merchandise, funeral merchandise, or funeral services,
33 the seller shall comply with all of the following:
34 a. The seller shall provide written notice by mail

35 to the director under subsection 2.
36 b. At least sixty days after mailing notice to the
37 director, the seller shall disburse any remaining
38 funds from the burial trust fund as follows:
39 (1) If within the sixty-day period the seller
40 receives a claim from the personal representative of
41 the deceased, any remaining funds shall be disbursed
42 to the personal representative, notwithstanding any
43 claim by the director.
44 (2) If within the sixty-day period the seller has
45 not received a claim from the personal representative
46 of the deceased but receives a claim from the
47 director, the seller shall disburse the remaining
48 funds up to the amount of the claim to the director.
49 (3) Any remaining funds not disposed of pursuant
50 to subparagraphs (1) and (2) shall be disbursed to any

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1 person who is identified as the next of kin of the
2 deceased in an affidavit submitted in accordance with
3 subsection 5.
4 2. The notice mailed to the director shall meet
5 all of the following requirements and is subject to
6 all of the following conditions:
7 a. The notice shall be mailed with postage
8 prepaid.
9 b. If the notice is sent by regular mail, the
10 sixty-day period for receipt of a response is deemed
11 to commence three days following the date of mailing.
12 c. If the notice is sent by certified mail, the
13 sixty-day period for receipt of a response is deemed
14 to commence on the date of mailing.
15 d. The notice shall provide all of the following
16 information:
17 (1) Current name, address, and telephone number of
18 the seller.
19 (2) Full name of the deceased.
20 (3) Date of the deceased's death.
21 (4) Amount of funds remaining in the burial trust
22 fund.
23 (5) Statement that any claim by the director must
24 be received by the seller within sixty days after the
25 date of mailing of the notice.
26 e. A notice in substantially the following form
27 complies with this subsection:
28 "TO: THE DIRECTOR OF HUMAN SERVICES
29 FROM: (SELLER'S NAME, CURRENT ADDRESS, AND
30 TELEPHONE NUMBER)
31 YOU ARE HEREBY NOTIFIED THAT (NAME OF DECEASED),
32 WHO HAD AN IRREVOCABLE BURIAL TRUST FUND, HAS DIED,
33 THAT FINAL PAYMENT FOR CEMETERY MERCHANDISE, FUNERAL

34 MERCHANDISE, AND FUNERAL SERVICES HAS BEEN MADE, AND
35 THAT (REMAINING AMOUNT) REMAINS IN THE IRREVOCABLE
36 BURIAL TRUST FUND.

37 THE ABOVE-NAMED SELLER MUST RECEIVE A WRITTEN
38 RESPONSE REGARDING ANY CLAIM BY THE DIRECTOR WITHIN
39 SIXTY DAYS AFTER THE MAILING OF THIS NOTICE TO THE
40 DIRECTOR.

41 IF THE ABOVE-NAMED SELLER DOES NOT RECEIVE A
42 WRITTEN RESPONSE REGARDING A CLAIM BY THE DIRECTOR
43 WITHIN SIXTY DAYS AFTER THE MAILING OF THIS NOTICE,
44 THE SELLER MAY DISPOSE OF THE REMAINING FUNDS IN
45 ACCORDANCE WITH SECTION 523A.303, CODE OF IOWA."

46 3. Upon receipt of the seller's written notice,
47 the director shall determine if a debt is due the
48 department of human services pursuant to section
49 249A.5. If the director determines that a debt is
50 owing, the director shall provide a written response

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1 to the seller within sixty days after the mailing of
2 the seller's notice. If the director does not respond
3 with a claim within the sixty-day period, any claim
4 made by the director shall not be enforceable against
5 the seller, the trust, or a trustee.

6 4. A personal representative who wishes to make a
7 claim shall send written notice of the claim to the
8 seller. If the seller does not receive any claim from
9 a personal representative within the sixty-day period
10 provided for response by the director regarding a
11 claim, the claim of the personal representative shall
12 not be enforceable against the seller, the trust, or a
13 trustee.

14 5. Any person other than a personal representative
15 or the director claiming an interest in the remaining
16 funds shall submit an affidavit claiming an interest
17 which provides the following information:
18 a. Full name, current address, and telephone
19 number of the claimant.
20 b. Claimant's relationship to the deceased.
21 c. Name of any surviving next of kin of the
22 deceased, and the relationship of any named surviving
23 next of kin.

24 d. That the claimant has no knowledge of the
25 existence of a personal representative for the
26 deceased's estate.

27 6. The seller may retain not more than fifty
28 dollars of the remaining funds in the burial trust
29 fund for the administrative expenses associated with
30 the requirements of this section.

31 7. If the funds remaining in a burial trust fund
32 are disbursed under the requirements of this section,

33 the seller, the provider, the burial trust fund, and
34 any trustee shall not be liable to the director, the
35 estate of the deceased, any personal representative,
36 or any other interested person for the remaining funds
37 and any lien imposed by the director shall be
38 unenforceable against the seller, the burial trust
39 fund, or any trustee.

40 SUBCHAPTER 4

41 TRUSTING ALTERNATIVES

42 Sec. ____ NEW SECTION. 523A.401 PURCHASE
43 AGREEMENTS FUNDED BY INSURANCE PROCEEDS.

44 1. A purchase agreement may be funded by insurance
45 proceeds derived from a new or existing insurance
46 policy issued by an insurance company authorized to do
47 business and doing business within this state.

48 2. Such funding may be in lieu of the trusting
49 requirements of this chapter when the purchaser
50 assigns the proceeds of an existing insurance policy.

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1 3. Such funding may be in lieu of the trusting
2 requirements of this chapter when a new insurance
3 policy is purchased to fund the purchase agreement,
4 with a face amount equal to or greater than the
5 current retail price of the cemetery merchandise,
6 funeral merchandise, and funeral services to be
7 delivered under the purchase agreement or, if less, a
8 face amount equal to the total of all payments to be
9 submitted by the purchaser pursuant to the purchase
10 agreement.

11 4. The premiums of any new insurance policy shall
12 be fully paid within thirty days after execution of
13 the purchase agreement or, with respect to a purchase
14 agreement that provides for periodic payments, the
15 premiums shall be paid directly by the purchaser to
16 the insurance company issuing the policy.

17 5. Any new insurance policy shall satisfy the
18 following conditions:

19 a. Except as necessary and appropriate to satisfy
20 the requirements regarding burial trust funds under
21 Title XIX of the federal Social Security Act, the
22 policy shall not be owned by the establishment, the
23 policy shall not be irrevocably assigned to the
24 establishment, and the assignment of proceeds from the
25 insurance policy to the establishment shall be limited
26 to the establishment's interests as they appear in the
27 purchase agreement, and conditioned on the
28 establishment's delivery of cemetery merchandise,
29 funeral merchandise, and funeral services pursuant to
30 a purchase agreement.

31 b. The policy shall provide that any assignment of

32 benefits is contingent upon the establishment's
33 delivery of cemetery merchandise, funeral merchandise,
34 and funeral services pursuant to a purchase agreement.

35 c. The policy shall have an increasing death
36 benefit or similar feature that provides some means
37 for increasing the funding as the cost of funeral and
38 cemetery goods and services increases.

39 6. With the written consent of the purchaser, an
40 existing prepaid purchase agreement with trust-funded
41 benefits may be converted to a prepaid purchase
42 agreement with insurance-funded benefits provided the
43 establishment and the insurance benefits comply with
44 the following provisions:

45 a. The transfer of the trust funds to the
46 insurance company must be at least equal to the full
47 sum required to be deposited as trust principal under
48 the trust-funded prepaid purchase agreement plus all
49 net earnings accumulated with respect thereto, as of
50 the transfer date. Commissions, allowances, surrender

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1 charges or other forms of compensation or expense
2 loads, premium expense, administrative charges or
3 expenses, or policy fees shall not be deducted from
4 the trust funds transferred pursuant to the
5 conversion.

6 b. The face amount of any insurance policy issued
7 on an individual must be no less than the amount of
8 principal and interest transferred for that individual
9 to the insurance company, and any supplemental
10 insurance policy issued to cover the unfunded portion
11 of the purchase agreement must have a face amount that
12 is at least as great as the unfunded principal
13 balance. The face amount of the insurance purchased
14 shall not, under any circumstances, be less than the
15 total of all payments made by the purchaser pursuant
16 to the agreement plus all net earnings accumulated
17 with respect thereto, as of the transfer date.

18 c. The insurance policy shall not allow for
19 contesting coverage, limit death benefits in the case
20 of suicide, refer to physical examination, or
21 otherwise operate as an exclusion, limitation, or
22 condition other than requiring submission of proof of
23 death or surrender of policy at the time the prepaid
24 purchase agreement is funded, matures, or is canceled,
25 as the case may be.

26 d. The establishment shall maintain a copy of any
27 prepaid trust-funded purchase agreement that was
28 converted to a prepaid insurance-funded purchase
29 agreement and retain the payment history records for
30 each converted purchase agreement prior to conversion

31 until the cemetery merchandise, funeral merchandise,
32 and funeral services have been delivered.

33 7. The seller of a purchase agreement subject to
34 this chapter which is to be funded by insurance
35 proceeds shall obtain all permits required to be
36 obtained and comply with all reporting requirements
37 under this chapter.

38 8. An insurance company issuing policies funding
39 purchase agreements subject to this chapter shall file
40 an annual report with the commissioner on a form
41 prescribed by the commissioner. The report shall list
42 the applicable insurance policies outstanding for each
43 establishment. Computer printouts may be submitted so
44 long as each legibly provides the same information
45 required in the prescribed form.

46 Sec. . NEW SECTION. 523A.402 PURCHASE
47 AGREEMENTS FUNDED BY ANNUITY PROCEEDS.

48 1. A purchase agreement may be funded by proceeds
49 derived from a new or existing annuity issued by an
50 insurance company authorized to do business and doing

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1 business within this state.

2 2. Such funding may be in lieu of the trust
3 requirements of this chapter when the purchaser
4 assigns the proceeds of an existing annuity.

5 3. Such funding may be in lieu of the trust
6 requirements of this chapter when a new annuity is
7 purchased to fund the purchase agreement, with a face
8 amount equal to or greater than the current retail
9 price of the cemetery merchandise, funeral
10 merchandise, and funeral services to be delivered
11 under the purchase agreement or, if less, a face
12 amount equal to the total of all payments to be
13 submitted by the purchaser pursuant to the purchase
14 agreement.

15 4. The premiums of any new annuity shall be fully
16 paid within thirty days after execution of the
17 purchase agreement or, with respect to a purchase
18 agreement that provides for periodic payments, the
19 premiums shall be paid directly by the purchaser to
20 the insurance company issuing the annuity.

21 5. The annuity shall satisfy the following
22 conditions:

23 a. Except as necessary and appropriate to satisfy
24 the requirements regarding burial trust funds under
25 Title XIX of the federal Social Security Act, the
26 annuity shall not be owned by the establishment or
27 irrevocably assigned and any designation of the
28 establishment as a beneficiary shall not be made
29 irrevocable.

30 b. The annuity shall provide that any assignment
31 of benefits is contingent upon the establishment's
32 delivery of cemetery merchandise, funeral merchandise,
33 and funeral services pursuant to a purchase agreement.
34 c. The annuity shall have an increasing death
35 benefit or similar feature that provides some means
36 for increasing the funding as the cost of cemetery
37 merchandise, funeral merchandise, and funeral services
38 increases.
39 6. With the written consent of the purchaser, an
40 existing prepaid purchase agreement with trust-funded
41 benefits may be converted to a prepaid purchase
42 agreement with annuity-funded benefits provided the
43 establishment and the annuity benefits comply with the
44 following provisions:
45 a. The transfer of the trust funds to the
46 insurance company must be at least equal to the full
47 sum required to be deposited as trust principal under
48 the trust-funded prepaid purchase agreement plus all
49 net earnings accumulated with respect thereto, as of
50 the transfer date. Commissions, allowances, surrender

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1 charges or other forms of compensation or expense
2 loads, premium expense, administrative charges or
3 expenses, or fees shall not be deducted from the trust
4 funds transferred pursuant to the conversion.
5 b. The face amount of any annuity issued on an
6 individual must be no less than the amount of
7 principal and interest transferred for that individual
8 to the insurance company, and any supplemental annuity
9 issued to cover the unfunded portion of the purchase
10 agreement must have a face amount that is at least as
11 great as the unfunded principal balance. The face
12 amount of the annuity purchased shall not, under any
13 circumstances, be less than the total of all payments
14 made by the purchaser pursuant to the agreement plus
15 all net earnings accumulated with respect thereto, as
16 of the transfer date.
17 c. The annuity shall not allow for contesting
18 coverage, limit death benefits in the case of suicide,
19 refer to physical examination, or otherwise operate as
20 an exclusion, limitation, or condition other than
21 requiring submission of proof of death or surrender of
22 the annuity at the time the prepaid purchase agreement
23 is funded, matures, or is canceled, as the case may
24 be.
25 d. The establishment shall maintain a copy of any
26 prepaid trust-funded purchase agreement that was
27 converted to a prepaid annuity-funded purchase
28 agreement and retain the payment history records for

29 each converted purchase agreement prior to conversion
30 until the cemetery merchandise, funeral merchandise,
31 and funeral services have been delivered.

32 7. The seller of a purchase agreement subject to
33 this chapter which is to be funded by annuity proceeds
34 shall obtain all permits required to be obtained and
35 comply with all reporting requirements under this
36 chapter.

37 8. An insurance company issuing annuities funding
38 purchase agreements subject to this chapter shall file
39 an annual report with the commissioner on a form
40 prescribed by the commissioner. The report shall list
41 the applicable annuities outstanding for each
42 establishment. Computer printouts may be submitted so
43 long as each legibly provides the same information
44 required in the prescribed form.

45 Sec. __. NEW SECTION. 523A.403 PURCHASE
46 AGREEMENTS FUNDED BY CERTIFICATES OF DEPOSIT.

47 1. A purchase agreement may be funded by proceeds
48 derived from a certificate of deposit in the name of
49 the purchaser made payable to the seller upon the
50 purchaser's death.

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1 2. The seller of a purchase agreement subject to
2 this chapter which is to be funded by a certificate of
3 deposit shall obtain all permits required to be
4 obtained and comply with all reporting requirements
5 under this chapter, implementing rules, and orders.

6 Sec. __. NEW SECTION. 523A.404 MERCHANDISE
7 DELIVERED TO THE PURCHASER OR WAREHOUSED.

8 1. Trust requirements do not apply to payments for
9 outer burial containers made of either polystyrene or
10 polypropylene or cemetery merchandise delivered to the
11 purchaser or stored in an independent third-party
12 storage facility not owned or controlled by the seller
13 when approved by the commissioner. The seller or the
14 storage facility must demonstrate that they will do
15 all of the following:

- 16 a. Issue a receipt of ownership in the name of the
17 purchaser and deliver it to the purchaser.
- 18 b. Insure the merchandise against loss.
- 19 c. Protect the merchandise against damage.
- 20 d. Transfer title to the purchaser.
- 21 e. Appropriately identify and describe the
22 merchandise in a manner that it can be distinguished
23 from other similar items.
- 24 f. Use a method of storage that allows for visual
25 audits of the merchandise.
- 26 g. Have adequate, computerized, recordkeeping
27 systems in place to identify, describe, and count each

- 28 item in storage, including the ownership of each item,
29 and provide an aggregate listing with numerical
30 totals.
- 31 h. File a consent to be audited and inspected by
32 the commissioner.
- 33 i. Provide reports to the commissioner, annually,
34 by an independent certified public accountant, which
35 shall include a physical count of merchandise held in
36 storage and a review of information, including the
37 seller's revenue and sales records, as necessary to
38 verify the adequacy of the number of items held at the
39 storage facility.
- 40 j. Satisfy the annual reporting requirements of
41 section 523A.204.
- 42 2. Lawn crypts may be delivered in lieu of
43 trusting. For this purpose, delivery means
44 installation in a grave owned by the purchaser. The
45 seller shall do all of the following:
- 46 a. Notify the administrator before the lawn crypts
47 are installed.
- 48 b. Identify the intended location of the lawn
49 crypts within the cemetery.
- 50 c. Provide documentation adequately demonstrating

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- 1 delivery has occurred. Adequate documentation
2 includes but is not limited to photographs and third-
3 party certifications.
- 4 3. Cemetery merchandise and funeral merchandise
5 shall not be deemed delivered to the purchaser or
6 warehoused if the merchandise is subject to a lien or
7 security interest by any party other than the seller.
- 8 4. An establishment is prohibited from requiring
9 delivery as a condition of the sale.
- 10 5. A seller shall provide services necessary for
11 the installation or burial of outer burial containers
12 sold by the seller. This subsection shall not require
13 the seller to provide for the opening or closing of
14 the interment or entombment space, unless the purchase
15 agreement provides otherwise.
- 16 Sec. . **NEW SECTION.** 523A.405 BOND IN LIEU OF
17 TRUST FUND.
- 18 1. In lieu of trust requirements, a seller may
19 file with the commissioner a surety bond issued by a
20 surety company authorized to do business and doing
21 business within this state. The bond must be
22 conditioned upon the seller's faithful performance of
23 purchase agreements subject to this chapter. The
24 surety's liability extends to each such agreement
25 executed while the bond is in force and until
26 performance or rescission of the purchase agreement. To

27 the extent expressly agreed to in writing by the
28 surety, the surety's liability extends to each such
29 agreement subject to this chapter executed prior to
30 the time the bond was in force and until performance
31 or rescission of the agreement. A purchaser aggrieved
32 by a breach of a condition of the bond covering the
33 purchaser's agreement may maintain an action against
34 the bond. If, at the time of the breach, the
35 purchaser is aware of the purchaser's rights under the
36 bond and how to file a claim against the bond, the
37 surety shall not be liable for any breach of condition
38 unless the surety receives notice of a claim within
39 sixty days following discovery of the acts, omissions,
40 or conditions constituting the breach of condition,
41 except as otherwise provided in this section. A
42 surety bond shall not be canceled by a surety except
43 upon a written notice of cancellation given by the
44 surety to the commissioner by restricted certified
45 mail, and not prior to the expiration of sixty days
46 after receipt of the notice by the commissioner. The
47 surety's liability shall extend to each purchase
48 agreement subject to this chapter executed prior to
49 cancellation of the surety bond until the seller has
50 complied with section 3.

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1 2. If a seller becomes insolvent or otherwise
2 ceases to engage in business prior to or within sixty
3 days after cancellation of a bond, the seller shall be
4 deemed to have breached the bond conditions for
5 outstanding agreements under this chapter as of the
6 day prior to cancellation of the bond. The
7 commissioner shall mail written notice by restricted
8 certified mail to the purchaser under each outstanding
9 purchase agreement of the seller that a claim against
10 the bond must be filed with the surety company within
11 sixty days after the mailing date of the notice. The
12 surety shall cease to be liable for all purchase
13 agreements except those for which claims are filed
14 with the surety company within sixty days after the
15 date the commissioner mails the notices.
16 3. If a surety bond is canceled by a surety under
17 any conditions other than those specified in
18 subsection 2, the seller shall comply with all of the
19 following:
20 a. The seller shall comply with the trust
21 requirements of section 523A.201 for all purchase
22 agreements subject to this chapter executed on or
23 after the effective date of cancellation of the surety
24 bond. In the alternative, the seller may submit a
25 substitute surety bond meeting the requirements of

26 subsection 1, but the seller must comply with section
27 523A.201 for any purchase agreements executed on or
28 after the effective cancellation date of the earlier
29 surety bond and prior to the effective date of the
30 later surety bond.

31 b. Within sixty days after the effective
32 cancellation date of the surety bond, the seller shall
33 submit to the commissioner an undertaking by another
34 surety company that a substitute surety bond meeting
35 the requirements of subsection 1 is in effect and that
36 the liability of the substitute surety bond extends to
37 all outstanding purchase agreements of the seller that
38 were executed but not performed or extinguished prior
39 to the effective date of the substitute surety bond,
40 or the seller shall submit to the commissioner a
41 financial statement accompanied by an unqualified
42 opinion based upon an audit performed by a certified
43 public accountant licensed in this state certifying
44 the total amount of outstanding liabilities of the
45 seller on purchase agreements subject to this chapter
46 and proof of deposit by the seller in trust under
47 section 523A.201 of either the amount specified in
48 section 523A.201, including interest as set by the
49 commissioner based on the interest which would have
50 been earned had the funds been maintained in trust,

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1 with respect to all of those outstanding purchase
2 agreements or, where applicable, that delivery of
3 merchandise has been made in compliance with section
4 523A.404. The surety may require such security as is
5 necessary to comply with this section. Upon
6 compliance by the seller with this paragraph, the
7 surety company canceling the surety bond shall cease
8 to be liable with respect to any outstanding purchase
9 agreements of the seller except those purchase
10 agreements with respect to which a breach of condition
11 occurred prior to cancellation and for which timely
12 claims were filed.

13 4. Section 523A.202, and, to the extent it is
14 applicable, section 523A.206, apply to sellers whose
15 purchase agreements are covered by a surety bond
16 maintained under this section, and section 523A.202
17 continues to apply to any purchase agreements of those
18 sellers that are not covered by a surety bond
19 maintained under this section.

20 5. Upon receiving a notice of cancellation of a
21 surety bond, the commissioner shall notify the seller
22 of the requirements of this chapter resulting from
23 cancellation of the bond. The notice may be in the
24 form of a copy of this section and sections 523A.201

25 and 523A.202.

26 6. Upon receiving a notice of cancellation, unless
27 the seller has complied with the requirements of this
28 section, the attorney general shall seek an injunction
29 to prohibit the seller from making further purchase
30 agreements subject to this chapter. The attorney
31 general shall commence an action to attach and levy
32 execution upon property of the seller when the seller
33 fails to perform a purchase agreement subject to this
34 chapter, to the extent necessary to secure compliance
35 with this chapter. The county attorney may bring
36 criminal charges under subchapter 7.

37 7. The surety under this section shall not be
38 owned, under the control of, or affiliated with the
39 seller.

40 8. The amount of the surety bond shall equal
41 eighty percent of the payments received pursuant to
42 purchase agreements, or the applicable portion
43 thereof, for cemetery merchandise, funeral
44 merchandise, funeral services, or a combination
45 thereof and the amount needed to adjust the amount of
46 the surety bond for inflation as set by the
47 commissioner based on the consumer price index. The
48 seller shall review the amount of the surety bond no
49 less than annually and shall increase the bond as
50 necessary to reflect additional payments. The amount

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1 needed to adjust for inflation shall be added annually
2 to the surety bond during the first quarter of the
3 establishment's fiscal year.

4 9. With the consent of the purchaser, an existing
5 prepaid purchase agreement with trust-funded benefits
6 may be converted to a prepaid purchase agreement
7 funded by a surety bond provided the establishment and
8 the surety bond comply with the following provisions:

9 a. The amount of the trust funds transferred to
10 the surety company must be at least equal to the full
11 sum required to be deposited as trust principal under
12 the trust-funded prepaid purchase agreement plus all
13 net earnings accumulated with respect thereto, as of
14 the transfer date. Commissions, allowances, surrender
15 charges or other forms of compensation or expense
16 loads, premium expense, administrative charges or
17 expenses, or fees shall not be deducted from the trust
18 funds transferred pursuant to the conversion.

19 b. The face amount of the surety bond issued on an
20 individual must be no less than the amount of
21 principal and interest transferred for that individual
22 to the surety company, and any supplemental surety
23 bond issued to cover the unfunded portion of the

24 purchase agreement must have a face amount that is at
25 least as great as the unfunded principal balance. The
26 face amount of the surety bond purchased shall not,
27 under the circumstances, be less than the total of all
28 payments made by the purchaser pursuant to the
29 agreement plus all net earnings accumulated with
30 respect thereto, as of the transfer date.

31 c. The establishment shall maintain a copy of any
32 prepaid trust-funded agreement that was converted to a
33 prepaid purchase agreement funded by a surety bond and
34 retain the payment history records for each converted
35 purchase agreement prior to conversion until the
36 cemetery merchandise, funeral merchandise, and funeral
37 services have been delivered.

38 SUBCHAPTER 5

39 PERMIT REQUIREMENTS FOR SELLERS OF CEMETERY 40 MERCHANDISE, FUNERAL MERCHANDISE, FUNERAL SERVICES, 41 OR A COMBINATION THEREOF

42 Sec. NEW SECTION. 523A.501 ESTABLISHMENT 43 PERMITS.

44 1. A person shall not advertise, sell, promote, or
45 offer to furnish cemetery merchandise, funeral
46 merchandise, funeral services, or a combination
47 thereof when performance or delivery may be more than
48 one hundred twenty days following the initial payment
49 on the account without an establishment permit. Each
50 establishment must have an establishment permit.

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1 2. An application for an establishment permit
2 shall be filed on a form prescribed by the
3 commissioner, be accompanied by a fifty dollar filing
4 fee, and include a copy of each purchase agreement the
5 person will use for sales of cemetery merchandise,
6 funeral merchandise, funeral services, or a
7 combination thereof.

8 3. The application shall contain:

9 a. The name and address of the establishment.
10 b. The name and address of any additional provider
11 of cemetery merchandise, funeral merchandise, funeral
12 services, or a combination thereof.

13 c. The name and address of each owner, officer, or
14 other official of the establishment, including when
15 relevant the chief executive officer and the members
16 of the board of directors.

17 d. A description of any common business enterprise
18 or parent company.

19 e. The types of cemetery merchandise, funeral
20 merchandise, funeral services, or a combination
21 thereof to be sold.

22 f. The types of trust or trust alternatives

23 utilized by the establishment and a list of the
24 financial institutions, storage facilities, surety
25 companies, and insurance companies utilized by the
26 establishment on a regular basis.

27 4. A permit holder shall inform the commissioner
28 of changes in the information required to be provided
29 by subsection 3 within thirty days of the change.

30 5. An establishment permit is not assignable or
31 transferable. A permit holder selling all or part of
32 an establishment shall cancel the permit and the
33 purchaser shall apply for a new permit in the
34 purchaser's name within thirty days of the sale.

35 6. The commissioner shall grant or deny a permit
36 application within thirty days after receipt, but the
37 commissioner's failure to act within that time period
38 shall not be deemed approval of the application. If
39 the commissioner does not grant the permit, the
40 commissioner shall notify the person in writing of the
41 reasons for the denial. The permit shall disclose on
42 its face the permit holder's employer or the
43 establishment on whose behalf the applicant will be
44 making or attempting to make sales, the permit number,
45 and the expiration date.

46 7. An initial permit is valid for two years from
47 the date the application is filed. A permit may be
48 renewed for two years by filing the form prescribed by
49 the commissioner under subsection 2, accompanied by a
50 ten dollar renewal fee. Submission of purchase

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1 agreements is not required for renewals unless the
2 purchase agreements have been modified since the last
3 filing.

4 8. The commissioner may by rule create or accept a
5 multijurisdiction establishment permit. If the
6 establishment permit is issued by another
7 jurisdiction, the rules shall require the filing of an
8 application or notice form and payment of the
9 applicable filing fee of fifty dollars for an initial
10 application and ten dollars for a renewal application.

11 The application or notice form utilized and the
12 effective dates and terms of the permit may vary from
13 the provisions set forth in subsections 2, 3, and 7.

14 Sec. . NEW SECTION. 523A.502 SALES PERMITS.

15 1. A person shall not advertise, sell, promote, or
16 offer to furnish cemetery merchandise, funeral
17 merchandise, funeral services, or a combination
18 thereof when performance or delivery may be more than
19 one hundred twenty days following initial payment on
20 the account without a sales permit. A permit holder
21 must be an employee or agent of a person holding an

22 establishment permit who can deliver the cemetery
23 merchandise, funeral merchandise, funeral services, or
24 a combination thereof being sold. A person must have
25 a sales permit for each establishment at which the
26 person works. However, a person may apply for a sales
27 permit covering multiple establishments, if the
28 establishments have common ownership. The
29 establishment permit holder is liable for the acts of
30 its employees and agents performed in advertising,
31 selling, promoting, or offering to furnish, upon the
32 future death of a person named or implied in a
33 purchase agreement, cemetery merchandise, funeral
34 merchandise, funeral services, or a combination
35 thereof.

36 2. This chapter does not permit a person to
37 practice mortuary science without a license. A person
38 holding a current sales permit may advertise, sell,
39 promote, or offer to furnish a funeral director's
40 services as an employee or agent of a funeral
41 establishment furnishing the funeral services under
42 chapter 156.

43 3. An application for a sales permit shall be
44 filed on a form prescribed by the commissioner and be
45 accompanied by a five dollar filing fee.

46 4. The application shall contain:

- 47 a. The name and address of the person.
- 48 b. The name and address of the person's employer
- 49 and each establishment on whose behalf the person will
- 50 be advertising, selling, promoting, or offering to

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- 1 furnish cemetery merchandise, funeral merchandise,
- 2 funeral services, or a combination thereof.

3 c. The name and address of the provider who will
4 provide the cemetery merchandise, funeral merchandise,
5 funeral services, or a combination thereof if
6 different from the person's employer.

7 5. An initial permit expires one year from the
8 date the application is filed. The permit may be
9 renewed for four years by filing the form prescribed
10 by the commissioner under subsection 3, accompanied by
11 a twenty dollar filing fee.

12 6. A permit holder shall inform the commissioner
13 of changes in the information required to be provided
14 by subsection 4 within thirty days of the change.

15 7. A sales permit is not assignable or
16 transferable. A permit holder selling all or part of
17 a business shall cancel the permit and the purchaser
18 shall apply for a new permit in the purchaser's name
19 within thirty days of the sale.

20 8. The commissioner shall grant or deny a permit

21 application within thirty days after receipt, but the
22 commissioner's failure to act within that time period
23 shall not be deemed approval of the application. If
24 the commissioner does not grant the permit, the
25 commissioner shall notify the applicant in writing of
26 the reasons for the denial.

27 9. The commissioner may by rule create or accept a
28 multijurisdiction sales permit. If the sales permit
29 is issued by another jurisdiction, the rules shall
30 require the filing of an application or notice form
31 and payment of the applicable filing fee of five
32 dollars for each year. The application or notice form
33 utilized and the effective dates and terms of the
34 permit may vary from the provisions set forth in
35 subsections 3 and 5.

36 Sec. ____ **NEW SECTION. 523A.503 DENIAL,**
37 **SUSPENSION, REVOCATION, AND SURRENDER OF PERMITS.**

38 1. The commissioner may, pursuant to chapter 17A,
39 deny any permit application or immediately suspend or
40 revoke any permit issued under this chapter for
41 several reasons, including but not limited to:

42 a. Committing a fraudulent act, engaging in a
43 fraudulent practice, or violating any provision of
44 this chapter or, any implementing rule or order issued
45 under this chapter.

46 b. Violating any other state or federal law
47 applicable to the conduct of the applicant's or permit
48 holder's business.

49 c. Insolvency or financial condition.

50 d. The permit holder, for the purpose of avoiding

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1 the trust requirement for funeral services, attributes
2 amounts paid under the purchase agreement to cemetery
3 merchandise or funeral merchandise that is delivered
4 under section 523A.404 rather than to funeral services
5 sold to the purchaser. The sale of funeral services
6 at a lower price when the sale is made in conjunction
7 with the sale of cemetery merchandise or funeral
8 merchandise to be delivered under section 523A.404
9 than the services are regularly and customarily sold
10 for when not sold in conjunction with cemetery
11 merchandise or funeral merchandise is evidence that
12 the permit holder is acting with the purpose of
13 avoiding the trust requirement for funeral services
14 under section 523A.201.

15 e. Engaging in a deceptive act or practice or
16 deliberately misrepresenting or omitting a material
17 fact regarding the sale of cemetery merchandise,
18 funeral merchandise, funeral services, or a
19 combination thereof under this chapter.

- 20 f. Conviction of a criminal offense involving
21 dishonesty or a false statement.
- 22 g. Inability to provide the cemetery merchandise,
23 funeral merchandise, funeral services, or a
24 combination thereof which the applicant or permit
25 holder purports to sell.
- 26 h. The applicant or permit holder sells the
27 business without filing a prior notice of sale with
28 the commissioner. The permit shall be revoked thirty
29 days following such sale.
- 30 i. Selling by a person who is not an employee or
31 agent of the applicant or permit holder.
- 32 2. The commissioner may, for good cause shown,
33 suspend any permit for a period not exceeding thirty
34 days, pending investigation.
- 35 3. Except as provided in subsection 2, a permit
36 shall not be revoked or suspended except after notice
37 and hearing under chapter 17A.
- 38 4. Any permit holder may surrender a permit by
39 delivering to the commissioner written notice that the
40 permit holder surrenders the permit, but the surrender
41 shall not affect the permit holder's civil or criminal
42 liability for acts committed before the surrender.
- 43 5. Denial, revocation, suspension, or surrender of
44 a permit does not impair or affect the obligation of
45 any preexisting lawful agreement between the permit
46 holder and any person.

47 SUBCHAPTER 6

48 PURCHASE AGREEMENT REQUIREMENTS

- 49 Sec. NEW SECTION. 523A.601 DISCLOSURES.
50 1. A purchase agreement for cemetery merchandise,

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- 1 funeral merchandise, funeral services, or a
2 combination thereof shall be written in clear,
3 understandable language, and shall be printed or typed
4 in an easy-to-read font, size, and style, and shall:
- 5 a. Identify the seller, the salesperson's permit
6 and establishment name and permit number, the
7 expiration date of the salesperson's permit, the
8 purchaser, and the person for whom the cemetery
9 merchandise, funeral merchandise, funeral services, or
10 a combination thereof is purchased, if other than the
11 purchaser.
- 12 b. Specify the cemetery merchandise, funeral
13 merchandise, funeral services, or a combination
14 thereof, to be provided, and the cost of each
15 merchandise item or service.
- 16 c. State clearly the conditions upon which
17 substitution will be allowed.
- 18 d. State the total purchase price and the terms

19 under which it is to be paid.

20 e. State clearly whether the purchase agreement is
21 a guaranteed price agreement or a nonguaranteed price
22 agreement. A nonguaranteed price agreement shall
23 contain in twelve point bold-faced type an explanation
24 of the consequences of such agreement in substantially
25 the following language:

26 THE PRICES OF MERCHANDISE AND SERVICES UNDER THIS
27 AGREEMENT ARE SUBJECT TO CHANGE IN THE FUTURE. ANY
28 FUNDS PAID UNDER THIS AGREEMENT ARE ONLY A DEPOSIT TO
29 BE APPLIED, TOGETHER WITH ACCRUED INCOME, TOWARD THE
30 FINAL COSTS OF THE MERCHANDISE OR SERVICES AGREED
31 UPON. ADDITIONAL CHARGES MAY BE INCURRED WHEN
32 ADDITIONAL MERCHANDISE OR SERVICES OR BOTH ARE
33 PROVIDED OR WHEN PRICES HAVE INCREASED MORE THAN
34 ACCRUED INCOME.

35 f. State that the purchase of the cemetery
36 merchandise, funeral merchandise, and funeral services
37 is revocable and specify the damages for cancellation,
38 if any.

39 g. State clearly who has the authority to cancel,
40 amend, or revoke the purchase agreement to purchase
41 cemetery merchandise, funeral merchandise, and funeral
42 services.

43 h. State clearly that the purchaser is entitled to
44 rescind the purchase agreement under terms and
45 conditions specified by section 523A.602.

46 i. Include an explanation of regulatory oversight
47 by the insurance division in twelve point bold-faced
48 type, in substantially the following language:

49 THIS AGREEMENT IS SUBJECT TO RULES ADMINISTERED BY
50 THE IOWA INSURANCE DIVISION. YOU MAY CALL THE

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1 INSURANCE DIVISION AT (____) _____. WRITTEN
2 INQUIRIES OR COMPLAINTS SHOULD BE MAILED TO THE IOWA
3 SECURITIES BUREAU, (STREET ADDRESS), (CITY), IOWA (ZIP
4 CODE).

5 2. A purchase agreement that is funded by a trust
6 shall also:

7 a. State the percentage of money to be placed in
8 trust.

9 b. Explain the disposition of the income generated
10 from investments and include a statement of the
11 purchaser's responsibility for income taxes owed on
12 the income if applicable.

13 c. State that if, after all payments are made
14 under the conditions and terms of the purchase
15 agreement for cemetery merchandise, funeral
16 merchandise, funeral services, or a combination
17 thereof, any funds remain in the nonguaranteed

18 irrevocable burial trust fund, the seller shall
19 disburse the remaining funds according to law.
20 d. State clearly the terms of the funeral and
21 burial trust agreement and whether it is revocable or
22 irrevocable.
23 e. State clearly that the purchaser is entitled to
24 transfer the trust funding, insurance funding, or
25 other trust assets or select another establishment to
26 receive the trust funding, insurance funding, or any
27 other trust assets.
28 f. State clearly who has the authority to amend or
29 revoke the trust agreement, if revocable, and who has
30 the authority to appoint successor trustees if the
31 purchase agreement is canceled.
32 3. The commissioner may adopt rules establishing
33 disclosure and format requirements to promote consumer
34 understanding of the merchandise and services
35 purchased and the available funding mechanisms for a
36 purchase agreement under this chapter.
37 4. A purchase agreement shall be signed by the
38 purchaser, the seller, and if the agreement is for
39 funeral services as defined in chapter 156, a person
40 licensed to deliver funeral services.
41 5. The seller shall disclose the following
42 information prior to accepting the initial payment
43 under a purchase agreement:
44 a. The specific method or methods (trust deposits,
45 certificates of deposit, life insurance or an annuity,
46 a surety bond, or warehousing) that will be used to
47 fund the purchase agreement.
48 b. The relationship between the soliciting agent
49 or agents, the provider of the cemetery merchandise,
50 funeral merchandise, or funeral services, or

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1 combination thereof, the commissioner, and any other
2 person.
3 c. The relationship of the life insurance policy
4 or other trust assets to the funding of the purchase
5 agreement and the nature and existence of any
6 guarantees regarding the purchase agreement.
7 d. The impact on the purchase agreement of the
8 following:
9 (1) Changes in the funding, including but not
10 limited to changes in the assignment, beneficiary
11 designation, trustee, or use of proceeds.
12 (2) Any penalties to be incurred by the purchaser
13 as a result of the failure to make any additional
14 payments required.
15 (3) Penalties to be incurred upon cancellation.
16 e. A list of cemetery merchandise, funeral

17 merchandise, and funeral services which are agreed
18 upon under the purchase agreement and all relevant
19 information concerning the price of the cemetery
20 merchandise, funeral merchandise, funeral services, or
21 a combination thereof, including a statement that the
22 purchase price is either guaranteed at the time of
23 purchase or to be determined at the time of need.
24 f. All relevant information concerning what occurs
25 and whether any entitlements or obligations arise if
26 there is a difference between the funding and the
27 amount actually needed to fund the purchase agreement.
28 g. Any penalties or restrictions including but not
29 limited to geographic restrictions or the inability of
30 the provider to perform, upon delivery of cemetery
31 merchandise, funeral merchandise, or funeral services,
32 or the purchase agreement guarantee.
33 h. If the funding is being transferred from
34 another establishment, any material facts related to
35 the revocation of the prior purchase agreement and the
36 transfer of the existing trust funds.

37 Sec. . **NEW SECTION. 523A.602 CONSUMER**
38 **RECISION, CANCELLATION, AND REFUND RIGHTS, AND**
39 **PURCHASE AGREEMENT COMPLIANCE WITH OTHER LAWS.**

40 1. A seller shall furnish the purchaser with a
41 completed copy of a purchase agreement pertaining to
42 the sale at the time the purchase agreement is signed.
43 The seller shall comply with the following terms:
44 a. The same language shall be used in both the
45 oral sales representation and the written purchase
46 agreement.
47 b. The seller shall give notice in the purchase
48 agreement of the purchaser's right to rescind after
49 signing the purchase agreement. The recision period
50 must be but may be greater than three business days

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1 after the date of the purchase agreement. The notice
2 must:
3 (1) Be located close to the signature line.
4 (2) Be printed in twelve point bold-faced type.
5 (3) State that "YOU, THE PURCHASER, HAVE THE RIGHT
6 TO RESCIND THIS AGREEMENT AT ANY TIME PRIOR TO
7 MIDNIGHT OF THE (INSERT RELEVANT NUMBER, NOT LESS THAN
8 THREE) BUSINESS DAYS AFTER THE DATE OF THIS
9 AGREEMENT."
10 c. All moneys shall be refunded without penalty
11 within ten days after recision.
12 2. **CANCELLATION REFUND.**
13 a. A purchase agreement must include a statement
14 that the purchaser has the right to cancel the
15 agreement for the purchase of cemetery merchandise,

16 funeral merchandise, and funeral services upon written
17 demand and designate or appoint a trustee to hold,
18 manage, invest, and distribute the trust assets.
19 b. If a purchase agreement is canceled, a
20 purchaser requests a transfer of the trust assets upon
21 cancellation of a purchase agreement, or another
22 establishment provides merchandise or services
23 designated in a purchase agreement, the seller shall
24 refund or transfer within thirty days of receiving a
25 written demand no less than the purchase price of the
26 applicable cemetery merchandise, funeral merchandise,
27 and funeral services adjusted for inflation, using the
28 consumer price index amounts announced by the
29 commissioner annually, less any cancellation penalty
30 set forth in the purchase agreement. The amount of
31 the cancellation penalty shall not exceed ten percent
32 of the purchase price of the applicable cemetery
33 merchandise, funeral merchandise, and funeral
34 services. The seller may also deduct the value of the
35 cemetery merchandise, funeral merchandise, and funeral
36 services already received by, delivered to, or
37 warehoused for the purchaser.
38 c. A purchase agreement must include a statement
39 that the purchaser is entitled to a refund of the
40 purchase price of the applicable funeral merchandise
41 adjusted for inflation, using the consumer price index
42 amounts announced by the commissioner annually for any
43 item of funeral merchandise that cannot be delivered
44 to the location specified in the purchase agreement
45 within forty-eight hours of notice of the individual's
46 death, unless the delay is caused by weather
47 conditions or a natural disaster. The seller must
48 return such refund to the purchaser within thirty days
49 of receiving the written demand.
50 3. This section does not prohibit a purchaser who

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1 is or may become eligible for benefits under Title XIX
2 of the federal Social Security Act from making a
3 guaranteed price purchase agreement irrevocable to the
4 extent that federal law or regulations require that
5 such an agreement be irrevocable for purposes of a
6 purchaser's eligibility for benefits under Title XIX
7 of the federal Social Security Act, as permitted under
8 federal law. The seller of credit sale agreements
9 shall comply with the requirements of chapter 537, the
10 Iowa consumer credit code, and is subject to the
11 remedies and penalties provided in that chapter for
12 noncompliance.

13 SUBCHAPTER 7 14 FRAUDULENT PRACTICES

15 Sec. ____ NEW SECTION. 523A.701 MISLEADING
16 FILINGS.

17 It is unlawful for a person to make or cause to be
18 made, in any document filed with the commissioner, or
19 in any proceeding under this chapter, any statement of
20 material fact which is, at the time and in the light
21 of the circumstances under which it is made, false or
22 misleading, or, in connection with such statement, to
23 omit to state a material fact necessary in order to
24 make the statements made, in the light of the
25 circumstances under which they are made, not
26 misleading.

27 Sec. ____ NEW SECTION. 523A.702
28 MISREPRESENTATIONS OF GOVERNMENT APPROVAL.

29 It is unlawful for a seller under this chapter to
30 represent or imply in any manner that the seller has
31 been sponsored, recommended, or approved, or that the
32 seller's abilities or qualifications have in any
33 respect been passed upon by the commissioner.

34 Sec. ____ NEW SECTION. 523A.703 FRAUDULENT
35 PRACTICES.

36 A person who commits any of the following acts
37 commits a fraudulent practice and is punishable as
38 provided in chapter 714:

39 1. Knowingly fails to comply with any requirement
40 of this chapter.

41 2. Knowingly makes, causes to be made, or
42 subscribes to a false statement or representation in a
43 report or other document required under this chapter,
44 implementing rules, or orders, or renders such a
45 report or document misleading through the deliberate
46 omission of information properly belonging in the
47 report or document.

48 3. Conspires to defraud in connection with the
49 sale of cemetery merchandise, funeral merchandise,
50 funeral services, or a combination thereof under this

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1 chapter.

2 4. Fails to deposit funds under sections 523A.201
3 and 523A.202 or withdraws any funds in a manner
4 inconsistent with this chapter.

5 5. Knowingly sells or offers cemetery merchandise,
6 funeral merchandise, funeral services, or a
7 combination thereof without an establishment permit.

8 6. Deliberately misrepresents or omits a material
9 fact relative to the sale of cemetery merchandise,
10 funeral merchandise, funeral services, or a
11 combination thereof under this chapter. When selling
12 cemetery merchandise or funeral merchandise, a seller
13 shall not exclude the funeral services necessary for

14 the delivery, use, or installation of the cemetery
15 merchandise or funeral merchandise at the time of the
16 funeral or burial unless the purchase agreement
17 expressly provides otherwise.

18 SUBCHAPTER 8

19 ADMINISTRATION AND ENFORCEMENT

20 Sec. NEW SECTION. 523A.801 ADMINISTRATION.

21 1. This chapter shall be administered by the
22 commissioner. The deputy administrator appointed
23 pursuant to section 502.601 shall be the principal
24 operations officer responsible to the commissioner for
25 the routine administration of this chapter and
26 management of the administrative staff. In the
27 absence of the commissioner, whether because of
28 vacancy in the office due to absence, physical
29 disability, or other cause, the deputy administrator
30 shall, for the time being, have and exercise the
31 authority conferred upon the commissioner. The
32 commissioner may by order from time to time delegate
33 to the deputy administrator any or all of the
34 functions assigned to the commissioner in this
35 chapter. The deputy administrator shall employ
36 officers, attorneys, accountants, and other employees
37 as needed for administering this chapter.

38 2. It is unlawful for the commissioner or any
39 administrative staff to use for personal benefit any
40 information which is filed with or obtained by the
41 commissioner and which is not made public. This
42 chapter does not authorize the commissioner or any
43 such staff member to disclose any such information
44 except among themselves or to other cemetery and
45 funeral administrators, regulatory authorities, or
46 governmental agencies, or when necessary and
47 appropriate in a proceeding or investigation under
48 this chapter or as required by chapter 22. This
49 chapter neither creates nor derogates any privileges
50 that exist at common law or otherwise when documentary

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1 or other evidence is sought under a subpoena directed
2 to the commissioner or any administrative staff.

3 Sec. NEW SECTION. 523A.802 SCOPE.

4 1. This chapter applies to any advertisement,
5 sale, promotion, or offer made by a person to furnish,
6 upon the future death of a person named or implied in
7 a purchase agreement, cemetery merchandise, funeral
8 merchandise, funeral services, or a combination
9 thereof. Burial accounts and insurance policies are
10 included if the account records or related documents
11 identify the establishment that will provide the
12 cemetery merchandise, funeral merchandise, funeral

13 services, or a combination thereof.

14 2. This chapter applies when a purchase agreement
15 is executed within this state or an advertisement,
16 promotion, or offer to furnish is made or accepted
17 within this state. An offer to furnish is made within
18 this state, whether or not either party is then
19 present in this state, when the offer originates from
20 this state or is directed by the offeror to this state
21 and received by the offeree in this state through the
22 mail, over the telephone, by the internet, or through
23 any other means of commerce.

24 3. If a foreign person does not have a registered
25 agent or agents in the state of Iowa, doing business
26 within this state shall constitute the person's
27 appointment of the secretary of state of the state of
28 Iowa to be its true and lawful attorney upon whom may
29 be served all lawful process of original notice in
30 actions or proceedings arising or growing out of any
31 contract or tort.

32 Sec. . NEW SECTION. 523A.803 INVESTIGATIONS
33 AND SUBPOENAS.

34 1. The commissioner may, for the purpose of
35 discovering violations of this chapter, implementing
36 rules, or orders issued under this chapter:

37 a. Make such public or private investigations
38 within or outside of this state as the commissioner
39 deems necessary to determine whether any person has
40 violated or is about to violate this chapter,
41 implementing rules, or orders issued under this
42 chapter, or to aid in enforcement of this chapter or
43 in the prescribing of rules and forms under this
44 chapter.

45 b. Require or permit any person to file a
46 statement in writing, under oath or otherwise as the
47 commissioner or attorney general determines, as to all
48 the facts and circumstances concerning the matter to
49 be investigated.

50 c. Notwithstanding chapter 22, keep confidential

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1 the information obtained in the course of an
2 investigation. However, if the commissioner
3 determines that it is necessary or appropriate in the
4 public interest or for the protection of the public,
5 the commissioner may share information with other
6 administrators, regulatory authorities, or
7 governmental agencies, or may publish information
8 concerning a violation of this chapter, implementing
9 rules, or orders issued under this chapter.

10 d. Investigate the establishment and examine the
11 books, accounts, papers, correspondence, memoranda,

12 purchase agreements, files, or other documents or
13 records used by every applicant and permit holder
14 under this chapter.
15 e. Administer oaths and affirmations, subpoena
16 witnesses, compel their attendance, take evidence, and
17 require the production of any books, accounts, papers,
18 correspondence, memoranda, purchase agreements, files,
19 or other documents or records which the commissioner
20 deems relevant or material to any investigation or
21 proceeding under this chapter and implementing rules,
22 all of which may be enforced under chapter 17A.
23 f. Apply to the district court for an order
24 requiring a person's appearance before the
25 commissioner or attorney general, or a designee of
26 either or both, in cases where the person has refused
27 to obey a subpoena issued by the commissioner or
28 attorney general. The person may also be required to
29 produce documentary evidence germane to the subject of
30 the investigation. Failure to obey a court order
31 under this subsection constitutes contempt of court.
32 2. The commissioner may issue and bring an action
33 in district court to enforce subpoenas within this
34 state at the request of an agency or administrator of
35 another state, if the activity constituting an alleged
36 violation for which the information is sought would be
37 a violation of this chapter had the activity occurred
38 in this state.
39 Sec. __. NEW SECTION. 523A.804 MEDIATION.
40 The commissioner may order an establishment to
41 participate in mediation in any dispute regarding a
42 purchase agreement. Mediation performed under this
43 section shall be conducted by a mediator appointed by
44 the commissioner and shall comply with the provisions
45 of chapter 679C.
46 Mediation of these disputes shall include
47 attendance at a mediation session with the mediator
48 and the parties to the dispute, listening to the
49 mediator's explanation of the mediation process,
50 presentation of one party's view of the dispute, and

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1 listening to the response of the other party.
2 Participation in mediation does not require that the
3 parties reach a mediation agreement.
4 Parties to the mediation shall have the right to
5 advice and presence of counsel at all times. The
6 parties to the mediation shall present any mediation
7 agreement reached through the mediation to the
8 commissioner. If a mediation agreement is not
9 reached, the mediator shall file a report with the
10 commissioner. The costs of the mediation shall be

11 approved by the commissioner and shall be borne by the
12 insurance division's regulatory fund.
13 Sec.____. NEW SECTION. 523A.805 CEASE AND DESIST
14 ORDERS – INJUNCTIONS.

15 If it appears to the commissioner that a person has
16 engaged or is about to engage in an act or practice
17 constituting a violation of this chapter, implementing
18 rules, or orders issued under this chapter, the
19 commissioner or the attorney general may do either or
20 both of the following:

21 1. Issue a summary order directed at the person
22 requiring the person to cease and desist from engaging
23 in such act or practice. A person may request a
24 hearing within thirty days of issuance of the summary
25 order. If a hearing is not timely requested, the
26 summary order shall become final by operation of law.
27 The order shall remain effective from the date of
28 issuance until the date the order becomes final by
29 operation of law or is overturned by a presiding
30 officer following a request for hearing. Section
31 17A.18A is inapplicable to summary cease and desist
32 orders issued under this section.

33 2. Bring an action in the district court in any
34 county of the state for an injunction to restrain a
35 person subject to this chapter and any agents,
36 employees, or associates of the person from engaging
37 in conduct or practices deemed contrary to the public
38 interest. In any proceeding for an injunction, the
39 commissioner or attorney general may apply to the
40 court for a subpoena to require the appearance of a
41 defendant and the defendant's agents and for any
42 books, accounts, papers, correspondence, memoranda,
43 purchase agreements, files, or other documents or
44 records germane to the hearing upon the petition for
45 an injunction. Upon a proper showing, a permanent or
46 temporary injunction, restraining order, or writ of
47 mandamus shall be granted and a receiver may be
48 appointed for the defendant or the defendant's assets.
49 The commissioner or attorney general shall not be
50 required to post a bond.

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1 Sec.____. NEW SECTION. 523A.806 COURT ACTION FOR
2 FAILURE TO COOPERATE.

3 If a person fails or refuses to file any statement
4 or report or to produce any books, accounts, papers,
5 correspondence, memoranda, purchase agreements, files,
6 or other documents or records, or to obey any subpoena
7 issued by the commissioner, the commissioner may refer
8 the matter to the attorney general, who may apply to a
9 district court to enforce compliance. The court may

10 order any or all of the following:

- 11 1. Injunctive relief, restricting or prohibiting
- 12 the offer or sale of cemetery merchandise, funeral
- 13 merchandise, funeral services, or a combination
- 14 thereof.
- 15 2. Revocation or suspension of any permit issued
- 16 under this chapter.
- 17 3. Production of documents or records including
- 18 but not limited to books, accounts, papers,
- 19 correspondence, memoranda, purchase agreements, files,
- 20 or other documents or records.

21 4. Such other relief as may be required.

22 Such an order shall be effective until the person
23 files the statement or report or produces the
24 documents requested, or obeys the subpoena.

25 Sec.____. NEW SECTION. 523A.807 PROSECUTION FOR
26 VIOLATIONS OF LAW.

27 1. A violation of this chapter or rules adopted or
28 orders issued under this chapter is a violation of
29 section 714.16, subsection 2, paragraph "a". The
30 remedies and penalties provided by section 714.16,
31 including but not limited to injunctive relief and
32 penalties, apply to violations of this chapter.

33 2. If the commissioner believes that grounds exist
34 for the criminal prosecution of persons subject to
35 this chapter for violations of this chapter or any
36 other law of this state, the commissioner may forward
37 to the attorney general or the county attorney the
38 grounds for the belief, including all evidence in the
39 commissioner's possession, so that the attorney
40 general or the county attorney may proceed with the
41 matter as deemed appropriate. At the request of the
42 attorney general, the county attorney shall appear and
43 prosecute the action when brought in the county
44 attorney's county.

45 Sec.____. NEW SECTION. 523A.808 COOPERATION WITH
46 OTHER AGENCIES.

47 1. To encourage uniform interpretation and
48 administration of this chapter and effective
49 regulation of the sale of cemetery merchandise,
50 funeral merchandise, and funeral services, the

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1 commissioner may cooperate with any governmental law
2 enforcement or regulatory agency.

3 2. This cooperation includes but is not limited
4 to:

- 5 a. Making a joint examination or investigation.
- 6 b. Holding a joint administrative hearing.
- 7 c. Filing and prosecuting a joint civil or
- 8 administrative proceeding.

9 d. Sharing and exchanging personnel.
10 e. Sharing and exchanging relevant information and
11 documents.
12 f. Formulating, in accordance with chapter 17A,
13 rules or proposed rules on matters such as statements
14 of policy, regulatory standards, guidelines, and
15 interpretive opinions.
16 Sec. __. NEW SECTION. 523A.809 RULES, FORMS,
17 AND ORDERS.

18 1. Under chapter 17A, the commissioner may from
19 time to time make, amend, and rescind such rules,
20 forms, and orders as are necessary or appropriate for
21 the protection of purchasers and the public and to
22 administer the provisions of this chapter, its
23 implementing rules, and orders issued under this
24 chapter.

25 2. A rule, form, or order shall not be made,
26 amended, or rescinded unless the commissioner finds
27 that the action is necessary or appropriate in the
28 public interest or for the protection of purchasers
29 and consistent with the purposes fairly intended by
30 the policies and provisions of this chapter, its
31 implementing rules, and orders issued under this
32 chapter.

33 3. A provision of this chapter imposing any
34 liability does not apply to any act done or omitted in
35 good faith in conformity with any rules, form, or
36 order of the commissioner, notwithstanding that the
37 rule, form, or order may later be amended or rescinded
38 or be determined by judicial or other authority to be
39 invalid for any reason.

40 Sec. __. NEW SECTION. 523A.810 DATE OF FILING
41 AND INTERPRETIVE OPINIONS.

42 1. A document is filed when it is received by the
43 commissioner.

44 2. Requests for interpretive opinions may be
45 granted in the commissioner's discretion.

46 Sec. __. NEW SECTION. 523A.811 RECEIVERSHIPS.

47 1. The commissioner shall notify the attorney
48 general of the potential need for establishment of a
49 receivership if the commissioner finds that a seller
50 subject to this chapter meets one or more of the

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1 following conditions:

2 a. Is insolvent.

3 b. Has utilized trust funds for personal or
4 business purposes in a manner inconsistent with this
5 chapter.

6 c. The amount of funds currently held in trust for
7 cemetery merchandise, funeral merchandise, and funeral

8 services is less than eighty percent of all payments
9 made under the purchase agreements referred to in
10 section 523A.201.

11 d. Has refused to pay any just claim or demand
12 based on a purchase agreement referred to in section
13 523A.201.

14 e. The commissioner finds upon investigation that
15 a seller is unable to pay any claim or demand based on
16 a purchase agreement which has been legally determined
17 to be just and outstanding.

18 2. The commissioner or attorney general may apply
19 to the district court in any county of the state for
20 the establishment of a receivership. Upon proof of
21 any of the grounds for a receivership described in
22 this section, the court may grant a receivership.

23 Sec. NEW SECTION. 523A.812 INSURANCE
24 DIVISION'S REGULATORY FUND.

25 The insurance division may authorize the creation
26 of a special revenue fund in the state treasury, to be
27 known as the insurance division regulatory fund. The
28 commissioner shall allocate annually from the fees
29 paid pursuant to section 523A.204, two dollars for
30 each purchase agreement reported on an establishment
31 permit holder's annual report for deposit to the
32 regulatory fund. The remainder of the fees collected
33 pursuant to section 523A.204 shall be deposited into
34 the general fund of the state. The moneys in the
35 regulatory fund shall be retained in the fund. The
36 moneys are appropriated and, subject to authorization
37 by the commissioner, may be used to pay auditors,
38 audit expenses, investigative expenses, the expenses
39 of mediation ordered by the commissioner, consumer
40 education expenses, the expenses of a toll-free
41 telephone line to receive consumer complaints, and the
42 expenses of receiverships established under section
43 523A.811. An annual allocation to the regulatory fund
44 shall not be imposed if the current balance of the
45 fund exceeds two hundred thousand dollars.

46 Sec. NEW SECTION. 523A.813 LICENSE
47 REVOCATION - RECOMMENDATION BY COMMISSIONER TO BOARD
48 OF MORTUARY SCIENCE EXAMINERS.

49 Upon a determination by the commissioner that
50 grounds exist for an administrative license revocation

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1 or suspension action by the board of mortuary science
2 examiners under chapter 156, the commissioner may
3 forward to the board the grounds for the
4 determination, including all evidence in the
5 possession of the commissioner, so that the board may
6 proceed with the matter as deemed appropriate.

SUBCHAPTER 9

LIQUIDATION PROCEDURES

Sec. . NEW SECTION. 523A.901 LIQUIDATION.

1. GROUNDS FOR LIQUIDATION. The commissioner may petition the district court for an order directing the commissioner to liquidate an establishment on either of the following grounds:

a. The establishment did not deposit funds pursuant to section 523A.201 or withdrew funds in a manner inconsistent with this chapter and is insolvent.

b. The establishment did not deposit funds pursuant to section 523A.201 or withdrew funds in a manner inconsistent with this chapter and the condition of the establishment is such that further transaction of business would be hazardous, financially or otherwise, to purchasers or the public.

2. LIQUIDATION ORDER.

a. An order to liquidate the business of an establishment shall appoint the commissioner as liquidator and shall direct the liquidator to immediately take possession of the assets of the establishment and to administer them under the general supervision of the court. The liquidator is vested with the title to the property, contracts, and rights of action and the books and records of the establishment ordered liquidated, wherever located, as of the entry of the final order of liquidation. The filing or recording of the order with the clerk of court and the recorder of deeds of the county in which its principal office or place of business is located, or, in the case of real estate with the recorder of deeds of the county where the property is located, is notice as a deed, bill of sale, or other evidence of title duly filed or recorded with the recorder of deeds.

b. Upon issuance of an order, the rights and liabilities of an establishment and of the establishment's creditors, purchasers, owners, and other persons interested in the establishment's estate shall become fixed as of the date of the entry of the order of liquidation, except as provided in subsection 14.

c. At the time of petitioning for an order of

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liquidation, or at any time after the time of petitioning, the commissioner, after making appropriate findings of an establishment's insolvency, may petition the court for a declaration of insolvency. After providing notice and hearing as it

6 deems proper, the court may make the declaration.

7 d. An order issued under this section shall
8 require accounting to the court by the liquidator.
9 Accountings, at a minimum, must include all funds
10 received or disbursed by the liquidator during the
11 current period. An accounting shall be filed within
12 one year of the liquidation order and at such other
13 times as the court may require.

14 e. Within five days after the initiation of an
15 appeal of an order of liquidation, which order has not
16 been stayed, the commissioner shall present for the
17 court's approval a plan for the continued performance
18 of the establishment's obligations during the pendency
19 of an appeal. The plan shall provide for the
20 continued performance of purchase agreements in the
21 normal course of events, notwithstanding the grounds
22 alleged in support of the order of liquidation
23 including the ground of insolvency. If the defendant
24 establishment's financial condition, in the judgment
25 of the commissioner, will not support the full
26 performance of all obligations during the appeal
27 pendency period, the plan may prefer the claims of
28 certain purchasers and claimants over creditors and
29 interested parties as well as other purchasers and
30 claimants, as the commissioner finds to be fair and
31 equitable considering the relative circumstances of
32 such purchasers and claimants. The court shall
33 examine the plan submitted by the commissioner and if
34 it finds the plan to be in the best interests of the
35 parties, the court shall approve the plan. An action
36 shall not lie against the commissioner or any of the
37 commissioner's deputies, agents, clerks, assistants,
38 or attorneys by any party based on preference in an
39 appeal pendency plan approved by the court.

40 3. POWERS OF LIQUIDATOR.

41 a. The liquidator may do any of the following:

42 (1) Appoint a special deputy to act for the
43 liquidator under this chapter, and determine the
44 special deputy's reasonable compensation. The special
45 deputy shall have all the powers of the liquidator
46 granted by this section. The special deputy shall
47 serve at the pleasure of the liquidator.

48 (2) Hire employees and agents, legal counsel,
49 accountants, appraisers, consultants, and other
50 personnel as the commissioner may deem necessary to

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1 assist in the liquidation.

2 (3) With the approval of the court, fix reasonable
3 compensation of employees and agents, legal counsel,
4 accountants, appraisers, and consultants.

- 5 (4) Pay reasonable compensation to persons
6 appointed and defray from the funds or assets of the
7 establishment all expenses of taking possession of,
8 conserving, conducting, liquidating, disposing of, or
9 otherwise dealing with the business and property of
10 the establishment. If the property of the
11 establishment does not contain sufficient cash or
12 liquid assets to defray the costs incurred, the
13 commissioner may advance the costs so incurred out of
14 the insurance division regulatory fund. Amounts so
15 advanced for expenses of administration shall be
16 repaid to the insurance division regulatory fund for
17 the use of the division out of the first available
18 moneys of the establishment.
- 19 (5) Hold hearings, subpoena witnesses, and compel
20 their attendance, administer oaths, examine a person
21 under oath, and compel a person to subscribe to the
22 person's testimony after it has been correctly reduced
23 to writing, and in connection to the proceedings
24 require the production of books, accounts, papers,
25 correspondence, memoranda, purchase agreements, files,
26 or other documents or records which the liquidator
27 deems relevant to the inquiry.
- 28 (6) Collect debts and moneys due and claims
29 belonging to the establishment, wherever located.
30 Pursuant to this subparagraph, the liquidator may do
31 any of the following:
- 32 (a) Institute timely action in other jurisdictions
33 to forestall garnishment and attachment proceedings
34 against debts.
- 35 (b) Perform acts as are necessary or expedient to
36 collect, conserve, or protect its assets or property,
37 including the power to sell, compound, compromise, or
38 assign debts for purposes of collection upon terms and
39 conditions as the liquidator deems best.
- 40 (c) Pursue any creditor's remedies available to
41 enforce claims.
- 42 (7) Conduct public and private sales of the
43 property of the establishment.
- 44 (8) Use assets of the establishment under a
45 liquidation order to transfer obligations of purchase
46 agreements to a solvent establishment, if the transfer
47 can be accomplished without prejudice to the
48 applicable priorities under subsection 18.
- 49 (9) Acquire, hypothecate, encumber, lease,
50 improve, sell, transfer, abandon, or otherwise dispose

- 1 of or deal with property of the establishment at its
2 market value or upon terms and conditions as are fair
3 and reasonable. The liquidator shall also have power

4 to execute, acknowledge, and deliver deeds,
5 assignments, releases, and other instruments necessary
6 to effectuate a sale of property or other transaction
7 in connection with the liquidation.

8 (10) Borrow money on the security of the
9 establishment's assets or without security and execute
10 and deliver documents necessary to that transaction
11 for the purpose of facilitating the liquidation.
12 Money borrowed pursuant to this subparagraph shall be
13 repaid as an administrative expense and shall have
14 priority over any other class 1 claims under the
15 priority of distribution established in subsection 18.

16 (11) Enter into contracts as necessary to carry
17 out the order to liquidate and affirm or disavow
18 contracts to which the establishment is a party.

19 (12) Continue to prosecute and to institute in the
20 name of the establishment or in the liquidator's own
21 name any and all suits and other legal proceedings, in
22 this state or elsewhere, and to abandon the
23 prosecution of claims the liquidator deems
24 unprofitable to pursue further.

25 (13) Prosecute an action on behalf of the
26 creditors, purchasers, or owners against an officer of
27 the establishment or any other person.

28 (14) Remove records and property of the
29 establishment to the offices of the commissioner or to
30 other places as may be convenient for the purposes of
31 efficient and orderly execution of the liquidation.

32 (15) Deposit in one or more banks in this state
33 sums as are required for meeting current
34 administration expenses and distributions.

35 (16) Unless the court orders otherwise, invest
36 funds not currently needed.

37 (17) File necessary documents for recording in the
38 office of the recorder of deeds or record office in
39 this state or elsewhere where property of the
40 establishment is located.

41 (18) Assert defenses available to the
42 establishment against third persons including statutes
43 of limitations, statutes of fraud, and the defense of
44 usury. A waiver of a defense by the establishment
45 after a petition in liquidation has been filed shall
46 not bind the liquidator.

47 (19) Exercise and enforce the rights, remedies,
48 and powers of a creditor, purchaser, or owner,
49 including the power to avoid transfer or lien that may
50 be given by the general law and that is not included

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1 within subsections 7 through 9.

2 (20) Intervene in a proceeding wherever instituted

3 that might lead to the appointment of a receiver or
4 trustee, and act as the receiver or trustee whenever
5 the appointment is offered.

6 (21) Exercise powers now held or later conferred
7 upon receivers by the laws of this state which are not
8 inconsistent with this chapter.

9 b. This subsection does not limit the liquidator
10 or exclude the liquidator from exercising a power not
11 listed in paragraph "a" that may be necessary or
12 appropriate to accomplish the purposes of this
13 chapter.

14 4. NOTICE TO CREDITORS AND OTHERS.

15 a. Unless the court otherwise directs, the
16 liquidator shall give notice of the liquidation order
17 as soon as possible by doing both of the following:

18 (1) Mailing notice, by first-class mail, to all
19 persons known or reasonably expected to have claims
20 against the establishment, including purchasers, at
21 their last known address as indicated by the records
22 of the establishment.

23 (2) Publication of notice in a newspaper of
24 general circulation in the county in which the
25 establishment has its principal place of business and
26 in other locations as the liquidator deems
27 appropriate.

28 b. Notice to potential claimants under paragraph
29 "a" shall require claimants to file with the
30 liquidator their claims together with proper proofs of
31 the claim under subsection 13 on or before a date the
32 liquidator shall specify in the notice. Claimants
33 shall keep the liquidator informed of their changes of
34 address, if any.

35 c. If notice is given pursuant to this subsection,
36 the distribution of assets of the establishment under
37 this chapter shall be conclusive with respect to
38 claimants, whether or not a claimant actually received
39 notice.

40 5. ACTIONS BY AND AGAINST LIQUIDATOR.

41 a. After issuance of an order appointing a
42 liquidator of an establishment, an action at law or
43 equity shall not be brought against the establishment
44 within this state or elsewhere, and existing actions
45 shall not be maintained or further presented after
46 issuance of the order. Whenever in the liquidator's
47 judgment, protection of the estate of the
48 establishment necessitates intervention in an action
49 against the establishment that is pending outside this
50 state, the liquidator may intervene in the action.

2 estate of the establishment, an action in which the
3 liquidator intervenes under this section.

4 b. Within two years or such additional time as
5 applicable law may permit, the liquidator, after the
6 issuance of an order for liquidation, may institute an
7 action or proceeding on behalf of the estate of the
8 establishment upon any cause of action against which
9 the period of limitation fixed by applicable law has
10 not expired at the time of the filing of the petition
11 upon which the order is entered. If a period of
12 limitation is fixed by agreement for instituting a
13 suit or proceeding upon a claim, or for filing a
14 claim, proof of claim, proof of loss, demand, notice,
15 or the like, or if in a proceeding, judicial or
16 otherwise, a period of limitation is fixed in the
17 proceeding or pursuant to applicable law for taking an
18 action, filing a claim or pleading, or doing an act,
19 and if the period has not expired at the date of the
20 filing of the petition, the liquidator may, for the
21 benefit of the estate, take any action or do any act,
22 required of or permitted to the establishment, within
23 a period of one hundred eighty days subsequent to the
24 entry of an order for liquidation, or within a further
25 period as is shown to the satisfaction of the court
26 not to be unfairly prejudicial to the other party.
27 c. A statute of limitations or defense of laches
28 shall not run with respect to an action against an
29 establishment between the filing of a petition for
30 liquidation against the establishment and the denial
31 of the petition. An action against the establishment
32 that might have been commenced when the petition was
33 filed may be commenced for at least sixty days after
34 the petition is denied.

35 6. COLLECTION AND LIST OF ASSETS.

36 a. As soon as practicable after the liquidation
37 order but not later than one hundred twenty days after
38 such order, the liquidator shall prepare in duplicate
39 a list of the establishment's assets. The list shall
40 be amended or supplemented as the liquidator may
41 determine. One copy shall be filed in the office of
42 the clerk of court, and one copy shall be retained for
43 the liquidator's files. Amendments and supplements
44 shall be similarly filed.

45 b. The liquidator shall reduce the assets to a
46 degree of liquidity that is consistent with the
47 effective execution of the liquidation.

48 c. A submission of a proposal to the court for
49 distribution of assets in accordance with subsection
50 11 fulfills the requirements of paragraph "a".

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1 7. FRAUDULENT TRANSFERS PRIOR TO PETITION.

2 a. A transfer made and an obligation incurred by
3 an establishment within one year prior to the filing
4 of a successful petition for liquidation under this
5 chapter is fraudulent as to then existing and future
6 creditors if made or incurred without fair
7 consideration, or with actual intent to hinder, delay,
8 or defraud either existing or future creditors. A
9 fraudulent transfer made or an obligation incurred by
10 an establishment ordered to be liquidated under this
11 chapter may be avoided by the liquidator, except as to
12 a person who in good faith is a purchaser, lienor, or
13 obligee for a present fair equivalent value. A
14 purchaser, lienor, or obligee, who in good faith has
15 given a consideration less than present fair
16 equivalent value for such transfer, lien, or
17 obligation, may retain the property, lien, or
18 obligation as security for repayment. The court may,
19 on due notice, order any such transfer, lien, or
20 obligation to be preserved for the benefit of the
21 estate, and in that event, the receiver shall succeed
22 to and may enforce the rights of the purchaser,
23 lienor, or obligee.

24 b. (1) A transfer of property other than real
25 property is made when it becomes perfected so that a
26 subsequent lien obtainable by legal or equitable
27 proceedings on a simple contract could not become
28 superior to the rights of the transferee under
29 subsection 9, paragraph "c".

30 (2) A transfer of real property is made when it
31 becomes perfected so that a subsequent bona fide
32 purchaser from the establishment could not obtain
33 rights superior to the rights of the transferee.

34 (3) A transfer which creates an equitable lien is
35 not perfected if there are available means by which a
36 legal lien could be perfected.

37 (4) A transfer not perfected prior to the filing
38 of a petition for liquidation is deemed to be made
39 immediately before the filing of the successful
40 petition.

41 (5) This subsection applies whether or not there
42 are or were creditors who might have obtained a lien
43 or persons who might have become bona fide purchasers.

44 8. FRAUDULENT TRANSFER AFTER PETITION.

45 a. After a petition for liquidation has been
46 filed, a transfer of real property of the
47 establishment made to a person acting in good faith is
48 valid against the liquidator if made for a present
49 fair equivalent value. If the transfer is not made
50 for a present fair equivalent value, then the transfer

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1 is valid to the extent of the present consideration
2 actually paid for which amount the transferee shall
3 have a lien on the property transferred. The
4 commencement of a proceeding in liquidation is
5 constructive notice upon the recording of a copy of
6 the petition for or order of liquidation with the
7 recording or deeds in the county where any real
8 property in question is located. The exercise by a
9 court of the United States or a state or jurisdiction
10 to authorize a judicial sale of real property of the
11 establishment within a county in a state shall not be
12 impaired by the pendency of a proceeding unless the
13 copy is recorded in the county prior to the
14 consummation of the judicial sale.

15 b. After a petition for liquidation has been filed
16 and before either the liquidator takes possession of
17 the property of the establishment or an order of
18 liquidation is granted:

19 (1) A transfer of the property, other than real
20 property, of the establishment made to a person acting
21 in good faith is valid against the liquidator if made
22 for a present fair equivalent value. If the transfer
23 was not made for a present fair equivalent value, then
24 the transfer is valid to the extent of the present
25 consideration actually paid for which amount the
26 transferee shall have a lien on the property
27 transferred.

28 (2) If acting in good faith, a person indebted to
29 the establishment or holding property of the
30 establishment may pay the debt or deliver the
31 property, or any part of the property, to the
32 establishment or upon the establishment's order as if
33 the petition were not pending.

34 (3) A person having actual knowledge of the
35 pending liquidation is not acting in good faith.

36 (4) A person asserting the validity of a transfer
37 under this subsection has the burden of proof. Except
38 as provided in this subsection, a transfer by or on
39 behalf of the establishment after the date of the
40 petition for liquidation by any person other than the
41 liquidator is not valid against the liquidator.

42 c. A person receiving any property from the
43 establishment or any benefit of the property of the
44 establishment which is a fraudulent transfer under
45 paragraph "a" is personally liable for the property or
46 benefit and shall account to the liquidator.

47 d. This chapter does not impair the negotiability
48 of currency or negotiable instruments.

49 9. VOIDABLE PREFERENCES AND LIENS.

50 a. (1) A preference is a transfer of the property

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1 of an establishment to or for the benefit of a
2 creditor for an antecedent debt made or suffered by
3 the establishment within one year before the filing of
4 a successful petition for liquidation under this
5 chapter, the effect of which transfer may be to enable
6 the creditor to obtain a greater percentage of this
7 debt than another creditor of the same class would
8 receive. If a liquidation order is entered while the
9 establishment is already subject to a receivership,
10 then the transfers are preferences if made or suffered
11 within one year before the filing of the successful
12 petition for the receivership, or within two years
13 before the filing of the successful petition for
14 liquidation, whichever time is shorter.

15 (2) A preference may be avoided by the liquidator
16 if any of the following exist:

17 (a) The establishment was insolvent at the time of
18 the transfer.

19 (b) The transfer was made within four months
20 before the filing of the petition.

21 (c) At the time the transfer was made, the
22 creditor receiving it or to be benefited by the
23 transfer or the creditor's agent acting with reference
24 to the transfer had reasonable cause to believe that
25 the establishment was insolvent or was about to become
26 insolvent.

27 (d) The creditor receiving the transfer was an
28 officer, or an employee, attorney, or other person who
29 was in fact in a position of comparable influence in
30 the establishment to an officer whether or not the
31 person held the position of an officer, owner, or
32 other person, firm, corporation, association, or
33 aggregation of persons with whom the establishment did
34 not deal at arm's length.

35 (3) Where the preference is voidable, the
36 liquidator may recover the property. If the property
37 has been converted, the liquidator may recover its
38 value from a person who has received or converted the
39 property. However, if a bona fide purchaser or lienor
40 has given less than the present fair equivalent value,
41 the purchaser or lienor shall have a lien upon the
42 property to the extent of the consideration actually
43 given. Where a preference by way of lien or security
44 interest is voidable, the court may on due notice
45 order the lien or security interest to be preserved
46 for the benefit of the estate, in which event the lien
47 or title shall pass to the liquidator.

48 b. (1) A transfer of property other than real
49 property is made when it becomes perfected so that a
50 subsequent lien obtainable by legal or equitable

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1 proceedings on a simple contract could not become
2 superior to the rights of the transferee.

3 (2) A transfer of real property is made when it
4 becomes perfected so that a subsequent bona fide
5 purchaser from the establishment could not obtain
6 rights superior to the rights of the transferee.

7 (3) A transfer which creates an equitable lien is
8 not perfected if there are available means by which a
9 legal lien could be created.

10 (4) A transfer not perfected prior to the filing
11 of a petition for liquidation is deemed to be made
12 immediately before the filing of the successful
13 petition.

14 (5) This subsection applies whether or not there
15 are or were creditors who might have obtained liens or
16 persons who might have become bona fide purchasers.

17 c. (1) A lien obtainable by legal or equitable
18 proceedings upon a simple contract is one arising in
19 the ordinary course of the proceedings upon the entry
20 or docketing of a judgment or decree, or upon
21 attachment, garnishment, execution, or like process,
22 whether before, upon, or after judgment or decree and
23 whether before or upon levy. It does not include
24 liens which under applicable law are given a special
25 priority over other liens which are prior in time.

26 (2) A lien obtainable by legal or equitable
27 proceedings may become superior to the rights of a
28 transferee, or a purchaser may obtain rights superior
29 to the rights of a transferee within the meaning of
30 paragraph "b", if such consequences follow only from
31 the lien or purchase itself, or from the lien or
32 purchase followed by a step wholly within the control
33 of the respective lienholder or purchaser, with or
34 without the aid of ministerial action by public
35 officials. However, a lien could not become superior
36 and a purchase could not create superior rights for
37 the purpose of paragraph "b" through an act subsequent
38 to the obtaining of a lien or subsequent to a purchase
39 which requires the agreement or concurrence of any
40 third party or which requires further judicial action
41 or ruling.

42 d. A transfer of property for or on account of a
43 new and contemporaneous consideration, which is under
44 paragraph "b" made or suffered after the transfer
45 because of delay in perfecting it, does not become a
46 transfer for or on account of an antecedent debt if
47 any acts required by the applicable law to be
48 performed in order to perfect the transfer as against
49 liens or a bona fide purchaser's rights are performed
50 within twenty-one days or any period expressly allowed

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1 by the law, whichever is less. A transfer to secure a
2 future loan, if a loan is actually made, or a transfer
3 which becomes security for a future loan, shall have
4 the same effect as a transfer for or on account of a
5 new and contemporaneous consideration.

6 e. If a lien which is voidable under paragraph
7 "a", subparagraph (2), has been dissolved by the
8 furnishing of a bond or other obligation, the surety
9 of which has been indemnified directly or indirectly
10 by the transfer or the creation of a lien upon
11 property of an establishment before the filing of a
12 petition under this chapter which results in the
13 liquidation order, the indemnifying transfer or lien
14 is also voidable.

15 f. The property affected by a lien voidable under
16 paragraphs "a" and "e" is discharged from the lien.
17 The property and any of the indemnifying property
18 transferred to or for the benefit of a surety shall
19 pass to the liquidator. However, the court may on due
20 notice order a lien to be preserved for the benefit of
21 the estate and the court may direct that the
22 conveyance be executed to evidence the title of the
23 liquidator.

24 g. The court shall have summary jurisdiction of a
25 proceeding by a liquidator to hear and determine the
26 rights of the parties under this section. Reasonable
27 notice of hearing in the proceeding shall be given to
28 all parties in interest, including the obligee of a
29 releasing bond or other like obligation. Where an
30 order is entered for the recovery of indemnifying
31 property in kind or for the avoidance of an
32 indemnifying lien, upon application of any party in
33 interest, the court shall in the same proceeding
34 ascertain the value of the property or lien. If the
35 value is less than the amount for which the property
36 is indemnified or less than the amount of the lien,
37 the transferee or lienholder may elect to retain the
38 property or lien upon payment of its value, as
39 ascertained by the court, to the liquidator within the
40 time as fixed by the court.

41 h. The liability of a surety under a releasing
42 bond or other like obligation is discharged to the
43 extent of the value of the indemnifying property
44 recovered or the indemnifying lien nullified and
45 avoided by the liquidator. Where the property is
46 retained under paragraph "g", the liability of the
47 surety is discharged to the extent of the amount paid
48 to the liquidator.

49 i. If a creditor has been preferred for property
50 which becomes a part of the establishment's estate,

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1 and afterward in good faith gives the establishment
2 further credit without security of any kind, the
3 amount of the new credit remaining unpaid at the time
4 of the petition may be set off against the preference
5 which would otherwise be recoverable from the
6 creditor.

7 j. If within four months before the filing of a
8 successful petition for liquidation under this
9 chapter, or at any time in contemplation of a
10 proceeding to liquidate, an establishment, directly or
11 indirectly, pays money or transfers property to an
12 attorney for services rendered or to be rendered, the
13 transaction may be examined by the court on its own
14 motion or shall be examined by the court on petition
15 of the liquidator. The payment or transfer shall be
16 held valid only to the extent of a reasonable amount
17 to be determined by the court. The excess may be
18 recovered by the liquidator for the benefit of the
19 estate. However, where the attorney is in a position
20 of influence in the establishment or an affiliate,
21 payment of any money or the transfer of any property
22 to the attorney for services rendered or to be
23 rendered shall be governed by the provisions of
24 paragraph "a", subparagraph (2), subparagraph
25 subdivision (d).

26 k. (1) An officer, manager, employee,
27 shareholder, subscriber, attorney, or other person
28 acting on behalf of the establishment who knowingly
29 participates in giving any preference when the person
30 has reasonable cause to believe the establishment is
31 or is about to become insolvent at the time of the
32 preference is personally liable to the liquidator for
33 the amount of the preference. There is an inference
34 that reasonable cause exists if the transfer was made
35 within four months before the date of filing of this
36 successful petition for liquidation.

37 (2) A person receiving property from the
38 establishment or the benefit of the property of the
39 establishment as a preference voidable under paragraph
40 "a" is personally liable for the property and shall
41 account to the liquidator.

42 (3) This subsection shall not prejudice any other
43 claim by the liquidator against any person.

44 10. CLAIMS OF HOLDER OF VOID OR VOIDABLE RIGHTS.

45 a. A claim of a creditor who has received or
46 acquired a preference, lien, conveyance, transfer,
47 assignment, or encumbrance, voidable under this
48 chapter, shall not be allowed unless the creditor
49 surrenders the preference, lien, conveyance, transfer,
50 assignment, or encumbrance. If the avoidance is

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1 effected by a proceeding in which a final judgment has
2 been entered, the claim shall not be allowed unless
3 the money is paid or the property is delivered to the
4 liquidator within thirty days from the date of the
5 entering of the final judgment. However, the court
6 having jurisdiction over the liquidation may allow
7 further time if there is an appeal or other
8 continuation of the proceeding.

9 b. A claim allowable under paragraph "a" by reason
10 of a voluntary or involuntary avoidance, preference,
11 lien, conveyance, transfer, assignment, or encumbrance
12 may be filed as an excused late filing under
13 subsection 12, if filed within thirty days from the
14 date of the avoidance or within the further time
15 allowed by the court under paragraph "a".

16 11. LIQUIDATOR'S PROPOSAL TO DISTRIBUTE ASSETS.

17 a. From time to time as assets become available,
18 the liquidator shall make application to the court for
19 approval of a proposal to disburse assets out of
20 marshaled assets.

21 b. The proposal shall at least include provisions
22 for all of the following:

23 (1) Reserving amounts for the payment of all the
24 following:

25 (a) Expenses of administration.

26 (b) To the extent of the value of the security
27 held, the payment of claims of secured creditors.

28 (c) Claims falling within the priorities
29 established in subsection 18, paragraphs "a" and "b".

30 (2) Disbursement of the assets marshaled to date
31 and subsequent disbursement of assets as they become
32 available.

33 c. Action on the application may be taken by the
34 court provided that the liquidator's proposal complies
35 with paragraph "b".

36 12. FILING OF CLAIMS.

37 a. Proof of all claims shall be filed with the
38 liquidator in the form required by subsection 13 on or
39 before the last day for filing specified in the notice
40 required under subsection 4.

41 b. The liquidator may permit a claimant making a
42 late filing to share in distributions, whether past or
43 future, as if the claimant were not late, to the
44 extent that the payment will not prejudice the orderly
45 administration of the liquidation under any of the
46 following circumstances:

47 (1) The existence of the claim was not known to
48 the claimant and the claimant filed the claim as
49 promptly as reasonably possible after learning of it.

50 (2) A transfer to a creditor was avoided under

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1 subsections 7 through 9, or was voluntarily
2 surrendered under subsection 10, and the filing
3 satisfies the conditions of subsection 10.
4 (3) The valuation under subsection 17 of security
5 held by a secured creditor shows a deficiency, which
6 is filed within thirty days after the valuation.
7 c. The liquidator may consider any claim filed
8 late and permit the claimant to receive distributions
9 which are subsequently declared on any claims of the
10 same or lower priority if the payment does not
11 prejudice the orderly administration of the
12 liquidation. The late-filing claimant shall receive
13 at each distribution the same percentage of the amount
14 allowed on the claim as is then being paid to
15 claimants of any lower priority. This shall continue
16 until the claim has been paid in full.
17 13. PROOF OF CLAIM.
18 a. Proof of claim shall consist of a statement
19 signed by the claimant that includes all of the
20 following that are applicable:
21 (1) The particulars of the claim, including the
22 consideration given for it.
23 (2) The identity and amount of the security on the
24 claim.
25 (3) The payments, if any, made on the debt.
26 (4) A statement that the sum claimed is justly
27 owing and that there is no setoff, counterclaim, or
28 defense to the claim.
29 (5) Any right of priority of payment or other
30 specific right asserted by the claimant.
31 (6) A copy of the written instrument which is the
32 foundation of the claim.
33 (7) The name and address of the claimant and the
34 attorney who represents the claimant, if any.
35 b. A claim need not be considered or allowed if it
36 does not contain all the information identified in
37 paragraph "a" which is applicable. The liquidator may
38 require that a prescribed form be used and may require
39 that other information and documents be included.
40 c. At any time the liquidator may request the
41 claimant to present information or evidence
42 supplementary to that required under paragraph "a",
43 and may take testimony under oath, require production
44 of affidavits or depositions, or otherwise obtain
45 additional information or evidence.
46 d. A judgment or order against an establishment
47 entered after the date of filing of a successful
48 petition for liquidation, or a judgment or order
49 against the establishment entered at any time by
50 default or by collusion need not be considered as

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1 evidence of liability or of the amount of damages. A
2 judgment or order against an establishment before the
3 filing of the petition need not be considered as
4 evidence of liability or of the amount of damages.

5 14. SPECIAL CLAIMS.

6 a. A claim may be allowed even if contingent, if
7 it is filed pursuant to subsection 12. The claim may
8 be allowed and the claimant may participate in all
9 distributions declared after it is filed to the extent
10 that it does not prejudice the orderly administration
11 of the liquidation.

12 b. Claims that are due except for the passage of
13 time shall be treated as absolute claims are treated.
14 However, the claims may be discounted at the legal
15 rate of interest.

16 c. Claims made under employment contracts by
17 directors, principal officers, or persons in fact
18 performing similar functions or having similar powers
19 are limited to payment for services rendered prior to
20 the issuance of an order of liquidation under
21 subsection 2.

22 15. DISPUTED CLAIMS.

23 a. If a claim is denied in whole or in part by the
24 liquidator, written notice of the determination shall
25 be given to the claimant or the claimant's attorney by
26 first-class mail at the address shown in the proof of
27 claim. Within sixty days from the mailing of the
28 notice, the claimant may file objections with the
29 liquidator. Unless a filing is made, the claimant
30 shall not further object to the determination.

31 b. If objections are filed with the liquidator and
32 the liquidator does not alter the denial of the claim
33 as a result of the objections, the liquidator shall
34 ask the court for a hearing as soon as practicable and
35 give notice of the hearing by first-class mail to the
36 claimant or the claimant's attorney and to any other
37 persons directly affected. The notice shall be given
38 not less than ten nor more than thirty days before the
39 date of hearing. The matter shall be heard by the
40 court or by a court-appointed referee. The referee
41 shall submit findings of fact along with a
42 recommendation.

43 16. CLAIMS OF OTHER PERSON. If a creditor, whose
44 claim against an establishment is secured in whole or
45 in part by the undertaking of another person, fails to
46 prove and file that claim, then the other person may
47 do so in the creditor's name and shall be subrogated
48 to the rights of the creditor, whether the claim has
49 been filed by the creditor or by the other person in
50 the creditor's name to the extent that the other

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1 person discharges the undertaking. However, in the
2 absence of an agreement with the creditor to the
3 contrary, the other person is not entitled to any
4 distribution until the amount paid to the creditor on
5 the undertaking plus the distributions paid on the
6 claim from the establishment's estate to the creditor
7 equal the amount of the entire claim of the creditor.
8 An excess received by the creditor shall be held by
9 the creditor in trust for the other person.

10 17. SECURED CREDITOR'S CLAIMS.

11 a. The value of the security held by a secured
12 creditor shall be determined in one of the following
13 ways, as the court may direct:

14 (1) By converting the security into money
15 according to the terms of the agreement pursuant to
16 which the security was delivered to the creditors.

17 (2) By agreement, arbitration, compromise, or
18 litigation between the creditor and the liquidator.

19 b. The determination shall be under the
20 supervision and control of the court with due regard
21 for the recommendation of the liquidator. The amount
22 so determined shall be credited upon the secured
23 claim. A deficiency shall be treated as an unsecured
24 claim. If the claimant surrenders the security to the
25 liquidator, the entire claim shall be allowed as if
26 unsecured.

27 18. PRIORITY OF DISTRIBUTION. The priority of
28 distribution of claims from the establishment's estate
29 shall be in accordance with the order in which each
30 class of claims is set forth. Claims in each class
31 shall be paid in full or adequate funds retained for
32 the payment before the members of the next class
33 receive any payment. Subclasses shall not be
34 established within a class. The order of distribution
35 of claims is as follows:

36 a. CLASS 1. The costs and expenses of
37 administration, including but not limited to the
38 following:

39 (1) Actual and necessary costs of preserving or
40 recovering the assets of the establishment.

41 (2) Compensation for all authorized services
42 rendered in the liquidation.

43 (3) Necessary filing fees.

44 (4) Fees and mileage payable to witnesses.

45 (5) Authorized reasonable attorney fees and other
46 professional services rendered in the liquidation.

47 b. CLASS 2. Reasonable compensation to employees
48 for services performed to the extent that they do not
49 exceed two months of monetary compensation and
50 represent payment for services performed within one

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1 year before the filing of the petition for
liquidation. Officers and directors are not entitled
to the benefit of this priority. The priority is in
lieu of other similar priority which may be authorized
by law as to wages or compensation of employees.

c. CLASS 3. Claims under purchase agreements.

d. CLASS 4. Claims of general creditors.

e. CLASS 5. Claims of the federal or of any state
or local government. Claims, including those of a
governmental body for a penalty or forfeiture, are
allowed in this class only to the extent of the
pecuniary loss sustained from the act, transaction, or
proceeding out of which the penalty or forfeiture
arose, with reasonable and actual costs incurred. The
remainder of such claims shall be postponed to the
class of claims under paragraph "g".

f. CLASS 6. Claims filed late or any other claims
other than claims under paragraph "g".

g. CLASS 7. The claims of shareholders or other
owners.

19. LIQUIDATOR'S RECOMMENDATIONS TO THE COURT.

a. The liquidator shall review claims duly filed
in the liquidation and shall make further
investigation as necessary. The liquidator may
compound, compromise, or in any other manner negotiate
the amount for which claims will be recommended to the
court except where the liquidator is required by law
to accept claims as settled by a person or
organization. Unresolved disputes shall be determined
under subsection 15. As soon as practicable, the
liquidator shall present to the court a report of the
claims against the establishment with the liquidator's
recommendations. The report shall include the name
and address of each claimant and the amount of the
claim finally recommended.

b. The court may approve, disapprove, or modify
the report on claims by the liquidator. Reports not
modified by the court within sixty days following
submission by the liquidator shall be treated by the
liquidator as allowed claims, subject to later
modification or to rulings made by the court pursuant
to subsection 15. A claim under a policy of insurance
shall not be allowed for an amount in excess of the
applicable policy limits.

20. DISTRIBUTION OF ASSETS. Under the direction
of the court, the liquidator shall pay distributions
in a manner that will ensure the proper recognition of
priorities and a reasonable balance between the
expeditious completion of the liquidation and the
protection of unliquidated and undetermined claims,

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1 including third-party claims. Distribution of assets
2 in kind may be made at valuations set by agreement
3 between the liquidator and the creditor and approved
4 by the court.

5 **21. UNCLAIMED AND WITHHELD FUNDS.**

6 a. Unclaimed funds subject to distribution
7 remaining in the liquidator's hands when the
8 liquidator is ready to apply to the court for
9 discharge, including the amount distributable to a
10 creditor, owner, or other person who is unknown or
11 cannot be found, shall be deposited with the treasurer
12 of the state, and shall be paid without interest,
13 except as provided in subsection 18, to the person
14 entitled or to the person's legal representative upon
15 proof satisfactory to the treasurer of state of the
16 right to the funds. Any amount on deposit not claimed
17 within six years from the discharge of the liquidator
18 is deemed to have been abandoned and shall become the
19 property of the state without formal escheat
20 proceedings and be transferred to the insurance
21 division regulatory fund.

22 b. Funds withheld under subsection 14 and not
23 distributed shall upon discharge of the liquidator be
24 deposited with the treasurer of state and paid
25 pursuant to subsection 18. Sums remaining which under
26 subsection 18 would revert to the undistributed assets
27 of the establishment shall be transferred to the
28 insurance division regulatory fund and become the
29 property of the state as provided under paragraph "a",
30 unless the commissioner in the commissioner's
31 discretion petitions the court to reopen the
32 liquidation pursuant to subsection 23.

33 c. Notwithstanding any other provision of this
34 chapter, funds as identified in paragraph "a", with
35 the approval of the court, shall be made available to
36 the commissioner for use in the detection and
37 prevention of future insolvencies. The commissioner
38 shall hold these funds in the insurance division
39 regulatory fund and shall pay without interest, except
40 as provided in subsection 18, to the person entitled
41 to the funds or to the person's legal representative
42 upon proof satisfactory to the commissioner of the
43 person's right to the funds. The funds shall be held
44 by the commissioner for a period of two years at which
45 time the rights and duties to the unclaimed funds
46 shall vest in the commissioner.

47 **22. TERMINATION OF PROCEEDINGS.**

48 a. When all assets justifying the expense of
49 collection and distribution have been collected and
50 distributed under this chapter, the liquidator shall

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1 apply to the court for discharge. The court may grant
2 the discharge and make any other orders, including an
3 order to transfer remaining funds that are
4 uneconomical to distribute, as appropriate.

5 b. Any other person may apply to the court at any
6 time for an order under paragraph "a". If the
7 application is denied, the applicant shall pay the
8 costs and expenses of the liquidator in resisting the
9 application, including a reasonable attorney fee.

10 23. REOPENING LIQUIDATION. At any time after the
11 liquidation proceeding has been terminated and the
12 liquidator discharged, the commissioner or other
13 interested party may petition the court to reopen the
14 proceedings for good cause including the discovery of
15 additional assets. The court shall order the
16 proceeding reopened if it is satisfied that there is
17 justification for the reopening.

18 24. DISPOSITION OF RECORDS DURING AND AFTER
19 TERMINATION OF LIQUIDATION. If it appears to the
20 commissioner that the records of an establishment in
21 the process of liquidation or completely liquidated
22 are no longer useful, the commissioner may recommend
23 to the court and the court shall direct what records
24 shall be retained for future reference and what
25 records shall be destroyed.

26 25. EXTERNAL AUDIT OF LIQUIDATOR'S BOOKS. The
27 court may order audits to be made of the books of the
28 commissioner relating to a liquidation established
29 under this chapter, and a report of each audit shall
30 be filed with the commissioner and with the court.
31 The books, records, and other documents of the
32 liquidation shall be made available to the auditor at
33 any time without notice. The expense of an audit
34 shall be considered a cost of administration of the
35 liquidation.

36 Sec. __. Chapters 523A and 523E, Code 2001, are
37 repealed."

38 2. Title page, line 1, by inserting after the
39 word "Act" the following: "concerning regulated
40 industries under the jurisdiction of the commissioner
41 of insurance,".

42 3. Title page, line 7, by inserting after the
43 word "requirements" the following: ", and relating to
44 cemetery and funeral merchandise and funeral services,
45 establishing permit and purchase agreement
46 requirements, establishing and appropriating fees, and
47 providing administration, enforcement, and liquidation
48 procedures, and penalties".

49 4. By renumbering as necessary.

Hoffman of Crawford offered the following amendment H-1568, to the committee amendment H-1448, filed by him and moved its adoption:

H-1568

1 Amend the amendment, H-1448, to Senate File 473, as
2 passed by the Senate, as follows:

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

5 ""Sec. ____ Section 507B.4, subsection 10B,
6 unnumbered paragraph 1, as enacted by 2001 Iowa Acts,
7 Senate File 500, section 7, is amended to read as
8 follows:

9 Failure of an insurer to pay interest at the rate
10 of ten percent per annum on all health insurance
11 claims that the insurer fails to timely accept and pay
12 pursuant to section 507B.4A, subsection 1 2, paragraph
13 "a" "d". Interest shall accrue commencing on the
14 thirty-first day after receipt of all properly
15 completed proof of loss forms.

16 Sec. ____ Section 518.16, Code 2001, is amended to
17 read as follows:

18 518.16 QUALIFICATION OF AGENTS.

19 A person shall not solicit any application for
20 insurance for an association in this state without
21 having procured from the commissioner of insurance a
22 license authorizing the person to act as an agent
23 insurance producer pursuant to chapter 522 522B."

24 2. Page 59, by inserting after line 35, the
25 following:

26 "Sec. ____ Section 537A.10, subsection 1,
27 paragraph c, subparagraph (3), Code 2001, is amended
28 to read as follows:

29 (3) "Franchise" also does not include any contract
30 under which a petroleum retailer or petroleum
31 distributor is authorized or permitted to occupy
32 leased marketing premises, which premises are to be
33 employed in connection with the sale, consignment, or
34 distribution of motor fuel under a trademark which is
35 owned or controlled by a refiner which is regulated by
36 the federal Petroleum Marketing Practices Act, 15
37 U.S.C. § 2801 et seq. The term "refiner" means any
38 person engaged in the refining of crude oil to produce
39 motor fuel, and includes any affiliate of such person.
40 "Franchise" also does not include a contract entered
41 into by any person regulated under chapter 123, 322,
42 322A, 322B, 322C, 322D, 322F, 522 522B, or 543B, or a
43 contract establishing a franchise relationship with
44 respect to the sale of construction equipment, lawn or
45 garden equipment, or real estate."

- 46 3. Page 59, by striking lines 38 through 41 and
47 inserting the following:
48 "___ Title page, line 1, by inserting after the
49 word "Act" the following: "concerning regulated
50 industries under the jurisdiction of the commissioner

Page 2

- 1 of insurance relating to various issues relating to
2 insurance, "."
3 4. By renumbering, redesignating, and correcting
4 internal references as necessary.

Amendment H-1568 was adopted.

Hoffman of Crawford offered the following amendment H-1555, to the committee amendment H-1448, filed by him and moved its adoption:

H-1555

- 1 Amend the amendment, H-1448, to Senate File 473, as
2 passed by the Senate, as follows:
3 1. Page 38, by striking lines 41 through 44 and
4 inserting the following: "matter as deemed
5 appropriate."

Amendment H-1555 was adopted.

Hoffman of Crawford offered the following amendment H-1577, to the committee amendment H-1448, filed by him and moved its adoption:

H-1577

- 1 Amend the amendment, H-1448, to Senate File 473, as
2 passed by the Senate, as follows:
3 1. Page 59, by inserting after line 35 the
4 following:
5 "Sec. ___. 2001 Iowa Acts, Senate File 500,
6 section 39, is amended to read as follows:
7 SEC. 39. EFFECTIVE DATE. Sections 4, 5, 7 through
8 11, 13 through 22, 34, and 38 of this Act take effect
9 January 1, 2002."
10 2. By renumbering, redesignating, and correcting
11 internal references as necessary.

Amendment H-1577 was adopted.

On motion by Hoffman of Crawford the committee amendment H-1448, as amended, was adopted.

Hoffman of Crawford 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. 473)

The ayes were, 98:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Houser
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Winckler
Wise	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 2:

Schrader Witt

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 265, 313, 323 and 473.**

Senate File 209, a bill for an act providing for livestock, including the control of paratuberculosis, and providing for penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Rekow of Allamakee offered amendment H-1421 filed by the committee on agriculture as follows:

H-1421

1 Amend Senate File 209, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 11, the
4 following:

5 "___."Infected" means infected with
6 paratuberculosis as provided in section 165A.3."

7 2. Page 1, line 28, by striking the figure
8 "165A.4." and inserting the following: "165A.5."

9 3. Page 1, by inserting after line 29, the
10 following:

11 "Sec. ___. NEW SECTION. 165A.3 DETERMINATION OF
12 INFECTION.

13 The department shall adopt rules providing methods
14 and procedures to determine whether cattle are
15 infected, which may include detection and analysis of
16 paratuberculosis using techniques approved by the
17 United States department of agriculture."

18 4. Page 1, line 30, by striking the figure
19 "165A.3" and inserting the following: "165A.4".

20 5. Page 1, line 33, by inserting after the word
21 "department." the following: "A person shall not sell
22 infected cattle other than directly to a slaughtering
23 establishment or to a concentration point for sale
24 directly to a slaughtering establishment, for
25 immediate slaughter. Cattle marked with a letter "J"
26 that are kept at a concentration point must be kept
27 separate and apart."

28 6. Page 1, line 34, by striking the figure
29 "165A.4" and inserting the following: "165A.5".

30 7. Page 2, by inserting after line 13, the
31 following:

32 "___."Dairy cattle" means cattle belonging to a

33 breed that is used to produce milk for human
34 consumption, including but not limited to holstein and
35 jersey breeds."

36 8. Page 2, line 18, by striking the words "sale
37 barn or".

38 9. Page 2, line 28, by striking the words
39 "livestock upon" and inserting the following: "dairy
40 cattle upon express".

41 10. Page 2, line 29, by striking the word
42 "livestock" and inserting the following: "dairy
43 cattle".

44 11. Page 2, line 30, by striking the word
45 "livestock" and inserting the following: "dairy
46 cattle".

47 12. Page 2, line 31, by inserting after the word
48 "person" the following: "shall not sell the dairy
49 cattle to a purchaser other than a packer and a
50 person".

Page 2

1 13. Page 2, line 32, by striking the word
2 "livestock" and inserting the following: "dairy
3 cattle".

4 14. Page 3, by striking lines 3 and 4, and
5 inserting the following: "The department shall have
6 the same authority to enforce this chapter as it does
7 under chapter 165A. A person who violates section
8 172E.2 is subject to the same penalties as provided in
9 section 165A.5."

10 15. Page 3, line 7, by striking the word
11 "determining" and inserting the following: "advising
12 the department regarding the administration of chapter
13 165A as enacted in this Act, including the adoption of
14 rules providing methods and procedures to determine
15 whether cattle are infected. The task force shall
16 study".

17 16. Page 3, by striking lines 13 through 23, and
18 inserting the following:

19 "___ The task force shall be composed of all of
20 the following:

21 a. Persons who represent the department of
22 agriculture and land stewardship. One person shall be
23 the state veterinarian who shall serve as the
24 chairperson of the committee. The secretary of
25 agriculture may appoint up to two more persons if
26 necessary who shall be knowledgeable regarding the
27 control of diseases affecting cattle.

28 b. Persons representing the veterinary college of
29 medicine at Iowa state university who shall be the
30 dean of the college, the head of serology of the
31 department of the veterinary diagnostic laboratory of

32 the veterinary diagnostic and production animal
33 medicine, and the chair of the department of
34 veterinary microbiology and preventative medicine.
35 c. Persons actively engaged in the cattle or dairy
36 industry, including a person actively engaged in
37 producing milk who is appointed by the Iowa dairy
38 products association, a person who is actively engaged
39 in producing dairy products who is appointed by the
40 Iowa dairy products association, a person who is
41 actively engaged in producing beef cattle who is
42 appointed by the Iowa cattlemen's association, and a
43 person actively engaged in marketing cattle who is
44 appointed by the livestock marketing association."
45 17. By renumbering as necessary.

Seng of Scott asked and received unanimous consent to withdraw amendment H-1631, to the committee amendment H-1421, filed by him from the floor.

Rekow of Allamakee offered the following amendment H-1589, to the committee amendment H-1421, filed by him and moved its adoption:

H-1589

1 Amend the amendment H-1421, to Senate File 209, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 19 the
5 following:
6 " ___. Page 1, line 32, by striking the letter
7 ""J"" and inserting the following: ""C""."
8 2. Page 1, line 25, by striking the letter ""J""
9 and inserting the following: ""C"".
10 3. Page 1, line 40, by inserting after the word
11 "express" the following: "written".
12 4. By striking page 1, line 47, through page 2,
13 line 3, and inserting the following:
14 " ___. Page 2, by striking lines 31 and 32, and
15 inserting the following: "directly to slaughter until
16 sold to a packer. A person shall not knowingly sell
17 the dairy cattle to a purchaser other than to a packer
18 at the livestock market. A person other than a packer
19 shall not knowingly purchase the dairy cattle at the
20 livestock market.""
21 5. Page 2, by striking lines 28 through 34, and
22 inserting the following:
23 " ___. Persons representing the college of
24 veterinary medicine at Iowa state university who shall
25 be the dean of the college or the dean's designee, the

- 26 head of serology for the veterinary diagnostic
27 laboratory, the head of the department of veterinary
28 diagnostic and production animal medicine, and the
29 chair of the department of veterinary microbiology and
30 preventive medicine.
31 _____. A person who is a member or officer of the
32 Iowa veterinary medical association who is appointed
33 by the association."
34 6. By renumbering as necessary.

Amendment H-1589 was adopted.

Kreiman of Davis offered the following amendment H-1584, to the committee amendment H-1421, filed by him and moved its adoption:

H-1584

- 1 Amend the amendment, H-1421, to Senate File 209, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 29, the
5 following:
6 "_____. Page 2, by inserting after line 10, the
7 following:
8 "_____. This section does not prevent a person from
9 commencing a civil cause of action based on any right
10 that the person may assert under statute or common
11 law".
12 2. Page 1, by inserting after line 37, the
13 following:
14 "_____. Page 2, line 27, by striking the word
15 "LIVESTOCK" and inserting the following: "DAIRY
16 CATTLE".
17 3. Page 2, by striking lines 5 and 6, and
18 inserting the following: "inserting the following:
19 "1. The department with assistance by the attorney
20 general shall have the same authority to enforce this
21 chapter as it does".
22 4. Page 2, by inserting after line 9, the
23 following:
24 "_____. This section does not prevent a person from
25 commencing a civil cause of action based on any right
26 that the person may assert under statute or common
27 law".
28 5. By renumbering as necessary.

Amendment H-1584 was adopted, placing out of order amendment H-1475 filed by Kreiman of Davis.

On motion by Rekow of Allamakee the committee amendment H-1421, as amended, was adopted.

Rekow of Allamakee 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. 209)

The ayes were, 96:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Chiodo	Cohoon
Connors	Cormack	De Boef	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Falck	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Houser	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Rekow
Reynolds	Richardson	Roberts	Scherrman
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Mr. Speaker
			Siegrist

The nays were, none.

Absent or not voting, 4:

Carroll	Dix	Schrader	Witt
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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 336, a bill for an act relating to the authority of the state board of educational examiners to develop a code of professional rights and responsibilities, practices, and ethics for practitioners, with report of committee recommending amendment and passage, was taken up for consideration.

Boal of Polk offered amendment H-1439 filed by the committee on education as follows:

H-1439

- 1 Amend Senate File 336, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 15, by striking the words "second
- 4 or subsequent".
- 5 2. Page 1, line 23, by inserting after the figure
- 6 "279.13:" the following: "In addressing the failure
- 7 of a practitioner to fulfill contractual obligations,
- 8 the board shall consider factors beyond the
- 9 practitioner's control, including the relocation of a
- 10 spouse to another geographic area."

Mascher of Johnson offered the following amendment H-1524, to the committee amendment H-1439, filed by her and moved its adoption:

H-1524

- 1 Amend the amendment, H-1439, to Senate File 336, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 and 4.

Amendment H-1524 lost.

Mascher of Johnson offered the following amendment H-1511, to the committee amendment H-1439, filed by her and moved its adoption:

H-1511

- 1 Amend the amendment, H-1439, to Senate File 336, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 9, by inserting after the word
- 5 "including" the following: ", but not limited to, the
- 6 health of the practitioner or of an individual in the

7 practitioner's immediate family, or".

Carroll of Poweshiek in the chair at 3:00 p.m.

Amendment H-1511 lost.

Greimann of Story offered the following amendment H-1516, to the committee amendment H-1439, filed by her and moved its adoption:

H-1516

- 1 Amend the amendment, H-1439, to Senate File 336, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 9, by inserting after the word
- 5 "including" the following: ", but not limited to,
- 6 mental illness or".

Amendment H-1516 lost.

Winckler of Scott offered the following amendment H-1518, to the committee amendment H-1439, filed by her and moved its adoption:

H-1518

- 1 Amend the amendment, H-1439, to Senate File 336, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 9, by inserting after the word
- 5 "including" the following: ", but not limited to,
- 6 economic hardship or".

Amendment H-1518 lost.

Bukta of Clinton offered the following amendment H-1527, to the committee amendment H-1439, filed by her and moved its adoption:

H-1527

- 1 Amend the amendment, H-1439, to Senate File 336, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 9, by inserting after the word
- 5 "including" the following: ", but not limited to, a
- 6 natural disaster or".

Amendment H-1527 lost.

Mascher of Johnson offered the following amendment H-1512, to the committee amendment H-1439, filed by her and moved its adoption:

H-1512

- 1 Amend the amendment, H-1439, to Senate File 336 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 9 and 10 and
- 5 inserting the following: "practitioner's control."

Amendment H-1512 was adopted.

On motion by Boal of Polk the committee amendment H-1439, as amended, was adopted.

Mascher of Johnson offered amendment H-1525 filed by her as follows:

H-1525

- 1 Amend Senate File 336, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 23 the
- 4 following:
- 5 "Sec. 2. Section 279.13, subsection 1, unnumbered
- 6 paragraph 2, Code 2001, is amended to read as follows:
- 7 The board of directors of a school district shall
- 8 not offer to enter into or enter into a contract for
- 9 employment with a teacher who is under contract with
- 10 another board of directors for the same time period
- 11 unless the school district that has previously entered
- 12 into a contract with the teacher releases the teacher,
- 13 in writing, from the contract. The contract is
- 14 invalid if the teacher is under contract with another
- 15 board of directors to teach during the same time
- 16 period ~~until a release from the other contract is~~
- 17 ~~achieved.~~ The contract shall be signed by the
- 18 president of the board when tendered, and after it is
- 19 signed by the teacher, the contract shall be filed
- 20 with the secretary of the board before the teacher
- 21 enters into performance under the contract."
- 22 2. Title page, line 1, by inserting after the
- 23 word "to" the following: "teaching contracts and".

Boal of Polk rose on a point of order that amendment H-1525 was not germane.

The Speaker ruled the point well taken and amendment H-1525 not germane.

Mascher of Johnson offered the following amendment H-1526 filed by her as follows:

H-1526

- 1 Amend Senate File 336, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 23 the
- 4 following:
- 5 "Sec. ____ Section 272C.3, subsection 1, Code
- 6 2001, is amended by adding the following new
- 7 paragraph:
- 8 NEW PARAGRAPH. bb. Develop and establish a code
- 9 of professional rights and responsibilities,
- 10 practices, and ethics, which shall, among other
- 11 things, address the failure of a practitioner to
- 12 fulfill contractual obligations pertaining to the
- 13 practitioner's employment."
- 14 2. Title page, lines 1 and 2, by striking the
- 15 words "the state board of educational examiners" and
- 16 inserting the following: "state licensing boards".
- 17 3. Title page, lines 3 and 4, by striking the
- 18 words "for practitioners".

Boal of Polk rose on a point of order that amendment H-1526 was not germane.

The Speaker ruled the point well taken and amendment H-1526 not germane.

Boal 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. 336)

The ayes were, 61:

Alons
Bell
Brauns

Arnold
Boal
Broers

Barry
Boddicker
Brunkhorst

Baudler
Bradley
Cohoon

Cormack	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Garman	Gipp
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Kettering	Klemme	Larson	Manternach
Mertz	Metcalf	Millage	O'Brien
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Siegrist, Spkr.	Sievers
Sukup	Teig	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Wise
Carroll, Presiding			

The nays were, 37:

Atteberry	Bogges	Bukta	Chiodo
Connors	Dotzler	Falck	Foege
Ford	Frevert	Greimann	Hatch
Huser	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Murphy	Myers	Osterhaus	Petersen
Quirk	Reynolds	Richardson	Scherrman
Seng	Shoultz	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler			

Absent or not voting, 2:

Schrader	Witt
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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 354, a bill for an act relating to limitations on filing medical assistance claims against a decedent's estate, with report of committee recommending passage, was taken up for consideration.

Millage 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. 354)

The ayes were, 98:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Falck	Fallon
Finch	Foege	Ford	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Rekow	Reynolds	Richardson	Roberts
Scherrman	Seng	Shey	Shoultz
Siegrist, Spkr.	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Winckler
Wise	Carroll,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Schrader Witt

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

Speaker Siegrist in the chair at 3:50 p.m.

Senate File 412, a bill for an act relating to the compulsory attendance age and attendance at school during the regular school calendar by a child who has reached the age of sixteen, with report of committee recommending passage, was taken up for consideration.

Mascher of Johnson offered amendment H-1531 filed by her as follows:

H-1531

- 1 Amend Senate File 412, 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. 280.28 POTENTIAL
6 DROPOUT DECISION-MAKING ASSISTANCE POLICY.
7 The board of directors of a school district and the
8 authorities in charge of an accredited nonpublic
9 school shall adopt a potential dropout decision-making
10 assistance policy to inform students who are potential
11 school dropouts and are no longer of compulsory
12 attendance age of the problems the students may
13 encounter as school dropouts and of alternative
14 educational options.
15 Under the policy, the school board or the
16 authorities in charge of an accredited nonpublic
17 school shall provide to a student, when a student is
18 identified as being at risk of dropping out or at
19 least twenty-four hours before the student is
20 anticipated to drop out of school, information by
21 videotape about the problems that research indicates
22 dropouts are likely to encounter and about the
23 alternative educational options offered by the school
24 district or school or by any other educational
25 institution in the area, as appropriate. The school
26 board and authorities in charge of an accredited
27 nonpublic school shall also provide to the student a
28 certification and consent form to be signed by the
29 student verifying that the student was offered a
30 viewing of the videotape. The student shall also
31 attain the signature of the student's parent or legal
32 guardian to document that the parent or legal guardian
33 consents to the student's intention to drop out of
34 school."
35 2. By renumbering as necessary.

Mascher of Johnson offered the following amendment H-1607, to amendment H-1531, filed by her and moved its adoption:

H-1607

- 1 Amend the amendment, H-1531, to Senate File 412, as
2 passed by the Senate, as follows:
3 1. Page 1, lines 1 and 2, by striking the words
4 "amended, passed, and reprinted" and inserting the
5 following: "passed".
6 " _____. Page 1, by inserting before line 5, the
7 following:
8 ""Section 1. Section 256.9, subsection 43, Code

9 2001, is amended to read as follows:

10 43. a. Prepare a plan and a report for ensuring
11 that all Iowa children will be able to satisfy the
12 requirements for high school graduation. The plan and
13 report shall include a statement of the dimensions of
14 the dropout problem in Iowa; a survey of existing
15 programs geared to dropout prevention; a plan for use
16 of competency-based outcome methods and measures;
17 proposals for alternative means for satisfying
18 graduation requirements including alternative high
19 school settings, supervised vocational experiences,
20 education experiences within the correctional system,
21 screening and assessment mechanisms for identifying
22 students who are at risk of dropping out and the
23 development of an individualized education plan for
24 identified students; a requirement that schools
25 provide information to students who drop out of school
26 on options for pursuing education at a later date; the
27 development of basic materials and information for
28 schools to present to students leaving school; a
29 requirement that students notify their school
30 districts of residence when the student discontinues
31 school, including the reasons for leaving school and
32 future plans for career development; a requirement
33 that, unless a student chooses to make the information
34 relating to the student leaving school confidential,
35 schools make the information available to community
36 colleges, area education agencies, and other
37 educational institutions upon request; recommendations
38 for the establishment of pilot projects for the
39 development of model alternative options education
40 programs; a plan for implementation of any recommended
41 courses of action to attain a zero dropout rate by the
42 year 2000; and other requirements necessary to achieve
43 the goals of this subsection. Alternative means for
44 satisfying graduation requirements which relate to the
45 development of individualized education plans for
46 students who have dropped out of the regular school
47 program shall include, but are not limited to, a
48 tracking component that requires a school district to
49 maintain periodic contact with a student, assistance
50 to a dropout in curing any of the student's academic

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1 deficiencies, an assessment of the student's
2 employability skills and plans to improve those
3 skills, and treatment or counseling for a student's
4 social needs. The department shall also prepare a
5 cost estimate associated with implementation of
6 proposals to attain a zero dropout rate, including but
7 not limited to evaluation of existing funding sources

8 and a recommended allocation of the financial burden
9 among federal, state, local, and family resources.
10 b. The department shall prepare and distribute to
11 school districts and accredited nonpublic schools upon
12 request a video, the audience for which shall be
13 students who are at risk of dropping out. The video
14 shall illustrate the problems that research indicates
15 dropouts are likely to encounter and shall provide
16 information regarding the various alternative
17 education options that may be available to a student,
18 including alternative means for satisfying graduation
19 requirements, alternative high school settings,
20 supervised vocational experiences, and options for
21 pursuing education at a later date. The video shall
22 also document and illustrate the increased
23 employability of a student who meets the challenge of
24 progressing through secondary and postsecondary
25 educational experiences. The department is encouraged
26 to seek funding assistance from the private sector for
27 the cost of producing and distributing the video."
28 2. Page 1, by striking lines 22 through 25, and
29 inserting the following: "students who drop out of
30 school are likely to encounter and about alternative
31 educational options that may be available to the
32 student. The school".
33 3. Page 1, by inserting after line 34, the
34 following:
35 " _____. Title page, line 3, by inserting after the
36 word "sixteen" the following: ", and directing the
37 department of education and public and accredited
38 nonpublic schools to provide information to students
39 who are at risk of dropping out of school"."

Amendment H-1607 was adopted.

Finch of Story rose on a point of order that amendment H-1531, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-1531, as amended, not germane.

Mascher of Johnson offered amendment H-1473 filed by her and requested division as follows:

H-1473

1 Amend Senate File 412, as passed by the Senate, as
2 follows:

H-1473A

3 1. Page 1, by striking lines 4 through 9 and
 4 inserting the following: "A child who has reached the
 5 age of six by September 15 and is under sixteen years
 6 of age by September 15 is of compulsory attendance
 7 age."

H-1473B

8 2. Page 1, by inserting before line 10 the
 9 following:
 10 "If a child who reaches the age of sixteen during
 11 the regular school calendar chooses to withdraw from
 12 the school of attendance prior to the end of the
 13 regular school calendar, the school district and
 14 accredited nonpublic school in which the pupil was
 15 enrolled shall provide the pupil with information
 16 regarding alternative education options offered by the
 17 school district or school or by any other educational
 18 institution in the area as appropriate."

Mascher of Johnson moved the adoption of amendment H-1473A.

Amendment H-1473A lost.

Mascher of Johnson moved the adoption of amendment H-1473B.

Amendment H-1473B lost.

Finch 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. 412)

The ayes were, 67:

Alons	Barry	Baudler	Bell
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Carroll
Chiodo	Cohoon	Connors	Cormack
De Boef	Dix	Dolecheck	Elgin
Fallon	Finch	Ford	Gipp
Greimann	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Houser
Hoversten	Huseman	Huser	Jacobs
Jenkins	Johnson	Kettering	Klemme

Kreiman	Kuhn	Larkin	Larson
Manternach	May	Mertz	Metcalf
Millage	Quirk	Rants	Rayhons
Rekow	Reynolds	Roberts	Shey
Sievers	Sukup	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Wise	Mr. Speaker	
		Siegrist	

The nays were, 30:

Arnold	Atteberry	Bukta	Dotzler
Drake	Eddie	Eichhorn	Falck
Foege	Frevert	Garman	Hatch
Jochum	Lensing	Mascher	Murphy
Myers	O'Brien	Osterhaus	Petersen
Richardson	Scherrman	Seng	Shoultz
Smith	Stevens	Taylor, D.	Taylor, T.
Warnstadt	Winckler		

Absent or not voting, 3:

Raecker	Schrader	Witt
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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

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 209, 336, 354 and 412.**

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 23, 2001, passed the following bill in which the concurrence of the House is asked:

Senate File 526, a bill for an act excluding certain business property from being considered abandoned property under the state's disposition of unclaimed property law.

MICHAEL E. MARSHALL, Secretary

Senate File 466, a bill for an act relating to child care and protection public policy provisions involving children, with report of

committee recommending amendment and passage, was taken up for consideration.

Brunkhorst of Bremer offered the following amendment H-1446 filed by the committee on human resources and moved its adoption:

H-1446

1 Amend Senate File 466, as passed by the Senate, as
2 follows:

3 1. Page 1, line 11, by striking the word "made,"
4 the following: "made".

5 2. Page 1, by striking lines 15 through 21 and
6 inserting the following:

7 "b. If a person with a controlling interest in a
8 child care home or facility or an employee of a child
9 care home or facility assigned financial management
10 responsibilities for the child care home or facility
11 has been found in a criminal proceeding to have
12 obtained by fraudulent means, public funding for the
13 provision of child care by the home or facility in an
14 amount equal to or in excess of the minimum amount
15 necessary to constitute a fraudulent practice in the
16 second degree under section 714.10, subsection 1, the
17 following shall apply:

18 (1) For a first offense, for a period of one year,
19 any child care home or facility in which the offender
20 continues to have a controlling interest or at which
21 the offender remains employed as a financial manager
22 shall be ineligible to receive public funding for the
23 provision of child care.

24 (2) For a second offense committed by the same
25 offender or by an employee assigned financial
26 management responsibilities employed at the same child
27 care home or facility at which a first offense
28 occurred, for a period of five years, the child care
29 home or facility at which the second offense occurred
30 shall be ineligible to receive public funding for the
31 provision of child care.

32 (3) For a third offense committed by the same
33 offender or by an employee assigned financial
34 management responsibilities employed at the same child
35 care home or facility at which a first and second
36 offense occurred, the child care home or facility at
37 which the third offense occurred shall be ineligible
38 to receive public funding for provision of child care.

39 The department shall adopt rules to administer this
40 subsection and the rules shall provide for a
41 transition period before applying the requirements of
42 this subsection in order to allow the ownership or

43 employment prohibitions to be addressed without
44 interrupting the provision of child care and for
45 requiring, as a condition of providing public funding,
46 that a child care home or facility at which an offense
47 described in this paragraph "b" occurred must submit
48 periodic financial audits to the department."
49 3. Page 1, by inserting after line 31, the
50 following:

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1 "d. If the director determines that the
2 ineligibility of a child care home or facility to
3 receive public funding pursuant to paragraph "b" will
4 cause the provision of child care services by that
5 home or facility to be interrupted or to become no
6 longer available, the director may file a verified
7 application in the district court of the county in
8 which the child care home or facility is located,
9 requesting that an individual nominated by the
10 director be appointed as receiver for the child care
11 home or facility until continuation of the child care
12 services is assured.
13 (1) The court shall expeditiously hold a hearing
14 on the application, at which the director shall
15 present evidence in support of the application. The
16 owner of the child care home or facility against which
17 the application is filed may also present evidence,
18 and both parties may subpoena witnesses. The court
19 may appoint a receiver for the child care home or
20 facility in advance of the hearing if the director's
21 verified application states that an emergency exists
22 in which closure of the child care home or facility is
23 imminent. If the owner against whose facility the
24 receivership application is filed informs the court at
25 or before the time set for the hearing that the owner
26 does not object to the application, the court shall
27 waive the hearing and at once appoint a receiver for
28 the child care home or facility.
29 (2) The court, on the basis of the verified
30 application and evidence presented at the hearing, may
31 order the child care home or facility placed under
32 receivership, and if so ordered, the court shall
33 direct either that the receiver assume the duties of
34 administrator of the child care home or facility or
35 that the receiver supervise the child care home's or
36 facility's administrator in conducting the day-to-day
37 business of the child care home or facility. The
38 receiver shall be empowered to control the child care
39 home's or facility's financial resources and to apply
40 its revenues as the receiver deems necessary to
41 continue the operation of the child care home or

42 facility in compliance with this chapter and the rules
43 adopted under this chapter, but shall be accountable
44 to the court for management of the child care home's
45 or facility's financial resources.
46 (3) A receivership established under this
47 paragraph "d" may be terminated by the district court
48 which established it, after a hearing upon an
49 application for termination.
50 (4) Payment of the expenses of a receivership

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1 established under this paragraph "d" is the
2 responsibility of the child care home or facility for
3 which the receiver is appointed, unless the court
4 directs otherwise. The expenses include, but are not
5 limited to:
6 (a) Salary of the receiver.
7 (b) Expenses incurred for the continued child care
8 services.
9 (c) Expenses incurred for the maintenance of
10 buildings and grounds of the child care home or
11 facility.
12 (d) Expenses incurred in the ordinary course of
13 business, such as employee salaries and accounts
14 payable.
15 (5) The receiver is not personally liable for the
16 expenses of the child care home or facility during the
17 receivership. The receiver is an employee of the
18 state as defined in section 669.2, subsection 4, only
19 for the purpose of defending a claim filed against the
20 receiver. Chapter 669 applies to all suits filed
21 against the receiver.
22 (6) This lettered paragraph "d" does not do any of
23 the following:
24 (a) Preclude the sale or lease of a child care
25 home or facility while the child care home or facility
26 is in receivership, provided these actions are not
27 taken without approval of the receiver.
28 (b) Affect the civil or criminal liability of the
29 owner of the child care home or facility placed in
30 receivership, for any acts or omissions of the owner
31 which occurred before the receiver was appointed.
32 Sec. ____ SUBSEQUENT OFFENSES. For the purposes
33 of administering section 237A.29, subsection 2, as
34 enacted by this Act, if a person with a controlling
35 interest in a child care home or facility or an
36 employee of a child care home or facility assigned
37 financial management responsibilities for the child
38 care home or facility was found in a criminal
39 proceeding to have obtained by fraudulent means during
40 the two-year period preceding July 1, 2001, public

41 funding for the child care home or facility in an
 42 amount equal to or in excess of the minimum amount
 43 necessary to constitute fraudulent practice in the
 44 second degree under section 714.10, subsection 1, the
 45 department of human services shall consider the first
 46 subsequent offense for obtaining by fraudulent means
 47 public funding for child care in such an amount and
 48 committed by such person or by such an employee of
 49 such home or facility on or after July 1, 2001, as
 50 found in a criminal proceeding, to be a second offense

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1 and a second or greater subsequent offense to be a
 2 third offense under section 237A.29, subsection 2."
 3 4. Title page, by striking lines 1 and 2, and
 4 inserting the following: "An Act relating to the
 5 eligibility of certain child care providers connected
 6 with the commitment of a fraudulent act involving
 7 public child care funding to receive further public
 8 funding."
 9 5. By renumbering as necessary.

The committee amendment H-1446 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?" (S.F. 466)

The ayes were, 97:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Houser
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus

Petersen	Quirk	Rants	Rayhons
Rekow	Reynolds	Richardson	Roberts
Scherrman	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 3:

Raecker	Schrader	Witt
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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 470, a bill for an act relating to the regulation of infectious and contagious diseases in animals, and providing for penalties, with report of committee recommending passage, was taken up for consideration.

Kreiman of Davis offered the following amendment H-1616 filed by him and moved its adoption:

H-1616

- 1 Amend Senate File 470, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, by inserting after line 26, the
- 4 following:
- 5 "Sec. NEW SECTION. 163.53 PRIVATE CAUSES OF
- 6 ACTION.
- 7 This chapter does not prevent a person from
- 8 commencing a civil cause of action based on any right
- 9 that the person may assert under statute or common
- 10 law."
- 11 2. By renumbering as necessary.

Amendment H-1616 was adopted.

Manternach 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. 470)

The ayes were, 97:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Houser
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Rants	Rayhons
Rekow	Reynolds	Richardson	Roberts
Scherrman	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 3:

Raecker	Schrader	Witt
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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 713, a bill for an act relating to the administration of county government by providing for the issuance of certain lease or lease-purchase contracts, the recording of certain property transfers, the striking of a requirement to record returns of marriage with real estate recordings, the imposition of a real estate installment contract fee, and changing the date for reporting and paying agricultural land

tax credits and family farm tax credits, was taken up for consideration.

Sievers 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. 713)

The ayes were, 98:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Houser
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Winckler
Wise	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 2:

Schrader

Witt

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

HOUSE INSISTS

Baudler of Adair called up for consideration **Senate File 346**, a bill for an act relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for transcription and recording of testimony for certain investigations conducted by the department of corrections, and for purchases by a department or agency from Iowa state industries, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED (Senate File 346)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 346: Baudler of Adair, Chair; Larson of Linn, Eichhorn of Hamilton, Kreiman of Davis and Tremmel of Wapello.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 713**, and **Senate Files 466 and 470**.

SENATE AMENDMENTS CONSIDERED

Kettering of Sac called up for consideration **House File 271**, a bill for an act adding specified document preparation and modification to the list of acts defining the activities of a real estate broker, amended by the Senate, and moved that the House concur in the following Senate amendment H-1624:

H-1624

- 1 Amend House File 271, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following: "A licensee shall not compensate a person
- 5 or another licensee for recommending, referring, or
- 6 securing a client."
- 7 2. Title page, by striking line 1 and inserting

8 the following: "An Act relating to".

The motion prevailed and the House concurred in the Senate amendment H-1624.

Kettering of Sac 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. 271)

The ayes were, 97:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dotzler	Drake	Eddie
Eichhorn	Elgin	Falck	Fallon
Finch	Foege	Ford	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Rekow	Reynolds	Richardson	Roberts
Scherrman	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 3:

Dolecheck

Schrader

Witt

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

Eichhorn of Hamilton called up for consideration **House File 73**, a bill for an act relating to the powers and duties of the executive director of the commission of veterans affairs by providing for the recognition of honor guard units of veterans organizations to perform honor guard services, amended by the Senate, and moved that the House concur in the following Senate amendment H-1553:

H-1553

- 1 Amend House File 73, 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. 35A.12 MILITARY**
- 6 **VETERANS HONOR GUARD SERVICES.**
- 7 An honor guard unit made up of members of a
- 8 recognized military veterans organization as listed in
- 9 section 35A.2 or 37.2 shall be allowed to perform any
- 10 honor guard service on public property."
- 11 2. Title page, by striking lines 1 through 4 and
- 12 inserting the following: "An Act relating to the
- 13 performance of honor guard services on public property
- 14 by recognized military veterans organizations."

The motion prevailed and the House concurred in the Senate amendment H-1553.

Eichhorn 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. 73)

The ayes were, 95:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dotzler	Drake	Eddie	Eichhorn
Elgin	Falck	Finch	Foege
Ford	Frevort	Garman	Gipp

Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Houser	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Reynolds
Richardson	Roberts	Scherrman	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Winckler	Wise	Mr. Speaker	
		Siegrist	

The nays were, 1:

Fallon

Absent or not voting, 4:

Carroll	Dolecheck	Schrader	Witt
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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.

Shey of Linn called up for consideration **House File 229**, a bill for an act relating to judicial district departments of correctional services by providing for a restitution lien for supervision fees and for the establishment of a reserve peace officer force, amended by the Senate, and moved that the House concur in the following Senate amendment H-1575:

H-1575

- 1 Amend House File 229, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 3, line 27, through page 7,
- 4 line 25.
- 5 2. Title page, lines 2 and 3, by striking the
- 6 words "a restitution lien for supervision fees and
- 7 for".

The motion prevailed and the House concurred in the Senate amendment H-1575.

Shey 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. 229)

The ayes were, 97:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dotzler	Drake	Eddie
Eichhorn	Elgin	Falck	Fallon
Finch	Foege	Ford	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Rekow	Reynolds	Richardson	Roberts
Scherrman	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 3:

Dolecheck	Schrader	Witt
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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.

Tymeson of Madison called up for consideration **House File 674**, a bill for an act relating to the reorganization or dissolution of an area education agency, amended by the Senate, and moved that the House concur in the following Senate amendment H-1592:

H-1592

- 1 Amend House File 674, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 273.10, subsection 3,
- 6 unnumbered paragraph 2, Code 2001, is amended to read
- 7 as follows:
- 8 Approval, if granted, shall be for a term of ~~three~~
- 9 five years. However, the state board may grant
- 10 conditional approval for a term of less than ~~three~~
- 11 five years if conditions warrant."
- 12 2. Title page, line 1, by inserting after the
- 13 word "the" the following: "accreditation and".
- 14 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1592.

Tymeson of Madison 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. 674)

The ayes were, 98:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Houser
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey

Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Winckler
Wise	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 2:

Schrader Witt

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 73, 229, 674 and Senate File 346.**

Appropriations Calendar

Senate File 525, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, 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. 525)

The ayes were, 98:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck

Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Houser
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Winckler
Wise	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 2:

Schrader

Witt

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 525** be immediately messaged to the Senate.

INTRODUCTION OF BILL

House File 733, by committee on ways and means, a bill for an act relating to the Iowa individual health benefit reinsurance association and the Iowa comprehensive health insurance association, by changing the board of directors, membership, and assessment related to the associations, and making changes related to adjustments in the coverage of basic and standard health benefit plans.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGE CONSIDERED

Senate File 526, by committee on ways and means, a bill for an act excluding certain business property from being considered abandoned property under the state's disposition of unclaimed property law.

Read first time and **passed on file**.

SENATE FILE 184 PASSED ON FILE

The Speaker announced that Senate File 184, previously referred to committee on **ways and means** was **passed on file**.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 23, 2001. Had I been present, I would have voted "aye" on Senate Joint Resolution 3.

KUHN of Floyd

I was necessarily absent from the House chamber on April 23, 2001. Had I been present, I would have voted "aye" on Senate Files 466 and 470.

RAECKER of Polk

BILL 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 23rd day of April, 2001: House File 310.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 20, 2001, he approved and transmitted to the Secretary of State the following bill:

House File 567, an act relating to adoption including providing for standby adoptions and providing for a legal risk waiver in interstate adoptions.

Also: That on April 23, 2001, he approved and transmitted to the Secretary of State the following bills:

House File 384, a bill for an act relating to the elimination of certain economic development and job training related programs and certain duties of the department of economic development.

House File 389, an act relating to the duties of the board of directors of a school district, including those related to the suspension of a practitioner by the board of directors of a school district.

House File 458, an act extending the statute of limitations period for filing a criminal charge of incest or sexual exploitation by a counselor or therapist.

House File 655, an act relating to the establishment of a system of oversight for adult day services.

House File 663, an act repealing the ban on persons or spouses of persons who receive direct or indirect compensation from or who have certain privileges in a county public hospital, from serving as a trustee for that county public hospital.

House File 686, an act relating to provision of notice prior to the provision of products or services by state agencies or political subdivisions.

Senate File 433, an act relating to certain programs and public health issues under the purview of the Iowa department of public health, and providing a penalty.

Senate File 449, an act exempting property owned and operated by an Indian housing authority from property tax and including an effective date.

Senate File 462, an act relating to the energy loan fund administered by the department of natural resources.

PRESENTATION OF VISITORS

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

Thirty-six sixth grade students from Elk Horn-Kimballton, Elk Horn, accompanied by GERALYN Christensen. By Drake of Pottawattamie.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- 2001\940 Ruby and Jim Howar, Keswick – For celebrating their 50th wedding anniversary.
- 2001\941 Colletta Jane Auen, Lake View – For being a Fifty Year Pharmacist.
- 2001\942 John I. Ballensky, Sigourney – For being a Fifty Year Pharmacist.
- 2001\943 Glen H. Beaman, Iowa Falls – For being a Fifty Year Pharmacist.
- 2001\944 Lloyd W. Calton, Grundy Center – For being a Fifty Year Pharmacist.
- 2001\945 Harold J. DeLange, Grand Mound – For being a Fifty Year Pharmacist.
- 2001\946 L. Lee Dawson, Wilton – For being a Fifty Year Pharmacist.
- 2001\947 Donald B. Johnson, Cherokee – For being a Fifty Year Pharmacist.
- 2001\948 Carl K. Knight, Cedar Rapids – For being a Fifty Year Pharmacist.
- 2001\949 Wayne L. Masters, Sioux City – For being a Fifty Year Pharmacist.
- 2001\950 James P. Murray, Milford – For being a Fifty Year Pharmacist.
- 2001\951 Robert J. Nedrow, Sac City – For being a Fifty Year Pharmacist.
- 2001\952 Harry A. Robertson, Jr., Ottumwa – For being a Fifty Year Pharmacist.
- 2001\953 Robert L. Reed, Tabor – For being a Fifty Year Pharmacist.
- 2001\954 Walter E. Schiel, Jr., Manchester – For being a Fifty Year Pharmacist.
- 2001\955 Donald J. Steffensen, Des Moines – For being a Fifty Year Pharmacist.
- 2001\956 Patricia A. Whitsell, Iowa Falls – For being a Fifty Year Pharmacist.

- 2001\957 Mary Young, Indianola – For celebrating her 80th birthday.
- 2001\958 C.D. Spears, Indianola – For celebrating his 90th birthday.
- 2001\959 Emily Cahoon, Girl Scout Troop 220 – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2001\960 Emily Carlson, Girl Scout Troop 220 – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2001\961 Abigail Lincoln, Girl Scout Troop 220 – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2001\962 Abby Nelson, Girl Scout Troop 220 – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2001\963 Tiffany Pettit, Girl Scout Troop 220 – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2001\964 Danielle Weipert, Girl Scout Troop 220 – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2001\965 Mary Ellen Gatens, Iowa City – For 25,000 hours of volunteer service to Veterans Affairs Medical Center.
- 2001\966 Bob Mundt, Council Bluffs – For being named Executive of the Year by the Iowa Chamber of Commerce Executives.
- 2001\967 Phyllis and Donald Nissen, Maquoketa – For celebrating their 50th wedding anniversary.
- 2001\968 Page County – For celebrating its 150th anniversary.
- 2001\969 Page County 4-H – For celebrating its 100th anniversary.
- 2001\970 Mildred Donaldson, Sharpsburg – For celebrating her 91st birthday.
- 2001\971 Sylvia Beck, Lenox – For celebrating her 99th birthday.
- 2001\972 Glenn and Doris Kernan, Bedford – For celebrating their 60th wedding anniversary.
- 2001\973 Nicholas Peck, Wellman – For receiving the American Red Cross National Lifesaving Award of Merit.
- 2001\974 Barry Christner, Kalona – For receiving the American Red Cross National Lifesaving Award of Merit.
- 2001\975 Abby Greiner, Wellman – For receiving the American Red Cross National Lifesaving Award of Merit.

- 2001\976 Doug Corbett, Dubuque – For placing 1st in the State Physics Olympics Bridge Contest.
- 2001\977 Brendan Dunn, Dubuque – For placing 1st in the State Physics Olympics Bridge Contest.
- 2001\978 David Kelly, Dubuque – For placing 2nd in the State Physics Olympics Bridge Contest.
- 2001\979 Ben Anderegg, Dubuque – For placing 2nd in the State Physics Olympics Bridge Contest.
- 2001\980 Paul Gahan, Danbury – For celebrating his 85th birthday.
- 2001\981 Alice and Ambrose Snyder, Arthur – For celebrating their 65th wedding anniversary.
- 2001\982 Mr. and Mrs. William Willroth, Denison – For celebrating their 71st wedding anniversary.
- 2001\983 Joan and Richard Madsen, Turin – For celebrating their 50th wedding anniversary.
- 2001\984 Mr. and Mrs. Musfeldt, Westside – For celebrating their 50th wedding anniversary.
- 2001\985 Mary and Milo Stanislav, Little Sioux – For celebrating their 50th wedding anniversary.
- 2001\986 Eva Nobiling, Manilla – For celebrating her 85th birthday.
- 2001\987 Edna Campbell, Onawa – For celebrating her 96th birthday.
- 2001\988 Justin Montgomery, Kalona – For "Outstanding Performer in Original Oratory" at the IHSSA State Individual events contest.
- 2001\989 Veryl and Darlene McLaughlin, Mason City – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

Senate File 532

Appropriations: Brunkhorst, Chair; Heaton and Warnstadt.

Senate File 533

Appropriations: Brunkhorst, Chair; Heaton and Warnstadt.

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.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 527, a bill for an act relating to and making appropriations to the judicial branch.

Fiscal Note is not required.

Recommended **Do Pass** April 23, 2001.

Senate File 528, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the general fund of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, and discontinuing driver's license renewal by mail.

Fiscal Note is not required.

Recommended **Do Pass** April 23, 2001.

Senate File 531, 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.

Fiscal Note is not required.

Recommended **Do Pass** April 23, 2001.

RESOLUTION FILED

HR 39, by Greimann, Bell, T. Taylor, Jenkins, Finch, Boal, Jochum, D. Taylor, Gipp, Raecker, Winckler, Atteberry, Osterhaus, Seng, Bukta, Mascher, Petersen, Falck, and Hatch, a resolution recognizing Iowa State University graduates Marcus Fizer and Fred Hoiberg for serving as "Literacy Champions".

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1626	H.F.	698	Chiodo of Polk
H-1627	H.F.	726	Ford of Polk
Dotzler of Black Hawk			Reynolds of Van Buren
Smith of Marshall			Atteberry of Delaware
Osterhaus of Jackson			Foege of Linn
H-1628	H.F.	732	Murphy of Dubuque
H-1629	H.F.	732	Osterhaus of Jackson
H-1630	H.F.	732	Greimann of Story
H-1632	H.F.	716	Shoultz of Black Hawk
H-1633	H.F.	716	Shoultz of Black Hawk
H-1634	H.F.	716	Shoultz of Black Hawk
H-1635	H.F.	732	Murphy of Dubuque
H-1636	H.F.	721	Shoultz of Black Hawk
H-1637	H.F.	726	Ford of Polk
H-1638	H.F.	726	Seng of Scott
			Atteberry of Delaware
			Ford of Polk
			Shoultz of Black Hawk
			Murphy of Dubuque
H-1639	H.F.	727	Carroll of Poweshiek
			Huser of Polk
H-1640	H.F.	732	Foege of Linn
			Wise of Lee
H-1641	H.F.	725	Ford of Polk
H-1642	H.F.	725	Frevort of Palo Alto
H-1643	H.F.	732	Murphy of Dubuque
H-1644	S.F.	203	Heaton of Henry
H-1645	H.F.	728	Heaton of Henry
H-1646	H.F.	726	Smith of Marshall
Atteberry of Delaware			Bell of Jasper
Bukta of Clinton			Chiodo of Polk
Cohoon of Des Moines			Connors of Polk
Dotzler of Black Hawk			Falck of Fayette
Foege of Linn			Ford of Polk
Frevort of Palo Alto			Greimann of Story
Hatch of Polk			Jochum of Dubuque
Kreiman of Davis			Kuhn of Floyd
Larkin of Lee			Lensing of Johnson
Mascher of Johnson			May of Worth

Mertz of Kossuth			Murphy of Dubuque
Myers of Johnson			O'Brien of Boone
Osterhaus of Jackson			Petersen of Polk
Quirk of Chickasaw			Reynolds of Van Buren
Richardson of Warren			Scherrman of Dubuque
Schrader of Marion			Seng of Scott
Shoultz of Black Hawk			Stevens of Dickinson
D. Taylor of Linn			T. Taylor of Linn
Tremmel of Wapello			Warnstadt of Woodbury
Winckler of Scott			Wise of Lee
H-1647	H.F.	725	May of Worth
			Greimann of Story
H-1648	H.F.	726	Shoultz of Black Hawk
H-1649	H.F.	732	T. Taylor of Linn
			Smith of Marshall

On motion by Rants of Woodbury the House adjourned at 5:42 p.m., until 8:45 a.m., Tuesday, April 24, 2001.

JOURNAL OF THE HOUSE

One Hundred Seventh Calendar Day - Seventy-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 24, 2001

The House met pursuant to adjournment at 8:48 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by Reverend Greg Stamm, pastor of the Community Reformed Church, Clinton. He was the guest of Representative Clyde Bradley of Clinton County.

The Journal of Monday, April 23, 2001 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 23, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 564, a bill for an act providing for the reversion of dividends and distributions by certain cooperative associations.

Also: That the Senate has on April 23, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 680, a bill for an act relating to child and dependent abuse reporting and civil remedies pertaining to such reporting.

Also: That the Senate has on April 23, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 707, a bill for an act establishing an interstate distribution center initiative by identifying an activity of a foreign corporation for which a return is not required for state income tax purposes and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SPECIAL PRESENTATION

Greimann of Story introduced to the House Fred Hoiberg and Marcus Fizer, Iowa State University graduates and former college basketball champions.

The House rose and expressed its welcome and appreciation.

ADOPTION OF HOUSE RESOLUTION 39

Dix of Butler called up for consideration **House Resolution 39**, a resolution recognizing Iowa State University graduates Marcus Fizer and Fred Hoiberg for serving as "Literacy Champions", and moved its adoption.

The motion prevailed and the resolution was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schrader of Marion on request of Myers of Johnson; Hoffman of Crawford on request of Barry of Harrison.

SENATE AMENDMENTS CONSIDERED

Hoversten of Woodbury called up for consideration **House File 598**, a bill for an act establishing a child protection center grant program, amended by the Senate, and moved that the House concur in the following Senate amendment H-1578:

H-1578

- 1 Amend House File 598, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 6 through 10, and
- 4 inserting the following: "requirements for the grant
- 5 program and shall award grants. A grant may be used".

The motion prevailed and the House concurred in the Senate amendment H-1578.

Hoversten 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. 598)

The ayes were, 93:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cphoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Falck	Fallon
Finch	Foege	Frevert	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Horbach	Houser
Hoversten	Huseman	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rayhons	Rekow
Reynolds	Richardson	Roberts	Scherrman
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Witt
Gipp, Presiding			

The nays were, none.

Absent or not voting, 7:

Bradley	Ford	Hoffman	Huser
Rants	Schrader	Siegrist, Spkr.	

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

Carroll of Poweshiek called up for consideration **House File 590**, a bill for an act relating to the testing of individuals and the release of the results of tests for communicable and infectious diseases and for the human immunodeficiency virus and making penalties applicable, amended by the Senate amendment H-1574 as follows:

H-1574

- 1 Amend House File 590, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 32, by striking the words "
- 4 health care provider,".

- 5 2. Page 2, line 4, by striking the words "
6 health care provider".
- 7 3. Page 2, line 15, by striking the words "health
8 care provider,".
- 9 4. Page 2, lines 24 and 25, by striking the words
10 "health care provider,".
- 11 5. Page 2, lines 28 and 29, by striking the words
12 "health care provider,".
- 13 6. Page 2, by inserting after line 31, the
14 following:
- 15 "d. Notwithstanding any other provision of law to
16 the contrary, a care provider may transmit cautions
17 regarding contagious or infectious disease information
18 in the course of the care provider's duties over the
19 police radio broadcasting system under chapter 693 or
20 any other radio-based communications system, if the
21 information transmitted does not personally identify
22 an individual or the contagious or infectious
23 disease."
- 24 7. Page 2, line 34, by striking the words "health
25 care provider,".
- 26 8. Page 5, line 23, by striking the words "
27 health care provider,".
- 28 9. Page 5, line 30, by striking the words "
29 health care provider,".
- 30 10. Page 6, line 7, by striking the words "health
31 care provider,".
- 32 11. Page 6, lines 16 and 17, by striking the
33 words "health care provider,".
- 34 12. Page 6, lines 20 and 21, by striking the
35 words "health care provider,".
- 36 13. Page 6, line 25, by striking the words
37 "health care provider,".
- 38 14. Page 6, line 31, by striking the words
39 "health care provider,".

Carroll of Poweshiek offered the following amendment H-1597, to Senate amendment H-1574, filed by him and moved its adoption:

H-1597

- 1 Amend the Senate Amendment, H-1574, to House File
2 590 as amended, passed and reprinted by the House, as
3 follows:
- 4 1. Page 1, by striking lines 22 and 23, and
5 inserting the following: "an individual."

Amendment H-1597 was adopted.

On motion by Carroll of Poweshiek the House concurred in the Senate amendment H-1574, as amended.

Carroll of Poweshiek 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. 590)

The ayes were, 94:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dotzler	Drake	Eddie
Eichhorn	Elgin	Falck	Fallon
Finch	Foege	Ford	Frevert
Garman	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Horbach
Hoversten	Huseman	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rekow
Reynolds	Richardson	Roberts	Scherrman
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Witt	Gipp,		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Dolecheck	Hoffman	Houser	Huser
Rayhons	Schrader		

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

Eichhorn of Hamilton called up for consideration **House File 180**, a bill for an act relating to exceptions to the required participation in a court-approved course prior to the granting of a final dissolution of marriage decree or the entering of a final custody order, amended by the Senate, and moved that the House concur in the following Senate amendment H-1583:

H-1583

1 Amend House File 180, 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 598.13, Code 2001, is amended
6 to read as follows:
7 598.13 FINANCIAL STATEMENTS FILED.
8 1. Both parties shall disclose their financial
9 status. a showing of special circumstances shall not
10 be required before the disclosure is ordered. A
11 statement of net worth set forth by affidavit on a
12 form prescribed by the supreme court and furnished
13 without charge by the clerk of the district court
14 shall be filed by each party prior to the dissolution
15 hearing. However, the parties may waive this
16 requirement upon application of both parties and
17 approval by the court.
18 Failure to comply with the requirements of this
19 section subsection constitutes failure to make
20 discovery as provided in rule of civil procedure 134.
21 2. The court may, in its discretion, order a
22 trustee to provide, on behalf of a trust, information
23 including but not limited to, trust documents and
24 financial statements relating to any beneficial
25 interest a party to the pending action may have in the
26 trust."
27 2. Title page, by striking lines 1 through 4 and
28 inserting the following: "An Act relating to
29 dissolution of marriage including certain financial
30 statement information filed by the parties and
31 participation in a court-approved course prior to the
32 granting of a final dissolution of marriage decree or
33 the entering of a final custody order."

The motion prevailed and the House concurred in the Senate amendment H-1583.

Eichhorn 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. 180)

The ayes were, 96:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Greimann	Grundberg
Hahn	Hansen	Hatch	Horbach
Houser	Hoversten	Huseman	Jacobs
Jenkins	Jochum	Johnson	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Siegrist, Spkr.	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Winckler	Wise	Witt	Gipp,
			Presiding

The nays were, none.

Absent or not voting, 4:

Heaton	Hoffman	Huser	Schrader
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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

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 180, 590 and 598.**

SENATE AMENDMENT CONSIDERED

Teig of Hamilton called up for consideration **House File 694**, a bill for an act relating to housing by creating a housing trust fund and a housing trust commission, amended by the Senate, and moved that the House concur in the following Senate amendment H-1560:

H-1560

- 1 Amend House File 694, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 21 the
- 4 following:
- 5 "7. By January 1 of each year, the commission
- 6 shall submit an annual written report to the general
- 7 assembly and the governor regarding, at a minimum, the
- 8 activities of the commission and any recommendations
- 9 regarding legislation.
- 10 Sec. ____ NEW SECTION. 16.183 REPEAL.
- 11 Section 16.182 is repealed on June 30, 2004."
- 12 2. Page 2, line 22, by striking the word "The"
- 13 and inserting the following: "By January 1, 2002,
- 14 the".
- 15 3. Page 2, by striking line 26 and inserting the
- 16 following: "submit an interim progress report to the
- 17 general assembly and the".
- 18 4. Page 2, line 27, by striking the word "for"
- 19 and inserting the following: "which shall include
- 20 preliminary findings regarding".
- 21 5. Page 2, line 28, by inserting after the word
- 22 "agency." the following: "By January 1, 2003, the
- 23 housing trust commission, in cooperation with the Iowa
- 24 finance authority, the department of economic
- 25 development, the attorney general, and the department
- 26 of public health, shall submit a final report to the
- 27 general assembly and the governor which shall include
- 28 the final findings and recommendations for the
- 29 implementation of the consolidation of all housing
- 30 programs under one agency."
- 31 6. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 50, nays 41.

The motion prevailed and the House concurred in the Senate amendment H-1560.

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. 694)

The ayes were, 55:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dix	Dolecheck
Eddie	Eichhorn	Elgin	Finch
Garman	Grundberg	Hahn	Hansen
Heaton	Horbach	Houser	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Kettering	Klemme	Kreiman	Larson
Manternach	Metcalfe	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Siegrist, Spkr.	Sievers	Sukup
Teig	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Gipp,	
		Presiding	

The nays were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Fallon	Foege	Ford	Frevert
Greimann	Hatch	Huser	Jochum
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Reynolds	Richardson	Scherrman	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

Absent or not voting, 3:

Drake	Hoffman	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.

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 24, 2001, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 84, a bill for an act prohibiting the sale or distribution of purple loosestrife.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS
Unfinished Business Calendar

Senate File 344, a bill for an act restricting the exemption in the public records law for communications made to government bodies, with report of committee recommending passage, was taken up for consideration.

Eichhorn 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. 344)

The ayes were, 97:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Grundberg	Hahn
Hansen	Hatch	Heaton	Horbach
Houser	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Reynolds

Richardson	Roberts	Scherrman	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Witt
Gipp, Presiding			

The nays were, none.

Absent or not voting, 3:

Greimann	Hoffman	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.

Ways and Means Calendar

House File 730, a bill for an act relating to duties of the county sheriff by increasing the fees and expenses collected by the county sheriff for various services and the release of a garnishment, was taken up for consideration.

SENATE FILE 184 SUBSTITUTED FOR HOUSE FILE 730

Shey of Linn asked and received unanimous consent to substitute Senate File 184 for House File 730.

Senate File 184, a bill for an act relating to duties of the county sheriff by increasing the fees and expenses collected by the county sheriff for various services and the release of a garnishment, was taken up for consideration.

Shey 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. 184)

The ayes were, 96:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker

Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Horbach	Houser	Hoversten	Huseman
Huser	Jacobs	Jenkins	Johnson
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Reynolds
Richardson	Roberts	Scherrman	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Winckler	Wise	Witt	Gipp, Presiding

The nays were, none.

Absent or not voting, 4:

Hoffman	Jochum	Schrader	Warnstadt
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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 57, a bill for an act relating to approval of city ordinances granting certain utility franchises, with report of committee recommending passage, was taken up for consideration.

Weidman of Cass 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. 57)

The ayes were, 94:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Falck	Fallon
Finch	Foege	Ford	Frevert
Garman	Greimann	Grundberg	Hahn
Hansen	Hatch	Horbach	Houser
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Kettering
Klemme	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Rekow
Reynolds	Richardson	Roberts	Scherrman
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Witt	Gipp,		
	Presiding		

The nays were, 1:

Kreiman

Absent or not voting, 5:

Boal	Heaton	Hoffman	Murphy
Schrader			

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

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 694**, and **Senate Files 57, 184 and 344**.

On motion by Jacobs of Polk, the House was recessed at 10:29 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:22 p.m., Dix of Butler in the chair.

INTRODUCTION OF BILL

House File 734, by Kuhn and Reynolds, a bill for an act relating to the regulation of genetically modified agricultural and vegetable seed and providing penalties and an effective date.

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

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-nine members present, twenty-one absent.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 712, a bill for an act relating to the annual filing for the family farm tax credit, to the notification to the assessor of the change in ownership or the person actively engaged in farming the tract of agricultural land for which the family farm tax credit is allowed, providing a penalty, and including effective and applicability date provisions, was taken up for consideration.

Sievers of Scott asked and received unanimous consent to withdraw amendment H-1651 filed by him and Grundberg of Polk from the floor.

Sievers of Scott offered the following amendment H-1659 filed by him and Grundberg of Polk from the floor and moved its adoption:

H-1659

- 1 Amend House File 712 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 425.7, subsection 3,
- 5 unnumbered paragraph 2, Code 2001, is amended to read
- 6 as follows:

7 If a claim is disallowed by the director of revenue
8 and finance and not appealed to the state board of tax
9 review or appealed to and upheld by the state board of
10 tax review and a petition for judicial review is not
11 filed with respect to the disallowance, any amounts of
12 credits allowed and paid from the homestead credit
13 fund including the penalty, if any, become a lien upon
14 the property on which credit was originally granted,
15 if still in the hands of the claimant, and not in the
16 hands of a bona fide purchaser, and any amount so
17 erroneously paid including the penalty, if any, shall
18 be collected by the county treasurer in the same
19 manner as other taxes and the collections shall be
20 returned to the department of revenue and finance and
21 credited to the homestead credit fund. The director
22 of revenue and finance may institute legal proceedings
23 against a homestead credit claimant for the collection
24 of payments made on disallowed credits and the
25 penalty, if any. If a person makes a false claim or
26 affidavit with fraudulent intent to obtain the
27 homestead credit, the person is guilty of a fraudulent
28 practice and the claim shall be disallowed in full.
29 If the credit has been paid, the amount of the credit
30 plus a penalty equal to twenty-five percent of the
31 amount of credit plus interest, at the rate in effect
32 under section 421.7, from the time of payment shall be
33 collected by the county treasurer in the same manner
34 as other property taxes, penalty, and interest are
35 collected and when collected shall be paid to the
36 director of revenue and finance. If a homestead
37 credit is disallowed and the claimant failed to give
38 written notice to the assessor as required by section
39 425.2 when the property ceased to be used as a
40 homestead by the claimant, a civil penalty equal to
41 fifty five percent of the amount of the disallowed
42 credit is assessed against the claimant."
43 2. Page 2, by inserting after line 15 the
44 following:
45 "Sec. ____ Section 425.14, Code 2001, is
46 repealed."
47 3. Page 2, line 17 by inserting after the word
48 "for" the following: "homestead tax credits filed or
49 on file and for".
50 4. Title page, line 1, by inserting after the

Page 2

1 word "relating" the following: "to the homestead tax
2 credit and".

Gipp of Winneshiek in the chair at 2:32 p.m.

Amendment H-1659 was adopted.

Sievers 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. 712)

The ayes were, 97:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Horbach	Houser	Hoversten	Huseman
Jacobs	Jenkins	Jochum	Johnson
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Reynolds
Richardson	Roberts	Scherrman	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Witt

Gipp,
Presiding

The nays were, none.

Absent or not voting, 3:

Hoffman	Huser	Schrader
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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.

Unfinished Business Calendar

Senate File 211, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship, with report of committee recommending amendment and passage, was taken up for consideration.

De Boef of Mahaska offered the following amendment H-1422 filed by the committee on agriculture and moved its adoption:

H-1422

- 1 Amend Senate File 211, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 4, by striking the words
- 4 "previous fiscal year" and inserting the following:
- 5 "two previous fiscal year years".

The committee amendment H-1422 was adopted.

Frevert of Palo Alto offered the following amendment H-1427 filed by her and moved its adoption:

H-1427

- 1 Amend Senate File 211, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 19 through 21, and
- 4 inserting the following: "pay an equal amount from
- 5 moneys deposited into the fund that are withheld from
- 6 the purses won by Iowa-foaled horses to the breeders
- 7 of the winning Iowa-foaled horses by December 31 of
- 8 each calendar year".
- 9 2. Page 1, line 23, by inserting after the word
- 10 "dog," the following: "The amount shall be paid to
- 11 breeders of horses that have won purses at races
- 12 limited to Iowa-foaled horses that are held by the
- 13 licensee and breeders of standardbred horses that have
- 14 won races limited to Iowa-foaled horses that are held
- 15 by societies of county or district fairs as provided
- 16 in chapter 174."

A non-record roll call was requested.

The ayes were 33, nays 47.

Amendment H-1427 lost.

De Boef of Mahaska 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. 211)

The ayes were, 89:

Alons	Arnold	Atteberry	Barry
Baudlër	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Finch	Foege	Ford	Frevert
Grundberg	Hahn	Hansen	Hatch
Heaton	Horbach	Houser	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Rants	Rayhons	Rekow	Reynolds
Richardson	Scherrman	Seng	Shey
Shoultz	Siegrist, Spkr.	Sievers	Stevens
Sukup	Taylor, D.	Taylor, T.	Teig
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Gipp,			
Presiding			

The nays were, 8:

Fallon	Garman	Greimann	Raecker
Roberts	Smith	Tremmel	Witt

Absent or not voting, 3:

Hoffman	Larkin	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 730 WITHDRAWN

Shey of Linn asked and received unanimous consent to withdraw House File 730 from further consideration by the House.

Senate File 418, a bill for an act relating to unemployment compensation by providing that social security pension payments are nondeductible from unemployment benefits and providing for coverage for employment by an Indian tribe and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Horbach of Tama 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. 418)

The ayes were, 97:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Horbach	Houser	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Reynolds
Richardson	Roberts	Scherrman	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Witt
Gipp,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Hoffman

Larkin

Schrader

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 712** and **Senate File 418**.

The House stood at ease at 3:09 p.m., until the fall of the gavel.

The House resumed session at 4:12 p.m., Carroll of Poweshiek 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 24, 2001, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 209, a bill for an act providing for the control of paratuberculosis, and providing for penalties.

Also: That the Senate has on April 24, 2001, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 336, a bill for an act relating to the authority of the state board of educational examiners to develop a code of professional rights and responsibilities, practices, and ethics for practitioners.

Also: That the Senate has on April 24, 2001, appointed the conference committee to Senate File 346, a bill for an act relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for transcription and recording of testimony for certain investigations conducted by the department of corrections, and for purchases by a department or agency from Iowa state industries, and the members of the conference committee on the part of the Senate are: The Senator from Jones, Senator McKean, Chair; the Senator from Union, Senator Angelo; the Senator from Story, Senator Hammond; the Senator from Polk, Senator Holveck; and the Senator from Sac, Senator King.

Also: That the Senate has on April 24, 2001, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 473, a bill for an act relating to the regulation of securities, by defining the terms "agent" and "security", providing registration requirements, providing for

disciplinary actions, imposing fees and civil penalties, providing for testimony and the production of evidence, authorizing cooperation with law enforcement entities, providing criminal penalties, and eliminating reporting requirements,

Also: That the Senate has on April 24, 2001, passed the following bill in which the concurrence of the House is asked:

Senate File 514, a bill for an act relating to a maximum property tax dollars limitation for counties and providing for the Act's applicability.

MICHAEL E. MARSHALL, Secretary

QUORUM CALL

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

Ways and Means Calendar

House File 716, a bill for an act providing for taxes relating to the sale of ethanol blended gasoline, making penalties applicable, and providing for the Act's applicability, was taken up for consideration.

Shoultz of Black Hawk offered the following amendment H-1634 filed by him and moved its adoption:

H-1634

- 1 Amend House File 716 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 214A.1, Code 2001, is amended
- 5 by striking the section and inserting in lieu thereof
- 6 the following:
- 7 214A.1 DEFINITIONS.
- 8 The following definitions shall apply to the
- 9 various terms used in this chapter:
- 10 1. "A.S.T.M." means the American society for
- 11 testing and materials.
- 12 2. "Dealer" means a retail dealer or a wholesale
- 13 dealer.
- 14 3. "Dispense" means to do any of the following:
- 15 a. Sell motor vehicle fuel on a retail basis.
- 16 b. Place motor vehicle fuel in the fuel tank of a
- 17 motor vehicle or small engine for the operation of
- 18 that motor vehicle or small engine.
- 19 c. Place motor vehicle fuel in or remove motor

20 vehicle fuel from a motor vehicle fuel container,
21 including for storage in a motor vehicle fuel storage
22 tank or transfer by motor vehicle storage tank piping.
23 4. "Fiberglass motor vehicle fuel storage tank" or
24 "fiberglass storage tank" means a motor vehicle fuel
25 storage tank that is fiberglass or fiberglass lined
26 when manufactured.
27 5. "Gasoline" means a motor vehicle fuel which is
28 not any of the following:
29 a. Diesel fuel.
30 b. Aviation gasoline or special fuel as defined in
31 section 452A.2.
32 6. "Gasoline station" means the location of a
33 profit or nonprofit business where gasoline is
34 dispensed by a retail dealer.
35 7. "Motor vehicle" means a self-propelled vehicle
36 that operates using gasoline, including but not
37 limited to any of the following:
38 a. An automobile as defined in section 321.1.
39 b. A motor truck as defined in section 321.1.
40 c. A motor bus as used in section 452A.57.
41 d. A motorcycle as defined in section 321.1.
42 e. A watercraft as defined in section 462A.2.
43 f. An off-road vehicle which is a snowmobile or an
44 all-terrain vehicle as defined in section 321G.1.
45 8. "Motor vehicle fuel" means the same as defined
46 in section 214.1.
47 9. "Motor vehicle fuel container" means a
48 container used for the temporary storage of motor
49 vehicle fuel by the consumer of that motor vehicle
50 fuel.

Page 2

1 10. "Motor vehicle fuel pump" or "pump" means the
2 same as defined in section 214.1.
3 11. "Motor vehicle fuel storage tank" or "storage
4 tank" means a tank that is a fixture on the surface or
5 underground on the premises of a gasoline station, if
6 the tank and piping are used to store and dispense
7 gasoline to customers on a retail basis.
8 12. "Motor vehicle fuel storage tank equipment" or
9 "storage tank equipment" means a motor vehicle fuel
10 storage tank and motor vehicle fuel storage tank
11 piping.
12 13. "Motor vehicle fuel storage tank piping" or
13 "storage tank piping" means any rigid or flexible
14 piping used to transport motor vehicle fuel from a
15 motor vehicle fuel storage tank to a motor vehicle
16 storage tank pump.
17 14. "MTBE" means methyl tertiary butyl ether.
18 15. "Oxygenate octane enhancer" means oxygen-

19 containing compounds, including but not limited to
20 alcohols, ethers, or ethanol.
21 16. "Oxygenated gasoline" means gasoline that
22 contains an oxygenate octane enhancer as provided in
23 section 214A.2.
24 17. "Qualified motor vehicle" means a motor
25 vehicle that is any of the following:
26 a. A watercraft.
27 b. A motorcycle.
28 c. An antique vehicle registered under section
29 321.115.
30 d. An off-road vehicle that is a snowmobile or an
31 all-terrain vehicle.
32 18. "Raceway" means an enclosed area in which
33 there is located a public or private road used for
34 racing.
35 19. "Retail dealer" means a person who operates,
36 maintains, or conducts, either in person, or by any
37 agent, employee, or servant, any place of business
38 from which motor vehicle fuel is sold or offered for
39 sale, at retail.
40 20. "Sell" means to sell or offer to sell.
41 21. "Unoxygenated gasoline" means gasoline other
42 than oxygenated gasoline.
43 22. "Wholesale dealer" means a person, other than
44 a retail dealer, who provides motor vehicle fuel for
45 sale within this state.
46 Sec. 2. Section 214A.2, subsection 1, Code 2001,
47 is amended to read as follows:
48 1. a. The secretary department shall adopt rules
49 pursuant to chapter 17a for carrying out this chapter.
50 The rules ~~may~~ shall include, but are not limited to,

Page 3

1 ~~establishing~~ specifications relating to motor vehicle
2 fuel or oxygenate octane enhancers.
3 b. In the interest of uniformity, the secretary
4 department shall adopt rules, by reference or
5 otherwise, to establish specifications relating to
6 tests and standards for motor vehicle fuel or
7 oxygenate octane enhancers, ~~established. The~~
8 specifications shall be based on those established by
9 the American society for testing and materials
10 (A.S.T.M.), unless the secretary department determines
11 that those specifications are inconsistent with this
12 chapter or are not appropriate to the conditions which
13 exist in this state.
14 Sec. 3. Section 214A.2, Code 2001, is amended by
15 adding the following new subsection:
16 NEW SUBSECTION. 1A. An oxygenated gasoline must
17 contain at least three and five-tenths percent oxygen

18 by weight.

19 Sec. 4. Section 214A.2A, Code 2001, is amended to
20 read as follows:

21 214A.2A KEROSENE LABELING AND LOW GRAVITY
22 PETROLEUM PRODUCTS.

23 1. Fuel which is sold or is kept, offered, or
24 exposed for sale as kerosene shall be labeled as
25 kerosene. The label shall include the word "kerosene"
26 and a designation as either "K1" or "K2", and shall
27 indicate that the kerosene is in compliance with the
28 standard specification adopted by the A.S.T.M. in
29 specification D-3699 (1982).

30 2. Kerosene and distillate or petroleum products
31 of lower gravity (Baume scale), when not used to
32 propel a motor vehicle or compounded or combined with
33 a motor vehicle fuel, are exempt from this chapter.

34 Sec. 5. Section 214A.4, Code 2001, is amended to
35 read as follows:

36 214A.4 INTRASTATE SHIPMENTS.

37 A ~~wholesale dealer or retail dealer~~ shall not
38 receive or sell or hold for sale, within this state,
39 ~~any motor vehicle fuel or an~~ oxygenate octane enhancer
40 ~~for which specifications are prescribed in this~~
41 ~~chapter, unless the all of the following apply:~~

42 1. The motor vehicle fuel is subject to
43 specifications required in this chapter, other than
44 standards relating to the oxygen content of oxygenated
45 gasoline as provided pursuant to section 214A.2.

46 2. The dealer first secures receives from the
47 refiner or producer of the motor vehicle fuel or
48 oxygenate octane enhancer, a certified statement,
49 verified by the oath of by a competent chemist
50 qualified according to requirements of the department,

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1 who is employed by or ~~representing~~ represents the
2 refiner or producer, ~~showing.~~ The statement shall
3 certify that the true standards and tests of the motor
4 vehicle fuel or oxygenate octane enhancer, obtained by
5 the methods referred to satisfies specifications for
6 the motor vehicle fuel as required by the department
7 pursuant to section 214A.2. The statement shall be
8 based on tests and standards approved by the
9 department as provided in section 214A.2. The
10 ~~verified tests are required and certified statement~~
11 must accompany the bill of lading or shipping
12 documents representing the shipment of the motor
13 vehicle fuel or oxygenate octane enhancer into this
14 state before the shipment can be received and
15 unloaded, and shall be included with any cargo
16 documents required pursuant to section 452A.12.

17 Sec. 6. NEW SECTION. 214A.21 GENERAL
18 REQUIREMENTS.

19 1. Except as provided in this section, a person
20 shall not dispense gasoline other than oxygenated
21 gasoline in this state.

22 2. This section shall not apply to gasoline used
23 to operate any of the following:

24 a. An aircraft as defined in section 328.1.

25 b. A motor vehicle used exclusively for motor
26 sports, including a raceway, if the motor vehicle
27 cannot operate on a highway as provided in chapter 321
28 or rules adopted by the state department of
29 transportation.

30 3. A person may dispense unoxxygenated gasoline
31 only as provided in this subsection. All unoxxygenated
32 gasoline dispensed in this state shall be premium
33 grade unleaded gasoline as provided in section 214A.2.
34 The unoxxygenated gasoline shall only be dispensed for
35 one of the following purposes:

36 a. The operation of a qualified motor vehicle or a
37 small engine.

38 b. The temporary storage of unoxxygenated gasoline
39 in a small motor vehicle fuel container. The small
40 motor vehicle fuel container shall meet all of the
41 following requirements:

42 (1) It shall comply with the standards set forth
43 in section 214A.15, or rules adopted by the
44 department.

45 (2) It shall have a capacity of not more than six
46 gallons.

47 c. A retail dealer shall only dispense
48 unoxxygenated gasoline at a gasoline station. A
49 gasoline station that is a marina, mooring facility,
50 or resort shall only dispense unoxxygenated gasoline

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1 for use by a watercraft.

2 Sec. 7. NEW SECTION. 214A.22 MOTOR VEHICLE FUEL
3 STORAGE TANK - EQUIPMENT.

4 1. A retail dealer shall not install storage tank
5 equipment used to store or dispense gasoline, unless
6 the storage tank equipment is compatible with the
7 storage and dispensing of oxygenated gasoline.

8 2. a. Except as provided in this section, a
9 retail dealer shall not use more than one motor
10 vehicle fuel storage tank and connecting motor vehicle
11 fuel storage tank piping located on the premises of a
12 retail gasoline station for dispensing nonoxxygenated
13 gasoline as provided in section 214A.21.

14 b. A retail dealer may use storage tank equipment
15 located on the premises of a retail gasoline station

16 for storing and dispensing nonoxygenated gasoline, if
17 the storage tank equipment is certified as exempt by
18 the department pursuant to this section.

19 c. In order to receive an exemption certificate,
20 the motor vehicle storage tank equipment must be
21 incompatible with the storage or dispensing of
22 oxygenated gasoline according to manufacturer
23 specifications. If the storage tank equipment is a
24 motor vehicle fuel storage tank, it must be a
25 fiberglass motor vehicle fuel storage tank.

26 3. The department shall grant an exemption
27 certificate upon application by the retail dealer in a
28 manner and according to procedures approved by the
29 department. The application shall contain all
30 information required by the department and shall at
31 least include all of the following:

32 a. The name of the retail dealer and the address
33 of the gasoline station.

34 b. A detailed description of the storage tank
35 equipment, including all of the following:

36 (1) The location of the storage tank equipment on
37 the premises of the gasoline station.

38 (2) The date that the storage tank equipment was
39 installed on the premises of the gasoline station.

40 (3) The model number of the storage tank
41 equipment, if available.

42 (4) A statement certified by the retail dealer
43 that the conversion necessary to store oxygenated fuel
44 in the fiberglass storage tank or dispense oxygenated
45 fuel using storage tank piping has not begun or been
46 completed since the date of installation.

47 c. A statement certified by the manufacturer of
48 the storage tank equipment verifying that the storage
49 tank equipment is not warranted for the storage or
50 dispensing of oxygenated fuel.

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1 4. The exemption certificate shall expire upon the
2 earlier of the following:

3 a. The date that the storage tank equipment is
4 replaced or converted with modifications necessary to
5 store or dispense oxygenated fuel. The retail dealer
6 shall immediately notify the department in writing of
7 the date that the exemption certificate expires under
8 this paragraph.

9 b. The twenty-year anniversary date of the
10 installation of the storage tank equipment.

11 5. The department shall extend an exemption
12 certificate upon application by the retail dealer in a
13 manner and according to procedures approved by the
14 department. The application shall contain all

15 information required in order to grant a certificate.

16 a. The retail dealer may apply for an extension
17 within one hundred eighty days from the certificate's
18 expiration date.

19 b. The retail dealer may apply for any number of
20 additional extensions within one hundred eighty days
21 from the last extended certificate's expiration date.
22 The department shall grant the extension if the
23 application meets all requirements for granting an
24 original certificate.

25 c. An extended exemption certificate shall expire
26 upon the earlier of the following:

27 (1) The date that the storage tank equipment is
28 replaced or converted with modifications necessary to
29 store or dispense oxygenated fuel. The retail dealer
30 shall immediately notify the department in writing of
31 the date that the exemption certificate expires under
32 this paragraph.

33 (2) The ten-year anniversary date of the
34 expiration of the original or an extended certificate.

35 Sec. 8. Section 452A.3, subsection 2, Code 2001,
36 is amended to read as follows:

37 2. ~~a.~~ For the privilege of operating aircraft in
38 this state an excise tax of eight cents per gallon is
39 imposed on the use of all aviation gasoline.

40 ~~b. For the privilege of operating motor vehicles~~
41 ~~in this state, an excise tax of nineteen cents per~~
42 ~~gallon until June 30, 2007, is imposed upon the use of~~
43 ~~motor fuel containing at least ten percent alcohol~~
44 ~~distilled from cereal grains grown in the United~~
45 ~~States and used for any purpose except as otherwise~~
46 ~~provided in this division.~~

47 Sec. 9. Section 452A.12, Code 2001, is amended to
48 read as follows:

49 452A.12 LOADING AND DELIVERY EVIDENCE ON
50 TRANSPORTATION EQUIPMENT.

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1 1. As used in this section, unless the context
2 otherwise requires:

3 a. "Cargo document" means a manifest or loading
4 and delivery evidence as provided in this section.

5 b. "Gasoline" means the same as defined in section
6 214A.1.

7 c. "Oxygenate octane enhancer" means the same as
8 defined in section 214A.1.

9 d. "Oxygenated gasoline" means the same as defined
10 in section 214A.1.

11 e. "Premium grade unleaded gasoline" means a
12 gasoline that complies with the requirements of
13 section 214A.2.

14 2. A cargo document shall describe any
15 transportation of motor fuel as required in this
16 section.
17 2A. a. A serially-numbered manifest cargo
18 document shall be carried on every vehicle, except
19 small tank wagons, while in use in transportation
20 service, on which shall be entered the following. The
21 cargo document shall be a serially numbered manifest.
22 The manifest shall include information as to about the
23 cargo of motor fuel or special fuel being moved in the
24 vehicle as required by the department, including all
25 of the following:
26 (1) The date and place of loading, and the place
27 to be unloaded, the of unloading the cargo.
28 (2) The person for whom it the cargo is to be
29 delivered, the,
30 (3) The nature and kind of product, the being
31 delivered. The manifest shall state whether the motor
32 fuel is gasoline or another type of motor fuel.
33 (4) The amount of product, and other information
34 required by the department including the number of
35 gallons of motor fuel being delivered.
36 (5) If the motor fuel is gasoline, the manifest
37 shall include the provisions required in subsection 4.
38 b. The manifest for small tank wagons shall be
39 retained at the home office. The manifest covering
40 each load transported, upon consummation of the
41 delivery, shall be completed by showing the date and
42 place of actual delivery and the person to whom
43 actually delivered and shall be kept as a permanent
44 record for a period of three years. However, the The
45 record of the manifest of past cargoes need is not
46 required to be carried on the conveyance but shall be
47 preserved by the carrier for inspection by the
48 department. A carrier subject to this subsection when
49 distributing for a licensee may with the approval of
50 the department substitute the loading and delivery

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1 evidence required in subsection 2 for in lieu of the
2 manifest.
3 2. 3. A person while transporting motor fuel or
4 undyed special fuel from a refinery or marine or
5 pipeline terminal in this state or from a point
6 outside this state over the highways of this state in
7 service other than that under subsection 1 2A shall
8 carry in the vehicle a loading invoice cargo document
9 which shall be loading and delivery evidence showing
10 all of the following:
11 a. The name and address of the seller or
12 consignor, the,

13 b. The date and place of loading, and the,
14 c. The kind and quantity of motor fuel or special
15 fuel loaded, together with invoices. The loading and
16 delivery evidence shall state whether the motor fuel
17 is gasoline or another type of motor fuel.
18 d. Invoices showing the kind and quantity of each
19 delivery and the name and address of each purchaser or
20 consignee. If the motor fuel is gasoline, the invoice
21 shall state the number of gallons of gasoline being
22 delivered. The loading invoice shall include the
23 provisions required in subsection 4.
24 4. a. Except as provided in paragraph "b", if the
25 cargo is gasoline, the cargo document shall identify
26 the volume percentage or gallons of oxygenate octane
27 enhancers in the gasoline, and the octane number for
28 the gasoline as provided in section 214A.2. The cargo
29 document shall include a statement printed in at least
30 ten point boldface type. The statement shall provide
31 as follows:
32 (1) If the motor fuel is oxygenated gasoline, the
33 statement shall provide: "This motor fuel is
34 oxygenated gasoline legal for sale in this state as
35 provided by Iowa Code chapter 214A."
36 (2) If the motor fuel is not oxygenated gasoline,
37 one of the following shall apply:
38 (a) If the unoxxygenated gasoline is a premium
39 grade unleaded gasoline, the statement shall provide:
40 "This motor fuel is nonoxygenated unleaded premium
41 grade gasoline legal for restricted retail sale in
42 this state as provided in Iowa Code chapter 214A."
43 (b) If the unoxxygenated gasoline is not a premium
44 grade unleaded gasoline, the statement shall provide:
45 "This motor fuel is nonoxygenated gasoline and shall
46 not be sold on a retail basis in Iowa."
47 b. This subsection shall not apply to the
48 transport of gasoline between refineries, between
49 terminals, or between a refinery and a terminal.
50 Sec. 10. STUDY - ALTERNATIVE FUELS.

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1 1. As used in this section, "alternative fuels"
2 means electricity, compressed natural gas, liquefied
3 natural gas, biodiesel fuels, gasoline containing a
4 mixture of eighty-five or more percent ethanol, and
5 gasoline containing eighty-five percent or more
6 methanol.
7 2. The department of revenue and finance, in
8 consultation with the state department of
9 transportation, shall conduct a study regarding
10 methods to tax alternative fuels, including the amount
11 of revenue raised from such methods, in order to

12 ensure that such fuels are taxed on the same basis as
13 conventional motor vehicle fuels.

14 3. The department of revenue and finance shall
15 submit its report to the general assembly not later
16 than January 10, 2002."

17 2. Title page, by striking lines 1 through 3 and
18 inserting the following: "An Act relating to motor
19 vehicle fuels, by providing for standards regulated by
20 the department of agriculture and land stewardship,
21 providing for the transportation, sale, and dispensing
22 of oxygenated fuel, providing for tax revenues, and
23 making penalties applicable."

Amendment H-1634 lost.

Teig of Hamilton offered amendment H-1654 filed by him and
Kuhn of Floyd from the floor as follows:

H-1654

1 Amend House File 716 as follows:

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

4 "Section 1: Section 15.333, subsection 1, Code
5 Supplement 1999, as amended by 2000 Iowa Acts, chapter
6 1213, section 1, is amended to read as follows:

7 1. An eligible business may claim a corporate tax
8 credit up to a maximum of ten percent of the new
9 investment which is directly related to new jobs
10 created by the location or expansion of an eligible
11 business under the program. Any credit in excess of
12 the tax liability for the tax year may be credited to
13 the tax liability for the following seven years or
14 until depleted, whichever occurs earlier. Subject to
15 prior approval by the department of economic
16 development in consultation with the department of
17 revenue and finance, an eligible business whose
18 project primarily involves the production of value-
19 added agricultural products may elect to refund all or
20 a portion of an unused tax credit. For purposes of
21 this section, an eligible business includes a
22 cooperative described in section 521 of the Internal
23 Revenue Code which is not required to file an Iowa
24 corporate income tax return, and whose project
25 primarily involves the production of ethanol. The
26 refund may be used against a tax liability imposed
27 under chapter 422, division II, III, or V. If the
28 business is a partnership, subchapter S corporation,
29 limited liability company, or estate or trust electing
30 to have the income taxed directly to the individual,
31 an individual may claim the tax credit allowed. The

32 amount claimed by the individual shall be based upon
33 the pro rata share of the individual's earnings of the
34 partnership, subchapter S corporation, limited
35 liability company, or estate or trust. For purposes
36 of this section, "new investment directly related to
37 new jobs created by the location or expansion of an
38 eligible business under the program" means the cost of
39 machinery and equipment, as defined in section 427A.1,
40 subsection 1, paragraphs "e" and "j", purchased for
41 use in the operation of the eligible business, the
42 purchase price of which has been depreciated in
43 accordance with generally accepted accounting
44 principles, and the cost of improvements made to real
45 property which is used in the operation of the
46 eligible business and which receives a partial
47 property tax exemption for the actual value added
48 under section 15.332.

49 1A. An eligible business whose project primarily
50 involves the production of value-added agricultural

Page 2

1 products, that elects to receive a refund of all or a
2 portion of an unused tax credit, shall apply to the
3 department of economic development for tax credit
4 certificates. An eligible business whose project
5 primarily involves the production of value-added
6 agricultural products shall not claim a tax credit
7 under this section unless a tax credit certificate
8 issued by the department of economic development is
9 attached to the taxpayer's tax return for the tax year
10 during which the tax credit is claimed. For purposes
11 of this section, an eligible business includes a
12 cooperative described in section 521 of the Internal
13 Revenue Code which is not required to file an Iowa
14 corporate income tax return, and whose project
15 primarily involves the production of ethanol. A tax
16 credit certificate shall not be valid until the tax
17 year following the date of the project completion. A
18 tax credit certificate shall contain the taxpayer's
19 name, address, tax identification number, the date of
20 project completion, the amount of the tax credit,
21 other information required by the department of
22 revenue and finance. The department of economic
23 development shall not issue tax credit certificates
24 which total more than four million dollars during a
25 fiscal year. If the department receives applications
26 for tax credit certificates in excess of four million
27 dollars, the applicants shall receive certificates for
28 a prorated amount. The tax credit certificates shall
29 not be transferred. For a cooperative described in
30 section 521 of the Internal Revenue Code that is not

31 required to file an Iowa corporate income tax return,
32 the department of economic development shall require
33 that the cooperative submit a list of its members and
34 the share of each member's interest in the
35 cooperative. The department shall issue a tax credit
36 certificate to each member contained on the submitted
37 list."

38 2. Title page, line 1, by striking the words "the
39 sale of".

Shoultz of Black Hawk offered the following amendment H-1669, to amendment H-1654, filed by him from the floor and moved its adoption:

H-1669

1 Amend the amendment, H-1654, to House File 716, as
2 follows:
3 1. Page 1, by striking line 2, and inserting the
4 following:
5 "_. By striking everything after the enacting
6 clause and inserting the".
7 2. Page 2, by striking lines 38 and 39, and
8 inserting the following:
9 "_. Title page, by striking lines 1 through 3,
10 and inserting the following: "An Act providing for
11 taxes relating to ethanol.""

Amendment H-1669 lost.

On motion by Teig of Hamilton amendment H-1654 was adopted.

Richardson of Warren offered the following amendment H-1661 filed by him from the floor and moved its adoption:

H-1661

1 Amend House File 716 as follows:
2 1. Page 2, by inserting after line 21 the
3 following:
4 "_. The tax savings received by the retail
5 dealer as a result of the tax credit received under
6 this section shall be passed on to the consumer of
7 ethanol blended gasoline by means of a reduction in
8 the retail price of such gasoline. If the retail
9 dealer is a partnership, limited liability company, S
10 corporation, estate, or trust electing to have the
11 income taxed directly to its partners, members,
12 shareholders, or beneficiaries, the retail dealer

13 shall pass on the tax savings received by those
14 individuals to the consumer of ethanol blended
15 gasoline by means of a reduction in the retail price
16 of such gasoline."
17 2. Page 3, by inserting after line 21, the
18 following:
19 "____. The tax savings received by the retail
20 dealer as a result of the tax credit received under
21 this subsection shall be passed on to the consumer of
22 ethanol blended gasoline by means of a reduction in
23 the retail price of such gasoline."

Amendment H-1661 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garman of Story on request of Rants of Woodbury.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-1632 filed by him on April 23, 2001.

Shoultz of Black Hawk offered the following amendment H-1633 filed by him and moved its adoption:

H-1633

1 Amend House File 716 as follows:
2 1. By striking page 3, line 22, through page 6,
3 line 6, and inserting the following:
4 "Sec.____. APPLICABILITY. The ethanol blended
5 gasoline tax credits provided in".
6 2. Title page, line 1, by striking the word
7 "taxes" and inserting the following: "tax credits".

Roll call was requested by Hansen of Pottawattamie and Dix of Butler.

On the question "Shall amendment H-1633 be adopted?" (H.F. 716)

The ayes were, 18:

Bukta
Frevert
Murphy

Connors
Hatch
Osterhaus

Dotzler
Jochum
Richardson

Ford
Kreiman
Scherrman

Shoultz
Taylor, T.

Smith
Tremmel

Stevens

Taylor, D.

The nays were, 77:

Alons
Baudler
Boggess
Brunkhorst
De Boef
Eddie
Fallon
Greimann
Heaton
Huseman
Johnson
Larkin
Mascher
Millage
Quirk
Rekow
Shey
Tymeson
Weidman
Carroll,
Presiding

Arnold
Bell
Bradley
Chiodo
Dix
Eichhorn
Finch
Grundberg
Horbach
Huser
Kettersing
Larson
May
Myers
Raecker
Reynolds
Siegrist, Spkr.
Tyrrell
Winckler

Atteberry
Boal
Brauns
Cohoon
Dolecheck
Elgin
Foege
Hahn
Houser
Jacobs
Klemme
Lensing
Mertz
O'Brien
Rants
Roberts
Sievers
Van Fossen
Wise

Barry
Boddicker
Broers
Cormack
Drake
Falck
Gipp
Hansen
Hoversten
Jenkins
Kuhn
Manternach
Metcalf
Petersen
Rayhons
Seng
Teig
Warnstadt
Witt

Absent or not voting, 5:

Garman
Van Engelenhoven

Hoffman

Schrader

Sukup

Amendment H-1633 lost.

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?" (H.F. 716)

The ayes were, 69:

Alons
Baudler
Boggess
Brunkhorst
Dolecheck
Elgin
Greimann
Heaton

Arnold
Bell
Bradley
Cormack
Drake
Finch
Grundberg
Horbach

Atteberry
Boal
Brauns
De Boef
Eddie
Foege
Hahn
Houser

Barry
Boddicker
Broers
Dix
Eichhorn
Gipp
Hansen
Hoversten

Huseman	Huser	Jacobs	Jenkins
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larson	Manternach	May
Mertz	Metcalf	Millage	Myers
O'Brien	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Roberts
Shey	Siegrist, Spkr.	Sievers	Smith
Stevens	Sukup	Taylor, D.	Teig
Tymeson	Tyrrell	Van Fossen	Weidman
Carroll, Presiding			

The nays were, 27:

Bukta	Chiodo	Cohoon	Connors
Dotzler	Falck	Fallon	Ford
Frevert	Hatch	Jochum	Larkin
Lensing	Mascher	Murphy	Osterhaus
Petersen	Richardson	Scherrman	Seng
Shoultz	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise	Witt	

Absent or not voting, 4:

Garman	Hoffman	Schrader	Van Engelenhoven
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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 MESSAGE CONSIDERED

Senate File 514, by committee on ways and means, a bill for an act relating to a maximum property tax dollars limitation for counties and providing for the Act's applicability.

Read first time and referred to committee on **ways and means**.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 716** be immediately messaged to the Senate.

Appropriations Calendar

House File 726, 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 office of drug control policy, and the commission of veterans affairs, providing a criminal surcharge increase, and providing an effective date, was taken up for consideration.

Dix of Butler in the chair at 6:19 p.m.

Atteberry of Delaware offered the following amendment H-1613 filed by her and moved its adoption:

H-1613

- 1 Amend House file 726 as follows:
- 2 1. Page 1, line 10, by striking the figure
- 3 "1,790,993" and inserting the following: "1,856,993".

Amendment H-1613 lost.

Shoultz of Black Hawk offered the following amendment H-1620 filed by him and moved its adoption:

H-1620

- 1 Amend House File 726 as follows:
- 2 1. Page 1, line 21, by striking the figure
- 3 "1,082,743" and inserting the following: "1,200,138".

Amendment H-1620 lost.

T. Taylor of Linn offered amendment H-1621 filed by him as follows:

H-1621

- 1 Amend House File 726 as follows:
- 2 1. Page 2, by striking lines 2 through 17 and
- 3 inserting the following:
- 4 "1. For aging programs and for salaries, support,
- 5 maintenance, and miscellaneous purposes, and for not
- 6 more than the following full-time equivalent
- 7 positions:
- 8 \$ 5,065,411
- 9 FTEs 30.00
- 10 _____. Of the funds appropriated in this subsection,
- 11 not more than \$151,654 shall be used for area agencies
- 12 on aging administrative purposes for citizens of Iowa
- 13 over 60 years of age for care management."
- 14 2. By renumbering as necessary.

T. Taylor of Linn offered the following amendment H-1648, to amendment H-1621, filed by him and moved its adoption:

H-1648

- 1 Amend the amendment, H-1621, to House File 726, as
- 2 follows:
- 3 1. Page 1, line 13, by striking the word "care"
- 4 and inserting the following: "case".

Amendment H-1648 was adopted.

T. Taylor of Linn moved the adoption of amendment H-1621, as amended.

Roll call was requested by T. Taylor of Linn and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment H-1621, as amended, be adopted?" (H.F. 726)

The ayes were, 44:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Fallon	Foege	Ford	Frevert
Greimann	Hatch	Hoffman	Huser
Jochum	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Mertz
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Reynolds	Richardson
Scherrman	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	Witt

The nays were, 53:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Gipp	Grundberg	Hahn	Hansen
Heaton	Horbach	Houser	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Kettering	Klemme	Larson	Manternach

Metcalf	Millage	Raecker	Rants
Rayhons	Rekow	Roberts	Shey
Siegrist, Spkr.	Sievers	Sukup	Teig
Tymeson	Tyrrell	Van Fossen	Weidman
Dix,			
Presiding			

Absent or not voting, 3:

Garman	Schrader	Van Engelenhoven
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Amendment H-1621 lost.

Bell of Jasper offered the following amendment H-1619 filed by him and Ford of Polk and moved its adoption:

H-1619

- 1 Amend House File 726 as follows:
- 2 1. Page 3, by striking lines 22 through 27, and
- 3 inserting the following:
- 4 "1. For salaries, support, maintenance, and
- 5 miscellaneous purposes, and for not more than the
- 6 following full-time equivalent positions:
- 7 \$ 487,759
- 8 FTEs 13.00
- 9 2. For statewide coordination of the drug abuse
- 10 resistance education (D.A.R.E.) program:
- 11 \$ 75,200"
- 12 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 38, nays 51.

Amendment H-1619 lost.

Wise of Lee offered the following amendment H-1623 filed by him and Reynolds of Van Buren and moved its adoption:

H-1623

- 1 Amend House File 726 as follows:
- 2 1. Page 5, line 35, by striking the figure
- 3 "6,923,647" and inserting the following: "7,323,647".

Hansen of Pottawattamie in the chair at 8:30 p.m.

Amendment H-1623 lost.

Seng of Scott offered the following amendment H-1638 filed by Seng, et al., and moved its adoption:

H-1638

- 1 Amend House File 726 as follows:
- 2 1. By striking page 3, line 32, through page 6,
- 3 line 1, and inserting the following: "so much thereof
- 4 as is necessary, to be used for addictive disorders,
- 5 adult wellness, child and adolescent wellness, chronic
- 6 conditions, community capacity, elderly wellness,
- 7 environmental hazards, infectious diseases, injuries,
- 8 and public protection, and for not more than the
- 9 following full-time equivalent positions:
- 10 \$ 29,248,747
- 11 FTEs 363.60"
- 12 2. Page 9, by striking lines 7 through 12.
- 13 3. By renumbering, redesignating, and correcting
- 14 internal references as necessary.

Roll call was requested by Millage of Scott and Brunkhorst of Bremer.

On the question "Shall amendment H-1638 be adopted?" (H.F. 726)

The ayes were, 43:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Fallon	Foege	Ford	Frevert
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Reynolds	Richardson	Scherrman
Seng	Shoultz	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise	Witt	

The nays were, 52:

Alons	Arnold	Barry	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch

Gipp	Grundberg	Hahn	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Kettering	Klemme	Larson	Manternach
Metcalf	Millage	Raecker	Rants
Rayhons	Rekow	Roberts	Shey
Siegrist, Spkr.	Sievers	Sukup	Tymeson
Tyrrell	Van Fossen	Weidman	Hansen, Presiding

Absent or not voting, 5:

Baudler	Garman	Schrader	Teig
Van Engelenhoven			

Amendment H-1638 lost.

Alons of Sioux asked and received unanimous consent to withdraw amendment H-1671 filed by him from the floor.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brunkhorst of Bremer and Van Engelenhoven of Mahaska on request of Rants of Woodbury.

Ford of Polk offered the following amendment H-1637 filed by him and moved its adoption:

H-1637

1 Amend House File 726 as follows:

2 1. Page 10, by striking lines 13 through 23, and
3 inserting the following:

4 "2. DEAF SERVICES DIVISION

5 For salaries, support, maintenance, and
6 miscellaneous purposes, and for not more than the
7 following full-time equivalent positions:

8	\$	364,505
9	FTEs	7.00

10 The fees collected by the division for provision of
11 interpretation services by the division to obligated
12 agencies shall be deposited into the general fund of
13 the state."

14 2. Page 11, by striking lines 1 through 7, and
15 inserting the following:

16 "5. STATUS OF WOMEN DIVISION

17 For salaries, support, maintenance, and

18 miscellaneous purposes, and for not more than the
 19 following full-time equivalent positions:
 20 \$ 400,996
 21 FTEs 3.00
 22 a. Of the funds appropriated in this subsection,
 23 at least \$100,307 shall be spent for the lowans in
 24 transition program.
 25 b. Of the funds appropriated in this subsection,
 26 at least \$42,570 shall be spent for domestic violence
 27 and sexual assault-related grants."
 28 3. Page 11, line 18, by striking the figure
 29 "412,481" and inserting the following: "444,126".
 30 4. By striking page 11, line 24, through page 12,
 31 line 2, and inserting the following:
 32 "Of the funds appropriated in this subsection, at
 33 least \$36,000 shall be spent for expenses relating to
 34 the administration of federal funds for juvenile
 35 assistance. The department of human rights shall
 36 employ sufficient staff to meet the federal funding
 37 match requirements established by the federal office
 38 for juvenile justice and delinquency prevention. The
 39 governor's advisory council on juvenile justice shall
 40 determine the staffing level necessary to carry out
 41 federal and state mandates for juvenile justice.
 42 8. COMMUNITY GRANT FUND
 43 For the community grant fund established in section
 44 232.190, to be used for the purposes of the community
 45 grant fund, and for not more than the following full-
 46 time equivalent positions:
 47 \$ 1,498,074
 48 FTEs 1.44"
 49 5. By renumbering as necessary.

Roll call was requested by Ford of Polk and Myers of Johnson.

On the question "Shall amendment H-1637 be adopted?" (H.F. 726)

The ayes were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Foege	Ford	Frevrt	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Reynolds	Richardson	Scherrman	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

The nays were, 51:

Alons	Arnold	Barry	Boal
Boddicker	Boguess	Bradley	Brauns
Broers	Carroll	Cormack	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Gipp	Grundberg	Hahn	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Kettering	Klemme	Larson	Manternach
Metcalf	Millage	Raecker	Rants
Rayhons	Rekow	Roberts	Shey
Siegrist, Spkr.	Sievers	Teig	Tymeson
Tyrrell	Weidman	Hansen, Presiding	

Absent or not voting, 7:

Baudler	Brunkhorst	Garman	Schrader
Sukup	Van Engelenhoven	Van Fossen	

Amendment H-1637 lost.

Alons of Sioux offered the following amendment H-1664 filed by him from the floor and moved its adoption:

H-1664

- 1 Amend House File 726 as follows:
- 2 1. Page 12, line 1, by striking the figure
- 3 "625,000" and inserting the following: "725,000".
- 4 2. Page 12, line 30, by striking the figure
- 5 "45,388,702" and inserting the following:
- 6 "45,538,702".

Amendment H-1664 was adopted.

QUORUM CALL

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

Smith of Marshall offered the following amendment H-1646 filed by Smith, et al., and moved its adoption:

H-1646

1 Amend House File 726 as follows:

2 1. By striking page 12, line 13, through page 13,
3 line 13, and inserting the following:

4 "For salaries, support and maintenance, and
5 miscellaneous purposes, and for not more than the
6 following full-time equivalent positions:

7 \$ 344,097
8 FTEs 5.00

9 The commission of veterans affairs may use the
10 gifts accepted by the chairperson of the commission of
11 veterans affairs, or designee, and other resources
12 available to the commission for use at its Camp Dodge
13 office. The commission shall report annually to the
14 governor and the general assembly on monetary gifts
15 received by the commission for the Camp Dodge office.

16 2. WAR ORPHANS

17 For the war orphans educational aid fund
18 established pursuant to chapter 35:

19 \$ 6,000

20 3. IOWA VETERANS HOME

21 For salaries, support, maintenance, and
22 miscellaneous purposes, and for not more than the
23 following full-time equivalent positions:

24 \$ 47,640,013
25 FTEs 889.84

26 a. The Iowa veterans home may use the gifts
27 accepted by the chairperson of the commission of
28 veterans affairs and other resources available to the
29 commission for use at the Iowa veterans home.

30 b. If revenues are increased at the Iowa veterans
31 home, and this increase results in reimbursements
32 which exceed the amount budgeted for that purpose in
33 the fiscal year beginning July 1, 2001, and ending
34 June 30, 2002, the Iowa veterans home may expend the
35 excess amounts for the purpose of meeting
36 certification requirements or to provide additional
37 beds. The expenditure of additional funds received,
38 as outlined in this paragraph, is subject to the
39 approval by the department of management. The amount
40 approved by the department of management for
41 expenditure shall be considered repayment receipts."

42 2. By renumbering as necessary.

Speaker Siegrist in the chair at 9:40 p.m.

Roll call was requested by Myers of Johnson and Richardson of Warren.

On the question "Shall amendment H-1646 be adopted?" (H.F. 726)

The ayes were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Fallon	Foege	Ford	Frevert
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Reynolds	Richardson	Scherrman
Seng	Shoultz	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise		

The nays were, 51:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Gipp	Grundberg
Hahn	Hansen	Heaton	Hoffman
Horbach	Houser	Hoversten	Huseman
Jacobs	Jenkins	Johnson	Kettering
Klemme	Larson	Manternach	Metcalf
Millage	Raecker	Rants	Rayhons
Rekow	Roberts	Shey	Sievers
Sukup	Teig	Tymeson	Tyrrell
Van Fossen	Weidman	Mr. Speaker	
		Siegrist	

Absent or not voting, 7:

Brunkhorst	Eddie	Finch	Garman
Schrader	Van Engelenhoven	Witt	

Amendment H-1646 lost.

Sievers of Scott asked and received unanimous consent to withdraw amendment H-1676 filed by Sievers, Cormack of Webster and Raecker of Polk from the floor.

Ford of Polk offered amendment H-1627 filed by Ford, et al., as follows:

H-1627

- 1 Amend House File 726 as follows:
- 2 1. Page 14, by inserting after line 26, the
- 3 following:
- 4 "Sec. ____ Section 135.102, Code 2001, is amended
- 5 by adding the following new subsection:
- 6 **NEW SUBSECTION. 6.** Model regulations for lead
- 7 hazard remediation to be used in instances in which a
- 8 child is confirmed as lead poisoned. The department
- 9 shall make the model regulations available to local
- 10 boards of health and shall promote the adoption of the
- 11 regulations at the local level, by cities and
- 12 counties."

Alons of Sioux offered the following amendment H-1663, to amendment H-1627, filed by him and Ford of Polk from the floor and moved its adoption:

H-1663

- 1 Amend the amendment, H-1627, to House File 726, as
- 2 follows:
- 3 1. Page 1, line 11, by striking the word "by" and
- 4 inserting the word "in".
- 5 2. Page 1, line 12, by inserting after the word
- 6 "counties" the following: "implementing lead hazard
- 7 remediation programs. Nothing in this subsection
- 8 shall be construed as requiring the adoption of the
- 9 model regulations".
- 10 3. By renumbering as necessary.

Amendment H-1663 was adopted.

On motion by Ford of Polk amendment H-1627, as amended, was adopted.

Hatch of Polk offered the following amendment H-1657 filed by him from the floor and requested division as follows:

H-1657

- 1 Amend House File 726 as follows:

H-1657A

- 2 1. Page 14, by inserting after line 26 the
- 3 following:
- 4 "Sec. ____ LOW-INCOME HOME ENERGY ASSISTANCE

H-1657A

5 PROGRAM – APPROPRIATION. There is appropriated from
6 the general fund of the state to the division of
7 community action agencies of the department of human
8 rights for the fiscal year beginning July 1, 2001, and
9 ending June 30, 2002, the following amount, or so much
10 thereof as necessary, to be used for the purpose
11 designated:
12 For the low-income home energy assistance program:
13 \$ 9,452,170"

H-1657B

14 2. Page 14, by inserting before line 27 the
15 following:
16 "Sec. 100. Section 455G.3, Code 2001, is amended
17 by adding the following new subsection:
18 NEW SUBSECTION. 6. There is appropriated from the
19 unassigned revenue fund administered by the Iowa
20 comprehensive petroleum underground storage tank fund
21 board to the division of community action agencies of
22 the department of human rights for the fiscal year
23 beginning July 1, 2000, and ending June 30, 2001,
24 three million dollars, to be used for the low-income
25 home energy assistance program."
26 3. Page 17, line 5, by inserting after the word
27 "drugs," the following: "and section 100 of this Act
28 amending section 455G.3".
29 4. Page 17, line 6, by striking the word "takes"
30 and inserting the following: "take".

Hatch of Polk asked and received unanimous consent that amendment H-1657A be deferred.

Hansen of Pottawattamie in the chair at 10:38 p.m.

Speaker Siegrist in the chair at 10:41 p.m.

Millage of Scott rose on a point of order that amendment H-1657B was not germane.

The Speaker ruled the point well taken and amendment H-1657B not germane.

Hatch of Polk asked for unanimous consent to suspend the rules to consider amendment H-1657B.

Objection was raised.

Hatch of Polk moved to suspend the rules to consider amendment H-1657B.

Roll call was requested by Myers of Johnson and Larson of Linn.

On the question "Shall the rules be suspended to consider amendment H-1657B?" (H.F. 726)

The ayes were, 40:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Dotzler	Falck	Fallon
Foege	Ford	Frevort	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Reynolds	Richardson	Scherrman	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler

The nays were, 52:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Gipp	Hahn	Hansen	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Kettering	Klemme	Larson	Manternach
Metcalfe	Millage	Raecker	Rants
Rayhons	Rekow	Roberts	Shey
Sievers	Sukup	Teig	Tymeson
Tyrrell	Van Fossen	Weidman	Mr. Speaker
			Siegrist

Absent or not voting, 8:

Brunkhorst	Connors	Garman	Grundberg
Schrader	Van Engelenhoven	Wise	Witt

The motion to suspend the rules lost.

Bell of Jasper offered the following amendment H-1618 filed by him and moved its adoption:

H-1618

- 1 Amend House File 726 as follows:
- 2 1. By striking page 14, line 27, through page 15,
- 3 line 1.
- 4 2. By renumbering as necessary.

Amendment H-1618 lost.

Hatch of Polk moved the adoption of amendment H-1657A, previously deferred.

Roll call was requested by Hatch of Polk and T. Taylor of Linn.

On the question "Shall amendment H-1657A be adopted?" (H.F. 726)

The ayes were, 40:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Dotzler	Falck	Fallon
Foege	Ford	Frevort	Greimann
Hatch	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Mertz	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Reynolds
Richardson	Scherrman	Seng	Shoultz
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise

The nays were, 53:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Gipp	Hahn	Hansen	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Huser	Jacobs	Jenkins
Johnson	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Sievers	Sukup	Teig

Tymeson
Mr. Speaker
Siegrist

Tyrrell

Van Fossen

Weidman

Absent or not voting, 7:

Brunkhorst
Schrader

Connors
Van Engelenhoven

Garman
Witt

Grundberg

Amendment H-1657A lost.

Alons 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?" (H.F. 726)

The ayes were, 51:

Alons
Boal
Brauns
Dix
Eichhorn
Hahn
Horbach
Jacobs
Klemme
Millage
Rekow
Sukup
Van Fossen

Arnold
Boddicker
Broers
Dolecheck
Elgin
Hansen
Houser
Jenkins
Larson
Raecker
Roberts
Teig
Weidman

Barry
Boggess
Carroll
Drake
Finch
Heaton
Hoversten
Johnson
Manternach
Rants
Shey
Tymeson
Mr. Speaker
Siegrist

Baudler
Bradley
De Boef
Eddie
Gipp
Hoffman
Huseman
Kettering
Metcalf
Rayhons
Sievers
Tyrrell

The nays were, 42:

Atteberry
Cohoon
Fallon
Greimann
Kreiman
Mascher
Myers
Quirk
Seng
Taylor, D.
Winckler

Bell
Cormack
Foege
Hatch
Kuhn
May
O'Brien
Reynolds
Shoultz
Taylor, T.
Wise

Bukta
Dotzler
Ford
Huser
Larkin
Mertz
Osterhaus
Richardson
Smith
Tremmel

Chiodo
Falck
Frevert
Jochum
Lensing
Murphy
Petersen
Scherrman
Stevens
Warnstadt

Absent or not voting, 7:

Brunkhorst
Schrader

Connors
Van Engelenhoven

Garman
Witt

Grundberg

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 726** 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 April 24, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 502, a bill for an act relating to agricultural production, by prohibiting acts relating to facilities or operations, making penalties applicable, and providing penalties and civil liability.

MICHAEL E. MARSHALL, Secretary

MOTIONS TO RECONSIDER (House File 271)

I move to reconsider the vote by which House File 271 passed the House on April 23, 2001.

GARMAN of Story

(Senate File 211)

I move to reconsider the vote by which Senate File 211 passed the House on April 24, 2001.

HANSEN of Pottawattamie

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 24, 2001. Had I been present, I would have voted "aye" on Senate File 57.

BOAL of Polk

I was necessarily absent from the House chamber on April 24, 2001. Had I been present, I would have voted "aye" on House File 694.

DRAKE of Pottawattamie

I was necessarily absent from the House chamber on April 24, 2001. Had I been present, I would have voted "aye" on House Files 180, 590, 598 and 712.

HUSER of Polk

I was necessarily absent from the House chamber on April 23, 2001. Had I been present, I would have voted "aye" on House Files 73, 229, 271, 674 and 713, Senate Joint Resolution 3, and Senate Files 81, 84, 209, 265, 313, 323, 354, 466, 470, 473 and 525, and "nay" on Senate Files 336 and 412.

WITT of Black Hawk.

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 24th day of April, 2001: House Files 341, 352, 356, 535, 581 and 647.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 24, 2001, he approved and transmitted to the Secretary of State the following bills:

House File 292, an act relating to the financial operations and transactions of the information technology department.

House File 326, an act relating to the mediation process in civil rights cases.

House File 526, an act providing for a study of state law requirements in this state and other states regarding barber reciprocity practices.

House File 550, an act adding the offense of criminal transmission of human immunodeficiency virus to the list of criminal offenses that require registration under the sex offender registry and providing an effective date.

Senate File 355, an act providing for the release of custody and termination of parental rights for certain newborn infants whose parent or person authorized to act on the parent's behalf relinquishes physical custody at certain health facilities and providing certain immunity from prosecution and civil liability for such parent or person, establishing confidentiality protections and a penalty, and providing an effective date.

Senate File 497, an act relating to the governance of the Iowa public employees' retirement system and providing an effective date.

Senate File 500, an act relating to insurance, by addressing the operation and regulation of insurance companies, mutual insurance associations, the Iowa insurance guaranty association, and other insurance or risk-assuming entities, including the rights and duties of such entities and the powers and authority of the insurance commissioner; by establishing jurisdiction and venue requirements for actions against the Iowa insurance guaranty association; and providing penalties, repeals, and effective dates.

PRESENTATION OF VISITORS

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

Forty English as a Second Language students from Davenport West, Davenport, accompanied by Karin Hansen, Linda Lahan and Mary Hammes. By Sievers and Winckler of Scott.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|-----------|--|
| 2001\990 | Janet Deets, Mason City – For celebrating her 85 th birthday. |
| 2001\991 | Andrew Vincent Young, Clear Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2001\992 | Eleanor Croatt, St. Lucas – For celebrating her 90 th birthday. |
| 2001\993 | Marguerite Dunn, Independence – For celebrating her 90 th birthday. |
| 2001\994 | Elsie Bartels, Oelwein – For celebrating her 101 st birthday. |
| 2001\995 | John and Rebecca Chambers, Marble Rock – For celebrating their 60 th wedding anniversary. |
| 2001\996 | Anna Mae and Keith Marvin, Charles City – For celebrating their 50 th wedding anniversary. |
| 2001\997 | Violet and Kenneth Lien, Rockford – For celebrating their 60 th wedding anniversary. |
| 2001\998 | Teresa Todd, Washington County – For being named Telecommunicator of the Year. |
| 2001\999 | Amy Christensen, Washington County – For being named Telecommunicator of the Year. |
| 2001\1000 | Helen and Jim Thomas, Colfax – For celebrating their 50 th wedding anniversary. |
| 2001\1001 | Ben Bekel, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2001\1002 | Trent Liles, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2001\1003 | Grace Adams, Grinnell – For celebrating her 80 th birthday. |
| 2001\1004 | Gene Slaven, Grinnell – For celebrating his 80 th birthday. |
| 2001\1005 | Mildred and Donald Turner, Grinnell – For celebrating their 50 th wedding anniversary. |

- 2001\1006 Hilda Grant, Adair – For celebrating her 95th birthday.
- 2001\1007 Vera Cave, Winterset – For celebrating her 85th birthday.
- 2001\1008 Mildred Busch, Winterset – For celebrating her 92nd birthday.
- 2001\1009 Mae Martens, Winterset – For celebrating her 85th birthday.
- 2001\1010 Esther Oloff, LeMars – For celebrating her 90th birthday.
- 2001\1011 Art Christoffersen, Cedar Rapids – For winning the McLeodUSA Mid-Am Super Trucks race.
- 2001\1012 Irene and Milo Dvorak, Clutier – For celebrating their 60th wedding anniversary.
- 2001\1013 John Duffy, Tama – For celebrating his 80th birthday.
- 2001\1014 Fay Mohrfeld, Tama – For celebrating her 90th birthday.
- 2001\1015 Helen Burke Cushman, Cedar Rapids – For celebrating her 90th birthday.
- 2001\1016 Florence C. Dvorak, Cedar Rapids – For celebrating her 90th birthday.
- 2001\1017 Mable Hutchins, Central City – For celebrating her 90th birthday.
- 2001\1018 Velma Wright Michel, Cedar Rapids – For celebrating her 90th birthday.
- 2001\1019 Wayne McDowell, Cedar Rapids – For celebrating his 88th birthday.
- 2001\1020 Myrtle Yardley, Cedar Rapids – For celebrating her 85th birthday.
- 2001\1021 Hazel Cook, Cedar Rapids – For celebrating her 85th birthday.
- 2001\1022 Pauline Lowther Cooper, Cedar Rapids – For celebrating her 80th birthday.
- 2001\1023 Ken Abodeely, Marion – For celebrating his 80th birthday.
- 2001\1024 Fran Kula, Marion – For celebrating her 80th birthday.
- 2001\1025 Maxine Blount Gegenheimer, Cedar Rapids – For celebrating her 80th birthday.
- 2001\1026 Marge McDonald, Cedar Rapids – For celebrating her 80th birthday.
- 2001\1027 Robert M. Bickel, Cedar Rapids – For celebrating his 80th birthday.

- 2001\1028 Katherine and John Tellier, Cedar Rapids – For celebrating their 60th wedding anniversary.
- 2001\1029 Dorothy and Paul Anderson, Cedar Rapids – For celebrating their 60th wedding anniversary.
- 2001\1030 Beverly and Charles Daws, Hiawatha – For celebrating their 50th wedding anniversary.
- 2001\1031 Arlene and Ralph Myers, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 2001\1032 Barb and Emet Magner, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 2001\1033 Darlene and Robert Shetler, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 2001\1034 Bernita and Ivan Coonrod, Center Point – For celebrating their 50th wedding anniversary.
- 2001\1035 Dora and Glenn Wall, Central City – For celebrating their 50th wedding anniversary.
- 2001\1036 Agnes and Erwin Darrow, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 2001\1037 Frances and Paul Valliere, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 2001\1038 Jean and John Petrzalka, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 2001\1039 Joyce and Clair Munson, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 2001\1040 Lorraine and Donovan McCluskey, Springville – For celebrating their 50th wedding anniversary.
- 2001\1041 Marilyn and George Thorington, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 2001\1042 Dolores and Leonard Petska, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 2001\1043 Janet and Harlan Franklin, Central City – For celebrating their 50th wedding anniversary.
- 2001\1044 Margaret Ruth Gooden, Cedar Rapids – For celebrating her 90th birthday.
- 2001\1045 Mary A. Paulicek, Cedar Rapids – For celebrating her 95th birthday.

2001\1046 Christina Steinberg, Cedar Rapids – For celebrating her 100th birthday.

2001\1047 Myra Spencer, Winterset – For celebrating her 89th birthday.

SUBCOMMITTEE ASSIGNMENT

Senate File 520

Ways and Means: Shey, Chair; Larson and Richardson.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 255 Ways and Means

Providing for fees for the remediation of sites evidencing contamination from a release of fertilizers and soil conditioners or pesticides, and providing an effective date.

H.S.B. 256 Ways and Means

Relating to species of animals by classifying certain species as livestock and providing exemptions from the sales and use tax for feed used to support the species.

H.S.B. 257 Ways and Means

Relating to the exemption from property taxation of facilities used by private educational institutions.

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.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 532, a bill for an act relating to matters related to the tobacco settlement including the tobacco settlement authority, the tobacco settlement trust fund, and the tobacco settlement endowment fund, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 24, 2001.

Senate File 533, a bill for an act relating to and making appropriations to the tobacco settlement trust fund and providing a contingent effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 24, 2001.

RESOLUTIONS FILED

HCR 33, by Ford, a concurrent resolution requesting the legislative council to establish an interim study committee to review state policies relating to substance abuse prevention and treatment.

Laid over under **Rule 25**.

HR 40, by Dix, Witt, Boddicker, Drake, Carroll, Horbach, Raecker, Reynolds, T. Taylor, Jochum, Falck and Schrader, a resolution urging the establishment of a State Task Force on Employment of Iowans With Disabilities.

Laid over under **Rule 25**.

HR 41, by Warnstadt, Rants, Hoffman, Klemme, Kettering, Hoversten and Huseman, a resolution recognizing Don "Skip" Meisner upon his retirement.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1650	S.F.	526	Shoultz of Black Hawk
H-1652	H.F.	564	Senate Amendment
H-1653	H.F.	680	Senate Amendment
H-1655	H.F.	725	Stevens of Dickinson
			Quirk of Chickasaw
			May of Worth
			Mertz of Kossuth
H-1656	H.F.	732	Jochum of Dubuque
H-1658	H.F.	732	Petersen of Polk

H-1660	H.F.	725	Rayhons of Hancock
H-1662	H.F.	725	Mertz of Kossuth
Seng of Scott			Atteberry of Delaware
Bell of Jasper			Bukta of Clinton
Chiodo of Polk			Cohoon of Des Moines
Connors of Polk			Dotzler of Black Hawk
Falck of Fayette			Foege of Linn
Ford of Polk			Frevert of Palo Alto
Greimann of Story			Hatch of Polk
Huser of Polk			Jochum of Dubuque
Kreiman of Davis			Kuhn of Floyd
Larkin of Lee			Lensing of Johnson
Mascher of Johnson			May of Worth
Murphy of Dubuque			Myers of Johnson
O'Brien of Boone			Osterhaus of Jackson
Petersen of Polk			Quirk of Chickasaw
Reynolds of Van Buren			Richardson of Warren
Scherrman of Dubuque			Shoultz of Black Hawk
Smith of Marshall			Stevens of Dickinson
D. Taylor of Linn			T. Taylor of Linn
Tremmel of Wapello			Warnstadt of Woodbury
Winckler of Scott			Wise of Lee
Witt of Black Hawk			Drake of Pottawattamie
Kettering of Sac			
H-1665	S.F.	528	Gipp of Winneshiek
H-1666	H.F.	732	Petersen of Polk
H-1667	S.F.	203	Brunkhorst of Bremer
			Dolecheck of Ringgold
H-1668	H.F.	732	Heaton of Henry
			Osterhaus of Jackson
H-1670	H.F.	725	Drake of Pottawattamie
H-1672	H.F.	732	Jochum of Dubuque
			Osterhaus of Jackson
H-1673	H.F.	732	Murphy of Dubuque
H-1674	H.F.	732	Murphy of Dubuque
H-1675	H.F.	727	Carroll of Poweshiek
H-1677	S.F.	531	Raecker of Polk
H-1678	H.F.	725	Klemme of Plymouth
H-1679	H.F.	732	Heaton of Henry
			Osterhaus of Jackson
H-1680	H.F.	725	Richardson of Warren

H-1681	H.F.	727	Carroll of Poweshiek
H-1682	H.F.	725	Drake of Pottawattamie
H-1683	S.F.	528	Gipp of Winneshiek
H-1684	S.F.	528	Millage of Scott
H-1685	H.F.	732	Heaton of Henry
H-1686	H.F.	732	Boddicker of Cedar
H-1687	H.F.	732	Heaton of Henry
			Foege of Linn
			Smith of Marshall
			Houser of Pottawattamie
			Grundberg of Polk
H-1688	H.F.	725	May of Worth
			Greimann of Story
			Shoultz of Black Hawk
H-1689	H.F.	502	Senate Amendment
H-1690	H.F.	732	Heaton of Henry
H-1691	H.F.	727	Carroll of Poweshiek

On motion by Rants of Woodbury the House adjourned at 11:18 p.m., until 9:30 a.m., Wednesday, April 25, 2001.

JOURNAL OF THE HOUSE

One Hundred Eighth Calendar Day - Seventy-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 25, 2001

The House met pursuant to adjournment at 9:31 a.m., Speaker pro tempore Sukup in the chair.

Prayer was offered by Reverend Duane P. Marburger, pastor of Good Shepherd Lutheran Church of Bloomfield and chaplain at Good Samaritan Center of Ottumwa. He was the guest of Representative Keith Kreiman of Davis County.

The Journal of Tuesday, April 24, 2001 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Boal of Polk, until her arrival, and Garman of Story, until her arrival, on request of Rants of Woodbury; Siegrist of Pottawattamie, until his arrival, on request of Cormack of Webster; Schrader of Marion on request of Myers of Johnson.

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 25, 2001, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 26, a concurrent resolution requesting that the Attorney General of the State of Iowa vigorously enforce Iowa corporate farming law which prohibits processors from owning, controlling, or operating a feedlot in Iowa in which hogs or cattle are fed for slaughter.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS Unfinished Business Calendar

Senate File 350, a bill for an act making transportation-related Code changes relating to temporary restricted permits and temporary entry and exit permits, railroad crossings, the content of driver's

licenses and nonoperator's identification cards, child restraint devices in motor vehicles, hours of service, unsatisfied judgments, and bulk liquid transport, with report of committee recommending amendment and passage, was taken up for consideration.

Johnson of Osceola offered amendment H-1443 filed by the committee on transportation as follows:

H-1443

1 Amend Senate File 350, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 8 the
4 following:

5 "Sec. __. Section 321.20A, Code 2001, is amended
6 to read as follows:

7 321.20A CERTIFICATE OF TITLE - COMMERCIAL
8 VEHICLES.

9 1. Notwithstanding other provisions of this
10 chapter, the owner of a commercial vehicle subject to
11 the proportional registration provisions of chapter
12 326 may make application to the department or the
13 appropriate county treasurer for a certificate of
14 title. The application for certificate of title shall
15 be made within thirty days of purchase or transfer and
16 shall be accompanied by a ten dollar title fee and the
17 appropriate use tax. The department or the county
18 treasurer shall deliver the certificate of title to
19 the owner if no security interest or encumbrance
20 appears on the certificate or to the person holding
21 the first security interest or encumbrance shown on
22 the certificate of title.

23 2. ~~A commercial vehicle~~ An owner of a commercial
24 vehicle subject to the proportional registration
25 provisions of chapter 326 who has a fleet of more than
26 fifty commercial vehicles and who is issued a
27 certificate of title under this section shall not be
28 subject to registration fees until the commercial
29 vehicle is driven or moved upon the highways. The
30 registration fee due shall be prorated for the
31 remaining unexpired months of the registration year.
32 Ownership of the commercial vehicle shall not be
33 transferred until registration fees have been paid to
34 the department.

35 3. ~~This section shall apply to owners with fleets~~
36 ~~of more than fifty commercial vehicles based in Iowa~~
37 ~~under the proportional registration provisions of~~
38 ~~chapter 326. The original certificate of title shall~~
39 ~~be delivered to the owner if no security interest or~~
40 ~~encumbrance appears on the certificate; otherwise, the~~

41 certificate of title shall be delivered by the
42 department to the person holding the first security
43 interest or encumbrance as shown on the certificate of
44 title."

45 2. Page 1, by inserting after line 35 the
46 following:

47 "Sec. 101. Section 321.113, Code 2001, is amended
48 to read as follows:

49 321.113 AUTOMATIC REDUCTION.

50 1. The registration fee for a motor vehicle shall

Page 2

1 not be automatically reduced under this section unless
2 the registration fee is based on the value and weight
3 of the motor vehicle as provided in section 321.109,
4 subsection 1.

5 2. After If a motor vehicle is more than five
6 model years old, that the part of the registration fee
7 which that is based on the value of the vehicle shall
8 be:

9 Seventy-five seventy-five percent of the rate as
10 fixed when the motor vehicle was new;

11 3. After If a motor vehicle is more than six model
12 years old, the part of the registration fee that is
13 based on the value of the vehicle shall be fifty
14 percent; of the rate as fixed when the motor vehicle
15 was new.

16 After a motor vehicle is more than eight model
17 years old, that part of the registration fee based on
18 the value of the vehicle shall be ten percent. Where
19 the ninth registration fee for a motor vehicle has
20 been computed and fixed by the department prior to
21 July 4, 1949, there shall be added to the registration
22 fee, in lieu of the ten percent provided for herein,
23 one dollar if such registration fee has been computed
24 and fixed at fifteen dollars or less and two dollars
25 if the registration fee has been computed and fixed at
26 more than fifteen dollars.

27 4. If a 1994 model year or newer motor vehicle is
28 nine model years old or older the registration fee is
29 thirty-five dollars. For purposes of determining the
30 portion of the registration fee under this subsection
31 that is based upon the value of the motor vehicle,
32 sixty percent of the registration fee is attributable
33 to the value of the vehicle.

34 5. a. If a 1993 model year or older motor vehicle
35 has been titled in the same person's name since the
36 vehicle was new or the title to the vehicle was
37 transferred prior to January 1, 2002, the part of the
38 registration fee that is based on the value of the
39 vehicle shall be ten percent of the rate as fixed when

40 the motor vehicle was new.

41 b. If the title of a 1993 or older motor vehicle
42 is transferred to a new owner or if such a motor
43 vehicle is brought into the state on or after January
44 1, 2002, the registration fee shall not be based on
45 the weight and list price of the motor vehicle, but
46 shall be as follows:

47 (1) For a motor vehicle that is model year 1969
48 or older:

49 \$ 16.00

50 (2) For a motor vehicle that is model year 1970

Page 3

1 through 1989:

2 \$ 23.00

3 (3) For a motor vehicle that is model year 1990
4 through 1993:

5 \$ 27.00

6 For purposes of determining the portion of the
7 registration fee under this paragraph "b" that is
8 based upon the value of the motor vehicle, sixty
9 percent of the registration fee is attributable to the
10 value of the value."

11 3. Page 9, by inserting after line 31 the
12 following:

13 "Sec. 102. Section 422.9, subsection 2, paragraph
14 g, Code 2001, is amended by striking the paragraph and
15 inserting in lieu thereof:

16 g. To the extent not otherwise included pursuant
17 to section 164 of the Internal Revenue Code, add the
18 amount of the annual registration fee paid for a motor
19 vehicle pursuant to section 321.113, subsection 4, or
20 section 321.113, subsection 5, paragraph "b", which is
21 based upon the value of the vehicle. For purposes of
22 this paragraph, sixty percent of the amount of the
23 registration fee is based upon the value of the motor
24 vehicle."

25 4. Page 9, by inserting after line 32 the
26 following:

27 "Sec. ____ EFFECTIVE DATE. Sections 101 and 102
28 of this Act, amending sections 321.113 and 422.9, take
29 effect January 1, 2002."

30 5. Title page, line 3, by inserting after the
31 word "permits," the following: "commercial vehicle
32 certificates of title,".

33 6. Title page, line 3, by inserting after the
34 word "permits," the following: "flat registration
35 fees for older vehicles,".

36 7. Title page, line 6, by inserting after the
37 word "transport" the following: ", and providing an
38 effective date".

39 8. By renumbering, relettering, or redesignating
40 and correcting internal references as necessary.

The House stood at ease at 9:43 a.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 350 at 10:26 a.m., Carroll of Poweshiek in the chair.

Cohoon of Des Moines asked and received unanimous consent to withdraw amendment H-1486, to the committee amendment H-1443, filed by him on April 11, 2001.

On motion by Johnson of Osceola the committee amendment H-1443 was adopted.

Metcalf of Polk asked and received unanimous consent to withdraw amendment H-1585 filed by her on April 18, 2001.

Lensing of Johnson asked and received unanimous consent to withdraw amendment H-1554 filed by her on April 17, 2001.

Lensing of Johnson offered the following amendment H-1562 filed by her and moved its adoption:

H-1562

1 Amend Senate File 350, as passed by the Senate, as
2 follows:
3 1. Page 6, by inserting after line 25 the
4 following:
5 "Sec. ____ Section 321.445, subsection 2,
6 unnumbered paragraph 1, Code 2001, is amended to read
7 as follows:
8 The driver and front seat occupants of a type of
9 motor vehicle ~~which~~ that is subject to registration in
10 Iowa, except a motorcycle or a motorized bicycle,
11 shall each wear a properly adjusted and fastened
12 safety belt or safety harness any time the vehicle is
13 in forward motion on a street or highway in this state
14 except that a child under ~~six~~ thirteen years of age
15 shall be secured as required under section 321.446.
16 Sec. ____ Section 321.446, subsections 1 and 2,
17 Code 2001, are amended to read as follows:
18 1. A child under ~~three~~ six years of age who is
19 being transported in a motor vehicle subject to
20 registration, except a school bus or motorcycle, shall
21 be secured during transit by a child restraint system

22 which meets federal motor vehicle safety standards,
23 and the system shall be used in accordance with the
24 manufacturer's instructions.

25 2. A child at least ~~three~~ six years of age but
26 under ~~six~~ thirteen years of age who is being
27 transported in a motor vehicle subject to
28 registration, except a school bus or motorcycle, shall
29 be secured during transit by either a child restraint
30 system that meets federal motor vehicle safety
31 standards and is used in accordance with the
32 manufacturer's instructions, or by a safety belt or
33 safety harness of a type approved under section
34 321.445."

35 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 44, nays 49.

Amendment H-1562 lost.

Cohoon of Des Moines asked and received unanimous consent that amendment H-1487 be deferred.

Cohoon of Des Moines offered amendment H-1517 filed by him as follows:

H-1517

1 Amend Senate File 350, as passed by the Senate, as
2 follows:

3 1. Page 8, by inserting after line 27 the
4 following:

5 "Sec. ____ Section 321J.21, Code 2001, is amended
6 to read as follows:

7 321J.21 DRIVING WHILE LICENSE SUSPENDED, DENIED,
8 REVOKED, OR BARRED.

9 1. A person whose driver's license or nonresident
10 operating privilege has been suspended, denied,
11 revoked, or barred due to a violation of this chapter
12 and who drives a motor vehicle upon the highways of
13 this state while the license or privilege is
14 suspended, denied, revoked, or barred commits a
15 serious misdemeanor. In addition to any other
16 penalties, the punishment imposed for a violation of
17 this subsection shall include assessment of a fine of
18 one thousand dollars.

19 2. In addition to the fine, the department, upon
20 receiving the record of the conviction of a person

- 21 under this section upon a charge of driving a motor
22 vehicle on the highways of this state while the
23 license of the person was suspended, denied, revoked,
24 or barred shall extend the period of suspension,
25 denial, revocation, or bar for an additional like
26 period, and the department shall not issue a new
27 license during the additional period."
28 2. Title page, line 5, by inserting after the
29 word "vehicles," the following: "driving while
30 suspended, denied, revoked, or barred,".
31 3. By renumbering as necessary.

Tremmel of Wapello offered amendment H-1565, to amendment H-1517, filed by him as follows:

H-1565

- 1 Amend the amendment, H-1517, to Senate File 350, as
2 passed by the Senate as follows:
3 1. Page 1, by inserting after line 4 the
4 following:
5 ""Sec. ____ Section 321J.2, subsection 2,
6 paragraph c, Code 2001, is amended by striking the
7 paragraph and inserting in lieu thereof the following:
8 c. A class "D" felony for a third offense and each
9 subsequent offense, and shall be committed to the
10 custody of the director of the department of
11 corrections for an indeterminate term not to exceed
12 five years, and assessed a fine of not less than two
13 thousand five hundred dollars nor more than seven
14 thousand five hundred dollars. A person convicted of
15 a third or subsequent offense shall be confined for a
16 mandatory minimum of thirty days. If a person's
17 sentence of commitment to the custody of the director
18 of the department of corrections is not suspended, the
19 person shall be assigned to a facility pursuant to
20 section 904.513. If a person's sentence of commitment
21 to the custody of the director of the department of
22 corrections is suspended, the sentencing court shall
23 order that the offender serve not less than thirty
24 days but not more than one year in the county jail,
25 and may commit the offender to treatment in the
26 community under section 907.6.""
27 2. Page 1, by inserting after line 27 the
28 following:
29 " ____ Page 9, by inserting after line 31 the
30 following:
31 "Sec. ____ Section 902.3, Code 2001, is amended to
32 read as follows:
33 902.3 INDETERMINATE SENTENCE.
34 When a judgment of conviction of a felony other

35 than a class "A" felony is entered against a person,
36 the court, in imposing a sentence of confinement,
37 shall commit the person into the custody of the
38 director of the Iowa department of corrections for an
39 indeterminate term, the maximum length of which shall
40 not exceed the limits as fixed by section 902.9,
41 unless otherwise prescribed by statute, nor shall the
42 term be less than the minimum term imposed by law, if
43 a minimum sentence is provided. However, if the court
44 ~~may sentence a person convicted of a class "D" felony~~
45 ~~for a violation of section 321J.2 to imprisonment for~~
46 ~~up to one year in a county jail under section 902.9,~~
47 ~~subsection 5, and the person shall not be under the~~
48 ~~custody of the director of the Iowa department of~~
49 ~~corrections~~ suspends an offender's sentence of
50 commitment to the custody of the director of the

Page 2

1 department of corrections under section 321J.2,
2 subsection 2, paragraph "c", the court shall order the
3 offender to serve time in the county jail as provided
4 in section 321J.2, subsection 2, paragraph "c",
5 notwithstanding any provision to the contrary in
6 section 903.4.
7 Sec. ____ Section 902.9, subsection 5, Code 2001,
8 is amended to read as follows:
9 5. A class "D" felon, not an habitual offender,
10 shall be confined for no more than five years, and in
11 addition shall be sentenced to a fine of at least
12 seven hundred fifty dollars but not more than seven
13 thousand five hundred dollars. ~~A class "D" felon,~~
14 ~~such felony being for a violation of section 321J.2,~~
15 ~~may be sentenced to imprisonment for up to one year in~~
16 ~~the county jail."~~
17 3. Page 1, line 29, by inserting before the word
18 "driving" the following: "sentences for operating
19 while intoxicated violations,".
20 4. By renumbering, redesignating, and correcting
21 internal references as necessary.

Raecker of Polk rose on a point of order that amendment H-1565, to amendment H-1517, was not germane.

The Speaker ruled the point well taken and amendment H-1565, to amendment H-1517, not germane.

Tremmel of Wapello offered the following amendment H-1566, to amendment H-1517, filed by him and Baudler of Adair and moved its adoption:

H-1566

1 Amend the amendment, H-1517, to Senate File 350, as
2 passed by the Senate, as follows:

3 1. Page 1, by striking line 5 and inserting the
4 following:

5 "Sec. ____ Section 321J.13, subsection 6,
6 paragraph b, Code 2001, is amended by adding the
7 following new subparagraph:

8 NEW SUBPARAGRAPH. (3) That the peace officer
9 provided false testimony affecting the determination
10 of reasonable grounds to believe that a violation of
11 section 321J.2 or 321J.2A had occurred, including
12 reasonable grounds to believe that the person was
13 operating a motor vehicle, to support a request for or
14 to administer a chemical test.

15 Sec. ____ Section 321J.13, subsection 6, paragraph
16 c, Code 2001, is amended to read as follows:

17 c. Such a A holding under paragraph "b" by the
18 court in the criminal action, if the holding includes
19 written findings of fact based on testimony under
20 oath, is binding on the department, and the department
21 shall rescind the revocation. In any criminal
22 prosecution under this chapter, the state shall not
23 stipulate to facts without probable cause to support
24 the facts in order to obtain a holding under paragraph
25 "b" by the court.

26 Sec. ____ Section 321J.21, Code 2001, is amended".

27 2. Page 1, line 29, by inserting before the word
28 "driving" the following: "revocation of operating
29 privileges for operating while intoxicated,".

30 3. By renumbering as necessary.

Amendment H-1566 was adopted.

Cphoon of Des Moines moved the adoption of amendment H-1517,
as amended.

A non-record roll call was requested.

The ayes were 43, nays 48.

Amendment H-1517 lost.

T. Taylor of Linn asked and received unanimous consent to
withdraw amendment H-1580 filed by him on April 17, 2001.

Smith of Marshall asked and received unanimous consent to withdraw amendment H-1581 filed by him on April 17, 2001.

Cohoon of Des Moines asked and received unanimous consent to withdraw amendment H-1487, previously deferred, filed by him on April 11, 2001.

Eddie of Buena Vista 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. 350)

The ayes were, 97:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Falck	Fallon
Finch	Foege	Ford	Frevert
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Houser	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Rekow
Reynolds	Richardson	Roberts	Scherrman
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Witt
Carroll,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Garman	Schrader	Siegrist, Spkr.
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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

Rants of Woodbury asked and received unanimous consent that **Senate File 350** be immediately messaged to the Senate.

INTRODUCTION OF BILLS

House File 735, by committee on ways and means, a bill for an act relating to the regulatory authority and procedures of the department of natural resources by providing for the issuance of limited quota licenses and the issuance of licenses and permits by electronic means.

Read first time and placed on the **ways and means calendar**.

House File 736, by committee on ways and means, 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 sales and use, real estate transfer, environmental protection charge on petroleum diminution, property, motor fuel, special fuel, and inheritance taxes, authorizing tax agreements with Indian tribes, and including effective and applicability date provisions.

Read first time and placed on the **ways and means calendar**.

House File 737, by committee on ways and means, a bill for an act providing an Iowa individual income tax checkoff for deposit in the keep Iowa beautiful fund, making an appropriation, and providing a retroactive applicability date.

Read first time and placed on the **ways and means calendar**.

Ways and Means Calendar

Senate File 519, a bill for an act relating to the assessment for property tax purposes of certain affordable housing for low-income individuals and families, with report of committee recommending passage, was taken up for consideration.

Dix of Butler in the chair at 12:05 p.m.

Hoversten 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. 519)

The ayes were, 62:

Alons	Barry	Baudler	Boal
Boguess	Bradley	Broers	Carroll
Chiodo	Connors	Cormack	De Boef
Dolecheck	Dotzler	Drake	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Gipp	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Houser	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Kuhn	Larson	May	Metcalf
Millage	Murphy	Myers	Petersen
Quirk	Raecker	Rants	Rekow
Seng	Shey	Shoultz	Siegrist, Spkr.
Sukup	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Fossen	Warnstadt
Witt	Dix,		
	Presiding		

The nays were, 34:

Arnold	Atteberry	Bell	Boddicker
Brauns	Brunkhorst	Bukta	Cohoon
Eddie	Falck	Frevrt	Greimann
Horbach	Kettering	Klemme	Kreiman
Larkin	Lensing	Manternach	Mascher
Mertz	O'Brien	Osterhaus	Rayhons
Reynolds	Richardson	Roberts	Scherrman
Smith	Stevens	Taylor, D.	Van Engelenhoven
Winckler	Wise		

Absent or not voting, 4:

Garman	Schrader	Sievers	Weidman
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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

Rants of Woodbury asked and received unanimous consent that **Senate File 519** be immediately messaged to the Senate.

On motion by Rants of Woodbury, the House was recessed at 12:34 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:44 p.m., Speaker Siegrist in the chair.

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.

SPECIAL PRESENTATION

Eichhorn of Hamilton introduced to the House students from various high schools in Iowa and guests from the Ukraine. Lydmila P. Pravikova from the Chernigiv Region of the Ukraine addressed the house briefly and presented the Speaker a gift from the Ukraine.

The House rose and expressed its welcome.

CONSIDERATION OF BILLS
Appropriations Calendar

House File 725, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources, providing for fees, and providing an effective date, was taken up for consideration.

Drake of Pottawattamie offered the following amendment H-1615 filed by the committee on ways and means and moved its adoption:

H-1615

- 1 Amend House File 725 as follows:
- 2 1. By striking page 10, line 19, through page 11,

3 line 4 and inserting the following:

4 "Sec.____. Section 169.4, Code 2001, is amended to
5 read as follows:

6 169A.4 RECORDING – FEE.

7 A person desiring to adopt a brand shall forward to
8 the secretary a brand application on forms approved by
9 the secretary and providing for the desired brand,
10 together with a recording fee ~~in an amount established~~
11 ~~by rule of the secretary pursuant to chapter 17A of~~
12 ~~twenty-five dollars. The fee amount shall be based~~
13 ~~upon the administrative costs of maintaining the brand~~
14 ~~program provided for by this chapter.~~ Upon receipt,
15 the secretary shall file the application and fee,
16 unless the brand is of record of another person or
17 conflicts with or closely resembles the brand of
18 another person. If the secretary determines that such
19 brand is of record or conflicts with or closely
20 resembles the brand of another person, the secretary
21 shall not record it but shall return the facsimile and
22 fee to the forwarding person. However, the secretary
23 shall renew a conflicting brand, if the brand was
24 originally recorded prior to July 1, 1996, and the
25 brand is renewed as provided in section 169A.13. The
26 department may notify each owner of a conflicting
27 brand that the owner may record a nonconflicting
28 brand. The power of examination, approval,
29 acceptance, or rejection shall be vested in the
30 secretary. The secretary shall file all brands
31 offered for record pending the examination provided
32 for in this section. The secretary shall make such
33 examination as promptly as possible. If the brand is
34 accepted, the brand's ownership shall vest in the
35 person recording it from the date of filing.

36 Sec.____. Section 169A.13, Code 2001, is amended
37 to read as follows:

38 169A.13 RENEWAL OF BRAND AND FEE EACH FIFTH YEAR.

39 Each owner of a brand of record beginning on
40 January 1, 1970, shall pay to the secretary a fee of
41 ~~five dollars and a renewal fee on January 1 of which~~
42 ~~is recorded pursuant to section 169A.4 shall renew the~~
43 ~~brand~~ each fifth year after the payment of the five
44 dollar fee, ~~or on January 1 of each fifth year~~
45 ~~following the original originally recording of a the~~
46 ~~brand recorded after June 30, 1975 and pay a renewal~~
47 ~~fee.~~ The amount of the renewal fee required for
48 January 1, 1976, and each year thereafter shall be
49 established by rule of the secretary pursuant to
50 chapter 17A is twenty-five dollars. The amount of the

Page 2

1 fee shall be based upon the administrative costs of

- 2 ~~maintaining the brand program provided for in this~~
3 ~~chapter.~~ The secretary shall notify every owner of a
4 brand of record at least thirty days prior to the date
5 of the renewal period. If the owner of a brand of
6 record does not renew the brand and pay the renewal
7 fee by July 1 of each year in which it within six
8 months after it is due, the owner shall forfeit the
9 brand and the brand shall no longer be recorded. A
10 forfeited brand shall not be issued to any other
11 person for five years following date of forfeiture."
12 2. Page 11, by striking line 17, and inserting
13 the following:
14 "___ Moneys in the fund are appropriated to the
15 department for the exclusive purpose of supporting
16 the".
17 3. By renumbering as necessary.

The committee amendment H-1615 was adopted.

Drake of Pottawattamie offered amendment H-1682 filed by him as follows:

H-1682

- 1 Amend House File 725 as follows:
2 1. Page 2, line 9, by striking the figure
3 "841,354" and inserting the following: "891,354".
4 2. Page 2, line 12, by striking the figure
5 "30,000" and inserting the following: "80,000".
6 3. Page 2, line 20, by striking the figure
7 "846,627" and inserting the following: "996,627".
8 4. Page 2, line 27, by striking the figure
9 "6,812,875" and inserting the following: "6,862,875".
10 5. Page 2, line 29, by striking the figure
11 "218,376" and inserting the following: "268,376".
12 6. Page 7, line 30, by striking the figure
13 "250,000" and inserting the following: "100,000".
14 7. Page 8, line 18, by striking the figure
15 "120,000" and inserting the following: "40,000".
16 8. Page 9, by inserting after line 1, the
17 following:
18 "Sec. ___. HAZARDOUS SUBSTANCE REMEDIAL FUND.
19 Notwithstanding any provision of state law, there is
20 appropriated from the hazardous substance remedial
21 fund as created in section 455B.423 to the department
22 of natural resources for the fiscal year beginning
23 July 1, 2001, and ending June 30, 2002, the following
24 amount, or so much thereof as is necessary, to be used
25 for the purpose designated:
26 For payment of the department's workers'

27 compensation insurance premium:
 28 \$ 73,606"
 29 9. By renumbering as necessary.

May of Worth offered the following amendment H-1688, to amendment H-1682, filed by May, et al., and moved its adoption:

H-1688

1 Amend the amendment, H-1682, to House File 725 as
 2 follows:
 3 1. Page 1, line 7, by striking the figure
 4 ""996,627"" and inserting the following:
 5 ""1,096,627".
 6 2. Page 1, by inserting after line 11, the
 7 following:
 8 "____. Page 4, line 28, by striking the figure
 9 "4,612,753" and inserting the following:
 10 "4,862,753".
 11 3. Page 1, by striking lines 12 and 13, and
 12 inserting the following:
 13 "____. By striking page 7, line 16 through page 8,
 14 line 7."
 15 4. By renumbering as necessary.

Roll call was requested by Myers of Johnson and Witt of Black Hawk.

On the question "Shall amendment H-1688, to amendment H-1682 be adopted?" (H.F. 725)

The ayes were, 44:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Fallon	Finch	Foege	Ford
Frevert	Greimann	Hatch	Huser
Jochum	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Mertz
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Reynolds	Richardson
Scherrman	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	Witt

The nays were, 51:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Boggess	Bradley

Brauns	Broers	Brunkhorst	Cormack
De Boef	Dix	Drake	Eddie
Eichhorn	Elgin	Garman	Gipp
Hahn	Hansen	Heaton	Hoffman
Horbach	Houser	Hoversten	Huseman
Jacobs	Jenkins	Johnson	Kettering
Klemme	Larson	Manternach	Metcalf
Millage	Raecker	Rants	Rayhons
Rekow	Roberts	Shey	Sievers
Sukup	Teig	Tymeson	Tyrrell
Van Fossen	Weidman	Mr. Speaker	
		Siegrist	

Absent or not voting, 5:

Carroll	Dolecheck	Grundberg	Schrader
Van Engelenhoven			

Amendment H-1688 lost.

On motion by Drake of Pottawattamie, amendment H-1682 was adopted, placing out of order amendment H-1660 filed by Rayhons of Hancock and amendment H-1670 filed by Drake of Pottawattamie.

May of Worth asked and received unanimous consent to withdraw amendment H-1647 filed by May, et al., on April 23, 2001.

Stevens of Dickinson offered the following amendment H-1655 filed by Stevens, et al., and moved its adoption:

H-1655

- 1 Amend House File 725 as follows:
- 2 1. By striking page 3, line 34, through page 4,
- 3 line 11, and inserting the following:
- 4 "For salaries, support, maintenance, and
- 5 miscellaneous purposes, and for not more than the
- 6 following full-time equivalent positions:
- 7 \$ 6,483,100
- 8 FTEs 195.73"

Roll call was requested by Warnstadt of Woodbury and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment H-1655 be adopted?"
(H.F. 725)

The ayes were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Reynolds	Richardson	Scherrman	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

The nays were, 54:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Brunkhorst	Cormack
De Boef	Dix	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Garman	Gipp	Hahn	Hansen
Heaton	Hoffman	Horbach	Houser
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Sievers	Sukup	Teig
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Mr. Speaker		
	Siegrist		

Absent or not voting, 4:

Carroll	Dolecheck	Grundberg	Schrader
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Amendment H-1655 lost.

Mertz of Kossuth offered amendment H-1662 filed by Mertz, et al.,
as follows:

H-1662

- 1 Amend House File 725 as follows:
- 2 1. Page 10, by inserting after line 7, the
- 3 following:
- 4 "Sec. 101. FOOT AND MOUTH DISEASE - PREVENTION,

5 DETECTION, CONTAINMENT, AND ERADICATION. There is
6 appropriated from the brucellosis and tuberculosis
7 eradication fund created in section 165.18 to the
8 department of agriculture and land stewardship for the
9 fiscal period beginning July 1, 2000, and ending June
10 30, 2002, the following amount, or so much thereof as
11 is necessary, to be used for the purposes designated:

12 For the prevention, detection, containment, and
13 eradication of outbreaks of foot and mouth disease,
14 including for salaries, support, maintenance, and
15 miscellaneous purposes:
16 \$ 250,000

17 1. The department shall use a portion of moneys
18 appropriated in this section to contract with a
19 licensed veterinarian in order to carry out the
20 purposes of this section. In carrying out those
21 purposes, the department, with the support of the
22 contract veterinarian, may act in coordination with
23 other agencies. The department, acting with support
24 of the contract veterinarian and in cooperation with
25 the emergency management division of the department of
26 public defense, shall do all of the following:

27 a. Provide for emergency planning.
28 b. Provide training to interested persons,
29 including livestock producers, veterinarians, and
30 agricultural associations.

31 c. Publish and disseminate educational materials
32 to the public and interested persons.

33 2. The department shall not authorize the
34 assessment of a levy as otherwise provided in section
35 165.18 because of moneys appropriated in this
36 section."

37 2. Page 11, by inserting after line 30, the
38 following:

39 "Sec. ____ Section 101 of this Act, being deemed
40 of immediate importance, takes effect upon enactment."

41 3. By renumbering as necessary.

Klemme of Plymouth offered the following amendment H-1678, to
amendment H-1662, filed by him and moved its adoption:

H-1678

1 Amend the amendment, H-1662, to House File 725 as
2 follows:

3 1. Page 1, by striking lines 4 and 5 and
4 inserting the following:

5 "Sec. 101. SECURITY MEASURES TO CONTROL FOREIGN
6 AGRICULTURAL ANIMAL DISEASES. There is".

7 2. Page 1, by striking lines 12 through 26 and
8 inserting the following:

9 "For the implementation of security measures
10 necessary in order to control outbreaks of foreign
11 agricultural animal diseases introduced into this
12 state, such as mad cow disease, foot and mouth
13 disease, and classical swine fever (hog cholera),
14 including for salaries, support, maintenance, and
15 miscellaneous purposes:
16 \$ 200,000
17 _____. The department shall expend moneys
18 appropriated in this section as deemed necessary by
19 the department to support prevention, including by
20 education and training; surveillance and detection,
21 including by monitoring and testing; and emergency
22 response if necessary, including by the issuance of
23 orders restricting the movement of agricultural
24 animals. The department shall do all of the
25 following:"
26 3. Page 1, line 29, by striking the word
27 "livestock" and inserting the following:
28 "agricultural".
29 4. Page 1, by inserting after line 32 the
30 following:
31 "_____. The department shall cooperate with other
32 agencies of the state, including the emergency
33 management division of the department of public
34 defense, the department of natural resources, and the
35 department of public safety. The department shall
36 also cooperate with the United States department of
37 agriculture, and interested associations, including
38 associations representing agricultural producers.
39 _____. The department shall apply for moneys
40 appropriated by the federal government in order to
41 support the purposes of this section.
42 _____. The Iowa cattlemen's association, the Iowa
43 pork producers association, the Iowa sheep
44 association, the Iowa poultry association, the Iowa
45 turkey federation, the Iowa dairy products
46 association, the Iowa corn growers association, the
47 Iowa soybean association, the Iowa farm bureau
48 federation, the agribusiness association of Iowa, and
49 associations representing financial institutions in
50 this state shall to every extent possible provide

Page 2

1 financial or in-kind contributions in order to assist
2 the department in carrying out this section."
3 5. By renumbering as necessary.

Amendment H-1678 was adopted.

On motion by Mertz of Kossuth amendment H-1662, as amended, was adopted.

Ford of Polk offered the following amendment H-1641 filed by him and moved its adoption:

H-1641

- 1 Amend House File 725 as follows:
- 2 1. Page 10, by inserting after line 9, the
- 3 following:
- 4 "Sec. __. INTERIM COMMITTEE – WATER QUALITY
- 5 STUDY. The legislative council is requested to create
- 6 a water quality interim study committee to study the
- 7 quality of this state's surface and subsurface waters,
- 8 including drinking water sources. The interim
- 9 committee shall consider all major sources of
- 10 contamination, current effluent and treatment
- 11 standards, and practices or systems designed to
- 12 prevent or reduce contamination. The department of
- 13 agriculture and land stewardship and the department of
- 14 natural resources shall cooperate with the interim
- 15 study committee. If created, the interim study
- 16 committee, as directed by the legislative council,
- 17 shall report to the general assembly regarding any
- 18 recommendations required to improve water quality in
- 19 this state, including legislative measures to reduce
- 20 contamination that may pose a risk to human health."
- 21 2. By renumbering as necessary.

Amendment H-1641 was adopted.

Baudler of Adair offered amendment H-1617 filed by him as follows:

H-1617

- 1 Amend House File 725 as follows:
- 2 1. Page 11, by inserting after line 24, the
- 3 following:
- 4 "Sec. __. Section 455C.2, subsection 2, Code
- 5 2001, is amended to read as follows:
- 6 2. In addition to the refund value provided in
- 7 subsection 1 of this section, a dealer, or person
- 8 operating a redemption center who redeems empty
- 9 beverage containers or a dealer agent shall be
- 10 reimbursed by the distributor required to accept the
- 11 empty beverage containers an amount which is ~~one-cent~~
- 12 two cents per container. A dealer, dealer agent, or

- 13 person operating a redemption center may compact empty
- 14 metal beverage containers with the approval of the
- 15 distributor required to accept the containers."
- 16 2. By renumbering as necessary.

Hahn of Muscatine rose on a point of order that amendment H-1617 was not germane.

The Speaker ruled the point well taken and amendment H-1617 not germane.

Baudler of Adair moved to suspend the rules to consider amendment H-1617.

A non-record roll call was requested.

The ayes were 38, nays 51.

The motion to suspend the rules lost.

Carroll of Poweshiek in the chair at 3:34 p.m.

Frevert of Palo Alto offered amendment H-1642 filed by her as follows:

H-1642

- 1 Amend House File 725 as follows:
- 2 1. Page 11, by inserting after line 24, the
- 3 following:
- 4 "Sec. __. Section 455B.204A, Code 2001, is
- 5 amended to read as follows:
- 6 455B.204A DISPOSAL APPLICATION OF MANURE WITHIN
- 7 DESIGNATED AREAS - ADOPTION OF RULES.
- 8 The department shall adopt rules relating to the
- 9 disposal application of manure in close proximity to a
- 10 designated area. A person shall not dispose of apply
- 11 manure on cropland within two hundred feet from a
- 12 designated area, ~~unless one of the following applies:~~
- 13 1. The manure is applied by injection or
- 14 incorporation within twenty-four hours following the
- 15 application.
- 16 2. ~~An area of permanent vegetation cover exists~~
- 17 ~~for fifty feet surrounding the designated area and~~
- 18 ~~that area is not subject to manure application.~~
- 19 As used in this section, "designated area" means a
- 20 known sinkhole, or a cistern, abandoned well,

21 ~~unplugged~~ agricultural drainage well ~~that is not~~
22 ~~closed as provided in section 455I.3, agricultural~~
23 drainage well surface inlet, drinking water well, or
24 lake, or a farm pond or privately owned lake as
25 defined in section 462A.2. However, a "designated
26 area" does not include a terrace tile inlet."
27 2. By renumbering as necessary.

Drake of Pottawattamie rose on a point of order that amendment H-1642 was not germane.

The Speaker ruled the point well taken and amendment H-1642 not germane.

Richardson of Warren offered the following amendment H-1680 filed by him and moved its adoption:

H-1680

1 Amend House File 725 as follows:
2 1. Page 11, by inserting after line 24, the
3 following:
4 "Sec. ____ Section 455J.2, subsection 3, Code
5 2001, is amended to read as follows:
6 3. a. The moneys collected under this section
7 shall be deposited in the fund and shall be
8 appropriated to the department for the exclusive
9 purpose of providing moneys for all of the following
10 purposes:
11 (1) The cleanup of abandoned facilities as
12 provided in section 455J.5, and to pay the department
13 for costs related to administering the provisions of
14 this chapter.
15 (2) The inspections of sites where confinement
16 feeding operations are constructed or sites of
17 constructed confinement feeding operations, including
18 manure storage structures as provided in chapter 455B.
19 (3) The approval of manure management plans and
20 the oversight of manure management as required in the
21 plans submitted pursuant to section 455B.203.
22 b. For each fiscal year, the department shall not
23 use more than one percent two hundred thousand dollars
24 of the total amount which is available in the fund or
25 ten thousand dollars, whichever is less, to pay for
26 the costs of administration to carry out the purposes
27 provided in this section. Moneys in the fund shall
28 not be subject to appropriation or expenditure for any
29 other purpose than provided in this section."
30 2. By renumbering as necessary.

Amendment H-1680 lost.

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. 725)

The ayes were, 57:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Houser	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Siegrist, Spkr.	Sievers
Sukup	Teig	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Carroll,			
Presiding			

The nays were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Fallon	Foege	Ford	Frevert
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Reynolds	Richardson	Scherrman
Seng	Shoultz	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Winckler
Wise	Witt		

Absent or not voting, 1:

Schrader

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 725** 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 April 25, 2001, passed the following bill in which the concurrence of the House is asked:

Senate File 535, 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.

MICHAEL E. MARSHALL

House File 732, a bill for an act relating to appropriations for the department of human services and including other provisions and appropriations involving human services and health care, and providing effective dates, was taken up for consideration.

The House stood at ease at 4:15 p.m., until the fall of the gavel.

The House resumed session at 5:06 p.m., Speaker Siegrist in the chair.

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.

The House resumed consideration of House File 732.

Petersen of Polk asked and received unanimous consent to withdraw amendment H-1658 filed by her on April 24, 2001.

Petersen of Polk offered the following amendment H-1666 filed by her and moved its adoption:

H-1666

- 1 Amend House File 732 as follows:
- 2 1. Page 4, line 3, by striking the figure
- 3 "28,638,329" and inserting the following:
- 4 "29,138,329".
- 5 2. Page 4, line 4, by striking the word "Of" and
- 6 inserting the following: "a. Of".
- 7 3. Page 4, by striking lines 23 and 24, and
- 8 inserting the following: "provisions to ensure
- 9 appropriate use of the funding.
- 10 b. Of the funds appropriated in this subsection,
- 11 \$200,000 shall be used for assistance to providers of
- 12 child care to school-age children in accordance with
- 13 this paragraph. Moneys allocated in this paragraph
- 14 shall be used for grants to licensed child care
- 15 facilities providing care to school-age children as of
- 16 July 1, 2001. The grants shall be used to increase
- 17 the number of school-age children served, for
- 18 expansion of slots, or for transportation costs. The
- 19 grant requirements shall include provision for local
- 20 match in the form of cash, in-kind services, or other
- 21 support.
- 22 c. Of the funds appropriated in this subsection,
- 23 \$300,000 shall be used for provision of educational
- 24 opportunities to registered child care home providers
- 25 in order to improve services and programs offered by
- 26 this category of providers and to increase the number
- 27 of providers. The department may contract with
- 28 institutions of higher education or child care
- 29 resource and referral centers to provide the
- 30 educational opportunities. Allowable administrative
- 31 costs under the contracts shall not exceed 5 percent.
- 32 d. The application for any of the grants described
- 33 in the lettered paragraphs of this subsection shall
- 34 not exceed two pages in length."
- 35 4. By striking page 5, line 30, through page 6,
- 36 line 31.
- 37 5. Page 54, by striking lines 18 through 34.
- 38 6. By renumbering as necessary.

Roll call was requested by Petersen of Polk and Osterhaus of Jackson.

Rule 75 was invoked.

On the question "Shall amendment H-1666 be adopted?"
(H.F. 732)

The ayes were, 41:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Fallon	Foege	Ford	Frevert
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Reynolds	Richardson	Scherrman
Seng	Shoultz	Smith	Stevens
Taylor, T.	Warnstadt	Winckler	Wise
Witt			

The nays were, 54:

Alons	Arnold	Barry	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Grundberg	Hahn
Heaton	Hoffman	Horbach	Houser
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Sievers	Sukup	Teig
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Mr. Speaker		
	Siegrist		

Absent or not voting, 5:

Baudler	Hansen	Schrader	Taylor, D.
Tremmel			

Amendment H-1666 lost.

Heaton of Henry offered the following amendment H-1685 filed by him and moved its adoption:

H-1685

- 1 Amend House File 732 as follows:
- 2 1. Page 4, by striking lines 4 through 24, and
- 3 inserting the following:
- 4 "Of the funds appropriated in this subsection,
- 5 \$200,000 shall be used for provision of educational
- 6 opportunities to registered child care home providers

7 in order to improve services and programs offered by
8 this category of providers and to increase the number
9 of providers. The department may contract with
10 institutions of higher education or child care
11 resource and referral centers to provide the
12 educational opportunities. Allowable administrative
13 costs under the contracts shall not exceed 5 percent.
14 The application for a grant shall not exceed two pages
15 in length."

Amendment H-1685 was adopted.

Greimann of Story asked and received unanimous consent to withdraw amendment H-1630 filed by her on April 23, 2001.

Foege of Linn asked and received unanimous consent that amendment H-1640 be deferred.

Johnson of Osceola offered amendment H-1692 filed by him from the floor as follows:

H-1692

1 Amend House File 732 as follows:
2 1. Page 6, line 27, by inserting after the figure
3 "2002." the following: "A grantee shall be required
4 to submit a quarterly financial report to the
5 department and to the legislative fiscal bureau and
6 shall be subject to an annual independent evaluation
7 to assess accomplishment of the purposes listed in
8 paragraph "b"."

Wise of Lee offered the following amendment H-1698, to amendment H-1692, filed by him and Foege of Linn from the floor and moved its adoption:

H-1698

1 Amend the amendment, H-1692, to House File 732, as
2 follows:
3 1. Page 1, line 3, by inserting after the word
4 "required" the following: "to be accredited by the
5 council on accreditation for children and family
6 services and".

Roll call was requested by Wise of Lee and Osterhaus of Jackson.

On the question "Shall amendment H-1698 to amendment H-1692 be adopted?" (H.F. 732)

The ayes were, 46:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falek
Fallon	Finch	Foege	Ford
Frevert	Greimann	Grundberg	Hatch
Huser	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Mertz	Metcalf	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Reynolds	Richardson	Scherrman	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

The nays were, 52:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dix	Drake
Eddie	Eichhorn	Elgin	Garman
Gipp	Hahn	Hansen	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Kettering	Klemme	Larson	Manternach
Millage	Raecker	Rants	Rayhons
Rekow	Roberts	Shey	Sievers
Sukup	Teig	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Mr. Speaker
			Siegrist

Absent or not voting, 2:

Dolecheck	Schrader
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Amendment H-1698 lost.

On motion by Johnson of Osceola amendment H-1692 was adopted.

Foege of Linn offered the following amendment H-1707 filed by him from the floor and moved its adoption:

H-1707

1 Amend House File 732 as follows:

2 1. Page 6, by inserting after line 31 the
3 following:

4 "g. Moneys appropriated in this subsection that
5 remain unencumbered or unobligated for purposes of the
6 Iowa marriage initiative program as of March 1, 2002,
7 shall be used as additional funding for state child
8 care assistance under subsection 6."

Amendment H-1707 lost.

Heaton of Henry offered amendment H-1699 filed by him from the floor as follows:

H-1699

1 Amend House File 732 as follows:

2 1. Page 13, line 20, by striking the figure
3 "36,000,000" and inserting the following:
4 "36,150,000".

5 2. Page 18, line 10, by striking the figure
6 "412,250,000" and inserting the following:
7 "413,150,000".

8 3. Page 22, by inserting after line 18, the
9 following:

10 "___ Of the moneys appropriated in this section,
11 \$200,000 shall be used to increase reimbursement of
12 child protection centers."

13 4. Page 27, line 20, by striking the figure
14 "6,620,000" and inserting the following: "6,707,500".

15 5. Page 27, line 21, by striking the figure
16 "138.54" and inserting the following: "140.54".

17 6. Page 27, by inserting after line 29, the
18 following:

19 "The moneys appropriated in this subsection include
20 funding for a parking lot project developed in
21 cooperation with the city of Toledo and for two
22 additional security guard staff positions."

23 7. Page 35, line 26, by striking the figure
24 "281,415" and inserting the following: "531,415".

25 8. Page 36, by inserting after line 4, the
26 following:

27 "___ Of the funds appropriated in this section,
28 \$250,000 shall be used by the department for child
29 abuse prevention grants."

30 9. Page 37, line 14, by striking the figure
31 "17,930,000" and inserting the following:

32 "17,992,500".

- 33 10. Page 37, line 15, by striking the figure
34 "352.46" and inserting the following: "354.46".
35 11. Page 37, by inserting after line 34, the
36 following:
37 "The moneys appropriated in this subsection include
38 funding for two additional security guard staff
39 positions at the state mental health institute at
40 Independence."
41 12. Page 46, line 14, by striking the figure
42 "48,300,000" and inserting the following:
43 "49,100,000".
44 13. Page 46, line 15, by striking the figure
45 "2,103.50" and inserting the following: "2,128.50".
46 14. Page 47, line 13, by striking the figure
47 "7,520,029" and inserting the following:
48 "11,020,029".
49 15. Page 57, line 11, by striking the figure
50 "8,333,121" and inserting the following:

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- 1 "10,333,121".
2 16. By renumbering as necessary.

Osterhaus of Jackson offered the following amendment H-1708, to amendment H-1699, filed by him from the floor and moved its adoption:

H-1708

- 1 Amend the amendment, H-1699, to House File 732 as
2 follows:
3 1. Page 1, line 4, by striking the figure
4 "36,150,000" and inserting the following:
5 "36,684,594".
6 2. Page 1, by inserting after line 22, the
7 following:
8 "___ Page 28, line 30, by striking the figure
9 "106,000,000" and inserting the following:
10 "106,500,000".
11 3. By renumbering as necessary.

Sukup of Franklin in the chair at 6:07 p.m.

Amendment H-1708 lost.

On motion by Heaton of Henry amendment H-1699 was adopted.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-1686 filed by him on April 24, 2001.

Boddicker of Cedar offered the following amendment H-1711 filed by him from the floor and moved its adoption:

H-1711

- 1 Amend House File 732 as follows:
- 2 1. Page 17, by inserting after line 32, the
- 3 following:
- 4 "___ Federal access and visitation grant moneys
- 5 shall be issued directly to private not-for-profit
- 6 agencies that provide services designed to increase
- 7 compliance with the child access provisions of court
- 8 orders, including but not limited to neutral
- 9 visitation site and mediation services."
- 10 2. By renumbering as necessary.

Amendment H-1711 was adopted.

Heaton of Henry asked and received unanimous consent to withdraw amendment H-1679 filed by him and Osterhaus of Jackson on April 24, 2001.

Heaton of Henry offered the following amendment H-1690 filed by him and moved its adoption:

H-1690

- 1 Amend House File 732 as follows:
- 2 1. Page 22, by inserting after line 18, the
- 3 following:
- 4 "___ The department shall adopt rules to provide
- 5 that an individual applying for the medically needy
- 6 program is not required to reapply for the program
- 7 unless the individual's income as disclosed in the
- 8 initial application changes. The rules shall also
- 9 provide that to the greatest extent possible, the
- 10 application and continuing eligibility requirements
- 11 for all medical assistance-related programs shall be
- 12 consistent."
- 13 2. By renumbering as necessary.

Amendment H-1690 was adopted.

Heaton of Henry offered the following amendment H-1701 filed by him and Osterhaus of Jackson from the floor and moved its adoption:

H-1701

- 1 Amend House File 732 as follows:
- 2 1. Page 22, by inserting after line 18, the
- 3 following:
- 4 "___ If federal funding is received, the
- 5 department may participate in a federal home telecare
- 6 pilot program intended to manage health care needs of
- 7 subpopulations of Iowans and specifically including
- 8 subpopulations of Iowans who require high utilization
- 9 of health care services and represent a
- 10 disproportionate share of consumption of health care
- 11 services. The program shall be implemented as a
- 12 collaboration of public, private, and academic
- 13 participants and may include the participation of the
- 14 department of human services, the department of elder
- 15 affairs, and the Iowa department of public health,
- 16 with the intent of showing cost savings in proactively
- 17 managing diseases of selective populations through the
- 18 utilization of communications technology and
- 19 management protocols. The program may direct telecare
- 20 services to persons with diagnoses of specific
- 21 nonacute, chronic illnesses which may include but are
- 22 not limited to chronic obstructive pulmonary disease,
- 23 congestive heart disease, diabetes, and asthma. The
- 24 telecare program may provide a proactive call center
- 25 staffed by appropriate, licensed health care providers
- 26 equipped with disease management protocols. For the
- 27 purposes of this section, "telecare" shall include but
- 28 is not limited to the interactive delivery of
- 29 diagnostic, clinical, consultative, data, and
- 30 educational services utilizing a transmission network
- 31 which may include but is not limited to the live
- 32 transmission of audio and video data."
- 33 2. By renumbering as necessary.

Amendment H-1701 was adopted.

Heaton of Henry asked and received unanimous consent that amendment H-1710 be deferred.

Osterhaus of Jackson offered the following amendment H-1629 filed by him and moved its adoption:

H-1629

- 1 Amend House File 732 as follows:
- 2 1. Page 23, line 7, by striking the figure
- 3 "8,400,000" and inserting the following:
- 4 "10,107,951".

Roll call was requested by Osterhaus of Jackson and Huser of Polk.

On the question "Shall amendment H-1629 be adopted?"
(H.F. 732)

The ayes were, 41:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Fallon	Foege	Ford	Frevort
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Murphy
Osterhaus	Petersen	Quirk	Reynolds
Richardson	Scherrman	Seng	Shoultz
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise
Witt			

The nays were, 53:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Finch	Garman	Gipp	Grundberg
Hahn	Hansen	Heaton	Hoffman
Horbach	Houser	Hoversten	Huseman
Jenkins	Johnson	Kettering	Klemme
Manternach	Metcalf	Raecker	Rants
Rayhons	Rekow	Roberts	Shey
Siegrist, Spkr.	Sievers	Teig	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Sukup,			
Presiding			

Absent or not voting, 6:

Jacobs	Larson	Millage	Myers
O'Brien	Schrader		

Amendment H-1629 lost.

Heaton of Henry offered the following amendment H-1697 filed by him from the floor and moved its adoption:

H-1697

1 Amend House File 732 as follows:

2 1. Page 34, by inserting after line 23 the
3 following:

4 "____. The department may adopt emergency rules to
5 modify the qualifications for rehabilitative treatment
6 service providers to allow an individual with a
7 bachelor's degree in social work to provide therapy
8 and counseling and to implement other recommendations
9 of the committee made up of department staff and
10 providers of child welfare services that is charged
11 with the development of proposals for regulatory
12 improvements. The pertinent recommendations may
13 include but are not limited to implementing "deemed"
14 certification status for providers; addressing
15 requirements for staff qualifications, ratios, and
16 supervision; revising requirements for treatment plan
17 development, review, and revision, and for treatment
18 records; applying shared risk or loss provisions for
19 retroactive audits; and access to the department's
20 service review organization."

21 2. Page 54, by inserting after line 13 the
22 following:

23 "Sec. ____ Section 135H.6, subsection 2, Code
24 2001, is amended to read as follows:

25 2. The proposed psychiatric institution is
26 accredited by the joint commission on the
27 accreditation of health care organizations, the
28 commission on accreditation of rehabilitation
29 facilities, the council on accreditation of services
30 for families and children, or by any other ~~federally~~
31 recognized accrediting organization with comparable
32 standards acceptable under federal regulation."

33 3. Page 55, by inserting after line 22 the
34 following:

35 "Sec. ____ Section 235A.16, subsection 2, Code
36 2001, is amended to read as follows:

37 2. a. Requests for child abuse information may be
38 made orally by telephone where a person making such a
39 request believes that the information is needed
40 immediately and where information sufficient to
41 demonstrate authorized access is provided. In the
42 event that a request is made orally by telephone, a
43 written request form shall nevertheless be filed
44 within seventy-two hours.

45 b. The department of human services, in
46 conjunction with other departments and agencies of
47 state government involved with criminal history and
48 abuse registry information, may implement a single
49 contact repository to allow employers and other
50 persons authorized access to child abuse information

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1 under section 235A.15 to have electronic access to
2 such information in order to perform background checks
3 for purposes of employment."
4 4. By renumbering as necessary.

Amendment H-1697 was adopted.

Heaton of Henry offered the following amendment H-1703 filed by him and Hoversten of Woodbury from the floor and moved its adoption:

H-1703

1 Amend House File 732 as follows:
2 1. Page 35, by inserting after line 15 the
3 following:
4 "Sec. ____ CENTRAL INTAKE FOR CHILD PROTECTION.
5 If specific statutory authorization is enacted by the
6 Seventy-ninth General Assembly, 2002 Session, to
7 establish a statewide central intake unit for
8 receiving child abuse reports, there is appropriated
9 from the general fund of the state to the department
10 of human services for the fiscal year beginning July
11 1, 2001, and ending June 30, 2002, the following
12 amount, or so much thereof as is necessary, to be used
13 for the purpose designated:
14 For establishment in accordance with law of a
15 statewide central intake unit for receiving child
16 abuse reports:
17 \$ 250,000
18 It is the intent of the general assembly to give
19 prompt consideration to the report of any 2001
20 legislative interim study committee established by the
21 legislative council regarding the establishment of a
22 central intake unit for receiving child abuse
23 reports."
24 2. By renumbering as necessary.

Amendment H-1703 was adopted.

Hatch of Polk offered the following amendment H-1694 filed by him, Osterhaus of Jackson, and Foege of Linn from the floor and moved its adoption:

H-1694

- 1 Amend House File 732 as follows:
- 2 1. Page 42, by inserting after line 21 the
- 3 following:
- 4 "Sec. __. MENTAL ILLNESS SPECIAL SERVICES. There
- 5 is appropriated from the general fund of the state to
- 6 the department of human services for the fiscal year
- 7 beginning July 1, 2001, and ending June 30, 2002, the
- 8 following amount, or so much thereof as is necessary,
- 9 to be used for the purpose designated:
- 10 For mental illness special services:
- 11 \$ 121,220
- 12 1. The department and the Iowa finance authority
- 13 shall continue the financing for existing community-
- 14 based facilities and the financing for the development
- 15 of affordable community-based housing facilities. The
- 16 department shall assure that clients are referred to
- 17 the housing as it is developed.
- 18 2. The funds appropriated in this section are to
- 19 provide funds for construction and start-up costs to
- 20 develop community living arrangements to provide for
- 21 persons with mental illness who are homeless. These
- 22 funds may be used to match federal Stewart B. McKinney
- 23 Homeless Assistance Act grant funds."
- 24 2. By renumbering as necessary.

Speaker Siegrist in the chair at 6:53 p.m.

Amendment H-1694 lost.

Heaton of Henry offered the following amendment H-1702 filed by him and Houser of Pottawattamie from the floor and moved its adoption:

H-1702

- 1 Amend House File 732 as follows:
- 2 1. Page 43, by inserting after line 32 the
- 3 following:
- 4 "Of the funds allocated in this subsection, not
- 5 more than \$25,000 may be used to provide matching
- 6 funds for actuarial services and other technical
- 7 assistance to implement the adult mental health,
- 8 mental retardation, and developmental disabilities

9 services funding decategorization pilot project
10 implementation provisions as specified in this Act."
11 2. Page 58, by inserting after line 15 the
12 following:
13 "Sec. 100. ADULT MENTAL HEALTH, MENTAL
14 RETARDATION, AND DEVELOPMENTAL DISABILITIES SERVICES
15 FUNDING DECATEGORIZATION PILOT PROJECT IMPLEMENTATION.
16 The following target dates are applicable to
17 implementation of the adult mental health, mental
18 retardation, and developmental disabilities services
19 funding decategorization pilot project under section
20 331.440A:
21 1. May 2001: Representatives of the pilot project
22 and the department of human services shall visit
23 Kansas City offices of the federal health care
24 financing administration to present a concept paper
25 and begin the development process for a section 1915b
26 waiver application and section 1915c waiver amendment
27 under the medical assistance program.
28 2. July 1, 2001: The department of human services
29 shall transfer responsibility for administering state
30 case payments to the pilot project counties, including
31 the monthly payment amount per eligible person
32 provisions under the state's administrative services
33 only contract for state cases and the applicable
34 percentage of field operations staff expenses.
35 3. October 2001: Federal social services block
36 grant local purchase funding shall be directly
37 transferred to the pilot project counties.
38 4. January 2002: State supplementary assistance
39 funding and civil commitment funding shall be
40 transferred to the pilot project counties and the
41 section 1915b waiver application and the section 1915c
42 waiver amendment under the medical assistance program
43 shall be submitted to the health care financing
44 administration of the United States department of
45 health and human services.
46 5. July 2002: The state portion of the costs
47 attributable to placements at a state mental health
48 institute made from the pilot project counties, and
49 the portion of funding for mental health and
50 developmental disabilities services that is not county

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1 funding, including state and federal medical
2 assistance program funding for such services, shall be
3 transferred to the pilot project counties."
4 3. Page 59, by inserting after line 9 the
5 following:
6 " ___. Section 100, relating to adult mental
7 health, mental retardation, and developmental

- 8 disabilities services funding decategorization pilot
9 project implementation."
10 4. By renumbering as necessary.

Amendment H-1702 was adopted.

Heaton of Henry offered amendment H-1687 filed by Heaton, et al., as follows:

H-1687

- 1 Amend House File 732 as follows:
2 1. Page 46, line 9, by striking the word
3 "amounts" and inserting the following: "amount".
4 2. Page 46, by striking lines 26 through 34.
5 3. Page 47, by inserting before line 5 the
6 following:
7 "Sec. ____ ADDITIONAL FEDERAL FUNDING – FISCAL
8 YEAR 2001-2002.
9 1. The provisions of this section are applicable
10 for the fiscal year beginning July 1, 2001.
11 2. It is the intent of the general assembly that
12 the director of human services work on expanding the
13 community partnership approach to child protection as
14 established in Linn county with funding support from
15 the Edna McConnell Clark foundation. The general
16 assembly endorses the efforts by the department and
17 local communities to develop community child
18 protection systems that incorporate the four community
19 partnership components used in Linn county and other
20 Clark foundation sites. It is further intended that
21 the director seek additional funding from the Clark
22 foundation for expansion of the community partnership
23 approach to other sites in the state and make use of
24 the additional funding opportunities described in this
25 section for such expansion.
26 3. It is the intent of the general assembly that
27 the director of human services work to secure federal
28 financial participation through Titles IV-E and XIX of
29 the federal Social Security Act for services and
30 activities that are currently funded with state,
31 county, or community moneys. It is further intended
32 that the director initially focus on securing targeted
33 case management funding under medical assistance for
34 state child protection staff and developing proposals
35 for other approaches for targeted case management and
36 Title IV-E administrative claiming for services and
37 activities currently funded with juvenile court
38 services, county, or community moneys.
39 4. Additional federal financial participation

40 secured for the fiscal year beginning July 1, 2001,
41 and ending June 30, 2002, is appropriated to the
42 department of human services for use as provided in
43 this section. All of the following are applicable to
44 the additional federal financial participation and
45 efforts made to secure the federal financial
46 participation:
47 a. The department may pursue federal approval of a
48 state plan amendment to use medical assistance funding
49 for child protection targeted case management
50 services. The population to be served through

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1 targeted case management services is children who are
2 at risk of maltreatment or who are in need of
3 protective services. The funding shall be based on
4 the federal and state moneys available under the
5 medical assistance program. For the additional
6 federal financial participation received under the
7 reimbursement methodology established for the
8 services, a distribution plan shall attribute revenue
9 to the cost sources upon which the reimbursement rates
10 are based. In addition, of the additional federal
11 funds received, a 5 percent set-aside shall be used
12 for funding the revenue enhancement activities and for
13 service delivery and results improvement efforts.

14 b. The director may use part or all of the
15 additional federal financial participation in excess
16 of \$3,000,000 received from medical assistance claims
17 for child protection staff for not more than 93.00
18 full-time equivalent state child protection staff
19 positions, including child abuse assessment positions,
20 social workers, and support positions performing
21 related functions. Positions added in accordance with
22 this paragraph "b" are in addition to those authorized
23 in the appropriation made in this Act for field
24 operations.

25 c. The director may also use up to \$200,000 of the
26 additional federal financial participation in excess
27 of \$3,000,000 received from medical assistance claims
28 for child protection staff for providing grants to
29 communities to support the community partnership
30 approach to child protection. Potential grantees may
31 include child welfare funding decategorization
32 projects, community empowerment area boards, or other
33 community-based entities who, in partnership with the
34 local departmental administrators, agree to implement
35 the four community partnership components.

36 5. It is the intent of the general assembly to
37 consider additional proposals for providing other
38 forms of targeted case management services and Title

- 39 IV-E administrative claiming through counties,
40 juvenile court services, or other community-based
41 approaches.
42 6. The department may adopt emergency rules to
43 implement the provisions of this section."
44 4. By renumbering as necessary.

Foege of Linn offered the following amendment H-1704, to amendment H-1687, filed by him from the floor and moved its adoption:

H-1704

- 1 Amend the amendment, H-1687, to House File 732 as
2 follows:
3 1. Page 2, by striking lines 17 through 19 and
4 inserting the following: "for child protection staff
5 for adding the number of full-time equivalent
6 positions necessary to meet national standards for
7 caseloads. These positions may include child abuse
8 assessment positions,".

Amendment H-1704 lost.

On motion by Heaton of Henry amendment H-1687 was adopted.

Murphy of Dubuque asked and received unanimous consent to withdraw the following amendments filed by him:

Amendment H-1628 filed on April 23, 2001
Amendment H-1635 filed on April 23, 2001
Amendment H-1643 filed on April 23, 2001
Amendment H-1673 filed on April 24, 2001
Amendment H-1674 filed on April 24, 2001

Jochum of Dubuque offered the following amendment H-1656 filed by her and moved its adoption:

H-1656

- 1 Amend House File 732 as follows:
2 1. Page 46, by inserting after line 34 the
3 following:
4 "d. The department shall develop a plan for
5 meeting the national standards for the caseloads of
6 social workers established by the national association

7 of social workers. The plan shall be submitted to the
8 governor and the general assembly on or before January
9 2, 2002."

Amendment H-1656 lost.

Johnson of Osceola asked and received unanimous consent to withdraw amendment H-1696 filed by him from the floor, placing out of order amendment H-1713 filed by Chiodo of Polk from the floor.

Houser of Pottawattamie asked and received unanimous consent to withdraw amendment H-1693 filed by him, Heaton of Henry and Foege of Linn from the floor.

Houser of Pottawattamie offered the following amendment H-1705 filed by him, Heaton of Henry, and Foege of Linn from the floor and moved its adoption:

H-1705

- 1 Amend House File 732 as follows:
- 2 1. Page 47, by inserting after line 32 the
- 3 following:
- 4 " _____. It is the intent of the general assembly
- 5 that the department commence negotiations with the
- 6 state of Nebraska to provide a process to assist
- 7 interested Nebraska residents in placing their
- 8 children at a state resource center in this state, to
- 9 allow the department and others to utilize the child
- 10 protection center located in Omaha, and to explore
- 11 other ways by which the two states may maximize the
- 12 use of resources."
- 13 2. By renumbering as necessary.

Amendment H-1705 was adopted.

Heaton of Henry asked and received unanimous consent to withdraw amendment H-1709 filed by him from the floor.

Heaton of Henry offered the following amendment H-1668 filed by him and Osterhaus of Jackson and moved its adoption:

H-1668

- 1 Amend House File 732 as follows:
- 2 1. Page 48, by striking lines 14 through 17, and

3 inserting the following:

4 "b. (1) For the fiscal year beginning July 1,
5 2001, the department shall reimburse pharmacy
6 dispensing fees using a single rate of \$5.17 per
7 prescription or the pharmacy's usual and customary
8 fee, whichever is lower."

9 2. Page 48, by inserting after line 30, the
10 following:

11 "(5) Beginning October 1, 2001, the department
12 shall implement a state maximum allowable cost list
13 for prescription drugs. The department shall consult
14 with its fiscal agent and the drug utilization review
15 commission, at no additional cost to the department,
16 to determine the drug list that will provide the
17 department with the most significant cost savings in
18 the shortest period of time. In order to expedite
19 implementation, the department may implement the drug
20 list using a sole source contract during the initial
21 year of implementation. The department shall report
22 to the general assembly and the governor, on or before
23 January 14, 2002, identifying the entity with which
24 the department enters the contract to implement the
25 program and whether the contract is a sole source
26 contract. The report shall include a recommendation
27 regarding continuation of the initial contract, and if
28 the initial contract is a sole source contract,
29 whether a sole source process or a request for
30 proposals process should be used to determine the
31 contractor for any subsequent contract entered into
32 during the fiscal year beginning July 1, 2002."

Amendment H-1668 was adopted.

Warnstadt of Woodbury offered the following amendment H-1700
filed by him from the floor and moved its adoption:

H-1700

1 Amend House File 732 as follows:

2 1. Page 52, by inserting after line 19 the
3 following:

4 "_. It is the intent of the general assembly
5 that a service provider contracting with the
6 department shall be paid within 30 days of the
7 department receiving an invoice for the service
8 provided. The department may add full-time equivalent
9 positions in addition to those authorized in this Act
10 as necessary to accomplish the intent of this
11 subsection."

12 2. By renumbering as necessary.

Amendment H-1700 lost.

Jochum of Dubuque offered amendment H-1672 filed by her and Osterhaus of Jackson as follows:

H-1672

1 Amend House File 732 as follows:

2 1. Page 56, by inserting after line 19, the
3 following:

4 "Sec. ____ **NEW SECTION. 514C.21 MANDATED**
5 **COVERAGE FOR MENTAL HEALTH CONDITIONS.**

6 1. a. Notwithstanding section 514C.6, a policy or
7 contract providing for third-party payment or
8 prepayment of health or medical expenses shall provide
9 coverage benefits for mental health conditions based
10 on rates, terms, and conditions which are no more
11 restrictive than the rates, terms, and conditions for
12 coverage benefits provided for other health or medical
13 conditions under the policy or contract.

14 Additionally, any rates, terms, and conditions
15 involving deductibles, copayments, coinsurance, and
16 any other cost-sharing requirements shall be
17 cumulative for coverage of both mental health
18 conditions and other health or medical conditions
19 under the policy or contract.

20 b. Coverage required under this subsection shall
21 be as follows:

22 (1) For the treatment of mental illness, coverage
23 shall be for services provided by a licensed mental
24 health professional, or services provided in a
25 licensed hospital or health facility.

26 (2) For the treatment of alcohol or substance
27 abuse, coverage shall be for services provided by a
28 substance abuse counselor, as approved by the
29 department of human services, a licensed health
30 facility providing a program for the treatment of
31 alcohol or substance abuse approved by the department
32 of human services, or a licensed substance abuse
33 treatment and rehabilitation facility.

34 2. This section applies to the following classes
35 of third-party payment provider contracts or policies
36 delivered, issued for delivery, continued, or renewed
37 in this state on or after January 1, 2002:

38 a. Individual or group accident and sickness
39 insurance providing coverage on an expense-incurred
40 basis.

41 b. An individual or group hospital or medical
42 service contract issued pursuant to chapter 509, 514,
43 or 514A.

44 c. An individual or group health maintenance

45 organization contract regulated under chapter 514B.
46 d. An individual or group Medicare supplemental
47 policy, unless coverage pursuant to such policy is
48 preempted by federal law.
49 e. Any other entity engaged in the business of
50 insurance, risk transfer, or risk retention, which is

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1 subject to the jurisdiction of the commissioner.
2 f. An organized delivery system licensed by the
3 director of public health.
4 3. For purposes of this section, unless the
5 context otherwise requires:
6 a. "Mental health condition" means a condition or
7 disorder involving mental illness or alcohol or
8 substance abuse that falls under any of the diagnostic
9 categories listed in the mental disorders section of
10 the international classification of disease, as
11 periodically revised.
12 b. "Rates, terms, and conditions" means any
13 lifetime payment limits, deductibles, copayments,
14 coinsurance, and any other cost-sharing requirements,
15 out-of-pocket limits, visit limitations, and any other
16 financial component of benefits coverage that affects
17 the covered individual."
18 2. By renumbering as necessary.

Johnson of Osceola rose on a point of order that amendment H-1672 was not germane.

The Speaker ruled the point well taken and amendment H-1672 not germane.

Jochum of Dubuque asked for unanimous consent to suspend the rules to consider amendment H-1672.

Objection was raised.

Jochum of Dubuque moved to suspend the rules to consider amendment H-1672.

Roll call was requested by Jochum of Dubuque and Osterhaus of Jackson.

On the question "Shall the rules be suspended to consider amendment H-1672?" (H.F. 732)

The ayes were, 43:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Fallon	Foege	Ford	Frevort
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Reynolds	Richardson	Scherrman
Seng	Shoultz	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise	Witt	

The nays were, 52:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dix	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Hahn	Hansen
Heaton	Hoffman	Horbach	Houser
Huseman	Jacobs	Jenkins	Johnson
Kettering	Klemme	Larson	Manternach
Metcalf	Raecker	Rants	Rayhons
Rekow	Roberts	Shey	Sievers
Sukup	Teig	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Mr. Speaker
			Siegrist

Absent or not voting, 5:

Dolecheck	Grundberg	Hoversten	Millage
Schrader			

The motion to suspend the rules lost.

Smith of Marshall asked and received unanimous consent to withdraw amendment H-1649 filed by him on April 23, 2001.

Heaton of Henry offered the following amendment H-1712 filed by him from the floor and moved its adoption:

H-1712

- 1 Amend House File 732 as follows:
- 2 1. Page 1, line 3, by striking the figure "1220"
- 3 and inserting the following: "1228".
- 4 2. Page 5, line 30, by striking the words "For

5 deposit in" and inserting the following: "To be
6 credited to".

7 3. Page 5, line 33, by striking the words
8 "deposited in" and inserting the following: "credited
9 to".

10 4. Page 6, line 31, by inserting after the word
11 "reports." the following: "The department may adopt
12 emergency rules to implement the provisions of this
13 subsection."

14 5. By striking page 6, line 35, through page 7,
15 line 3, and inserting the following: "services block
16 grant for that fiscal year."

17 6. Page 8, by striking lines 1 through 3, and
18 inserting the following: "capability for child care
19 service providers to submit billings electronically
20 and to receive payment through electronic funds
21 transfer, and the capability to include electronic
22 verification of medical assistance eligibility."

23 7. By striking page 8, line 35 through page 9,
24 line 1.

25 8. Page 9, by striking lines 14 through 19 and
26 inserting the following: "new grants. In utilizing
27 the funding allocated in this lettered paragraph, the
28 council shall give consideration, in addition to other
29 criteria established by the council, to a grantee's
30 intended use of local funds with a grant and to
31 whether approval of a grant proposal would expand the
32 availability of the program's services."

33 9. Page 10, lines 14 and 15, by striking the
34 words and figure "up to \$50,000" and inserting the
35 following: "funds allocated for the diversion
36 program".

37 10. Page 12, line 27, by striking the word "The"
38 and inserting the following: "Of the".

39 11. Page 12, line 29, by inserting after the word
40 "unit" the following: ", a portion".

41 12. Page 12, line 30, by inserting after the word
42 "account" the following: "and a portion may be used
43 to increase recoveries".

44 13. Page 13, by inserting after line 10, the
45 following:

46 "___ The department may adopt emergency rules to
47 increase the mileage rate reimbursement paid to JOBS
48 program participants above the current rate of 16
49 cents per mile.

50 ___ The department may adopt emergency rules to

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1 implement 2001 Iowa Acts, Senate File 198, that
2 extends the time limitation for funding of
3 postsecondary education for family investment program

4 participants, if enacted by the Seventy-ninth General
5 Assembly, 2001 Session."

6 14. Page 20, line 19, by inserting after the word
7 "fund," the following: "or unless a county of legal
8 settlement would become liable for the costs of
9 services at the ICFMR level of care for a person due
10 to the person reaching the age of majority,".

11 15. Page 21, by striking lines 2 and 3.

12 16. Page 24, by striking lines 2 through 9 and
13 inserting the following:

14 "1. The department shall".

15 17. Page 25, lines 27 and 28, by striking the
16 words and figure ", not to exceed 100 slots".

17 18. Page 25, line 30, by inserting after the word
18 "to" the following: "children receiving services
19 under a HCBS waiver for individuals with mental
20 retardation in residential-based supported community
21 living and".

22 19. Page 31, line 22, by inserting after the word
23 "month." the following: "If the department receives
24 any bonus or incentive payments from the federal
25 government relating to adoption that may be used to
26 supplement state funds, the department shall use a
27 minimum of \$44,750 of such moneys for adoption
28 recruitment."

29 20. Page 32, by inserting after line 24 the
30 following:

31 "___ The department shall eliminate the program
32 to provide services or other support to reduce the
33 number or length of out-of-home placements of children
34 known as the "wrap-around funding program". The
35 department may adopt emergency rules to implement this
36 subsection."

37 21. Page 33, by striking lines 13 and 14 and
38 inserting the following: "chief juvenile court
39 officer shall encourage use of the funds".

40 22. Page 34, by inserting after line 23, the
41 following:

42 "___ Notwithstanding section 234.39, subsection
43 5, and 2000 Iowa Acts, chapter 1228, section 43, the
44 department may operate a subsidized guardianship
45 program if the United States department of health and
46 human services approves a waiver under Title IV-E of
47 the federal Social Security Act and the subsidized
48 guardianship program can be operated without loss of
49 Title IV-E funds."

50 23. Page 35, line 5, by striking the figure

Page 3

1 "2000" and inserting the following: "2001".

2 24. Page 38, line 22, by striking the word

3 "payer" and inserting the following: "payor".
4 25. Page 40, line 26, by striking the words and
5 figure "allocated in subsection 1" and inserting the
6 following: "appropriated in this section".
7 26. Page 40, by striking lines 30 and 31, and
8 inserting the following: "draw more than the amounts
9 appropriated, provided the amounts appropriated are
10 not exceeded at the close of the fiscal year."
11 27. Page 45, by striking lines 10 through 12, and
12 inserting the following: "shall be used for
13 administrative costs. The pilot project shall not be
14 implemented in a".
15 28. Page 45, line 15, by striking the words "or
16 the waiver".
17 29. Page 47, line 4, by inserting after the word
18 "office." the following: "Upon elimination of the
19 regional office administrative level, the geographic
20 areas established as departmental regions as of July
21 1, 2000, shall continue to be used for implementation
22 of Code sections 232.2, 232.52, 232.68, 232.78,
23 232.102, 232.117, 232.127, 232.143, 232.182, 232.188,
24 234.35, and any provision in this Act or other law
25 that utilizes the departmental regions for a
26 geographic purpose. The director of human services
27 shall assign any duties that are otherwise designated
28 as duties of the regional administrator in section
29 232.143, this Act, or other provision of law or
30 administrative rule to an appropriate person."
31 30. Page 49, line 10, by striking the word
32 "Reimbursement" and inserting the following: "For the
33 fiscal year beginning July 1, 2001, reimbursement".
34 31. Page 49, line 15, by striking the word
35 "Reimbursement" and inserting the following: "For the
36 fiscal year beginning July 1, 2001, reimbursement".
37 32. Page 49, line 18, by striking the word
38 "Federally" and inserting the following: "For the
39 fiscal year beginning July 1, 2001, federally".
40 33. Page 50, line 1, by inserting after the word
41 "except" the following: "for area education agencies,
42 local education agencies, infant and toddler services
43 providers, and".
44 34. Page 50, line 2, by striking the word
45 "However,".
46 35. Page 50, by striking lines 3 through 6, and
47 inserting the following:
48 "k. Notwithstanding section 249A.20, the average
49 reimbursement rates for health care providers eligible
50 for use of the reimbursement methodology under that

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1 section shall be reduced by three percent from the

2 rate in effect on June 30, 2001."

3 36. Page 55, by inserting after line 22, the
4 following:

5 "Sec. ____ Section 239B.8, subsection 1, Code
6 2001, is amended to read as follows:

7 1. PARTICIPATION – EXEMPTIONS. A parent living
8 in a home with a child for whom an application for
9 family investment program assistance has been made or
10 for whom the assistance is provided, and all other
11 individual members of the family whose needs are
12 included in the assistance shall be subject to a
13 family investment agreement unless exempt under rules
14 adopted by the department or unless any of the
15 following conditions exists:

16 ~~a. The individual is completely unable to~~
17 ~~participate in any agreement option due to disability.~~

18 ~~b. a.~~ The individual is less than sixteen years of
19 age and is not a parent.

20 e. b. The individual is sixteen through eighteen
21 years of age, is not a parent, and is attending
22 elementary or secondary school, or the equivalent
23 level of vocational or technical school, on a full-
24 time basis.

25 ~~d. c.~~ The individual is not a United States
26 citizen and is not a qualified alien as defined in 8
27 U.S.C. § 1641."

28 37. Page 56, line 22, by striking the figure "19"
29 and inserting the following: "18".

30 38. Page 56, line 23, by inserting after the
31 words "the state" the following: "in this fiscal year
32 or the succeeding fiscal year".

33 39. Page 57, line 32, by striking the word
34 "caucus" and inserting the following: "legislative
35 caucus".

36 40. Page 57, line 34, by striking the word
37 "Commencing" and inserting the following:
38 "1. Commencing".

39 41. Page 58, line 3, by striking the figure
40 "2000," and inserting the following: "2000."

41 42. Page 58, by striking lines 4 and 5.

42 43. Page 58, by inserting after line 15 the
43 following:

44 "2. Upon submission to the persons designated by
45 this Act for receiving reports of a report describing
46 the transfers being made, the department may transfer
47 up to \$2,500,000 to the appropriation in this Act for
48 general administration from moneys that are budgeted
49 for purchase of equipment in other appropriations made
50 to the department in this Act."

Page 5

- 1 44. By renumbering, relettering, or redesignating
- 2 and correcting internal references as necessary.

Amendment H-1712 was adopted.

Foege of Linn asked and received unanimous consent to withdraw amendment H-1640, previously deferred, filed by him and Wise of Lee on April 23, 2001.

Hansen of Pottawattamie offered the following amendment H-1710, previously deferred, filed by him and Heaton of Henry from the floor and moved its adoption:

H-1710

- 1 Amend House File 732 as follows:
- 2 1. Page 22, by inserting after line 18, the
- 3 following:
- 4 "____. The department, in cooperation with the drug
- 5 utilization review commission, shall review the use of
- 6 nonsedating antihistamines (NSAIDS) for children and
- 7 shall submit a report to the governor and the general
- 8 assembly on or before November 15, 2001, regarding
- 9 such use and providing a recommendation regarding the
- 10 application of prior authorization requirements to
- 11 these drugs."
- 12 2. By renumbering as necessary.

Amendment H-1710 was adopted.

Hansen of Pottawattamie in the chair at 7:55 p.m.

Speaker Siegrist in the chair at 8:30 p.m.

Heaton of Henry 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. 732)

The ayes were, 55:

Alons
Boal

Arnold
Boddicker

Barry
Boggess

Baudler
Bradley

Brauns	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Finch	Garman	Gipp	Grundberg
Hahn	Hansen	Heaton	Hoffman
Horbach	Houser	Hoversten	Huseman
Jacobs	Jenkins	Johnson	Kettering
Klemme	Larson	Manternach	Metcalf
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Sievers	Sukup
Teig	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Mr. Speaker	
		Siegrist	

The nays were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Dotzler	Falck	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Reynolds	Richardson	Scherrman	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

Absent or not voting, 3:

Connors	Millage	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 MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 732** 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 25, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 354, a bill for an act relating to the pronouncement of death by a physician assistant, a licensed practical nurse, or a registered nurse.

Also: That the Senate has on April 25, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 656, a bill for an act relating to the licensing and regulation of manufactured or mobile homes and providing coordinating amendments.

Also: That the Senate has on April 25, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 706, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

Also: That the Senate has on April 25, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 718, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, making related statutory changes, and providing effective dates.

Also: That the Senate has on April 25, 2001, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 410, a bill for an act relating to the application of certain air quality requirements to indoor emission units or air contaminant sources.

Also: That the Senate has on April 25, 2001, refused to concur in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 466, a bill for an act relating to child care and protection public policy provisions involving children.

Also: That the Senate has on April 25, 2001, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 25, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 State Quarters Program, and to direct the commission to develop designs incorporating a symbol for the state of Iowa.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Millage of Scott on request of Gipp of Winneshiek.

Senate File 203, a bill for an act extending the regular program district cost guarantee for school districts, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Brunkhorst of Bremer offered amendment H-1614 filed by the committee on education as follows:

H-1614

1 Amend Senate File 203, 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 257.3, subsection 2, Code
6 2001, is amended to read as follows:

7 2. **TAX FOR REORGANIZED AND DISSOLVED DISTRICTS.**

8 Notwithstanding subsection 1, a reorganized school
9 district shall cause a foundation property tax of four
10 dollars and forty cents per thousand dollars of
11 assessed valuation to be levied on all taxable
12 property which, in the year preceding a
13 reorganization, was within a school district affected
14 by the reorganization as defined in section 275.1, or
15 in the year preceding a dissolution was a part of a
16 school district that dissolved if the dissolution
17 proposal has been approved by the director of the
18 department of education pursuant to section 275.55.
19 In the year preceding the reorganization or
20 dissolution, the school district affected by the
21 reorganization or the school district that dissolved
22 must have had a certified enrollment of fewer than six
23 hundred in order for the four-dollar-and-forty-cent
24 levy to apply. In succeeding school years, the
25 foundation property tax levy on that portion shall be
26 increased ~~twenty cents per year until it reaches the~~
27 rate of to the rate of four dollars and ninety cents
28 per thousand dollars of assessed valuation the first
29 succeeding year, five dollars and fifteen cents per
30 thousand dollars of assessed valuation the second
31 succeeding year, and five dollars and forty cents per
32 thousand dollars of assessed valuation the third
33 succeeding year and each year thereafter.

34 For purposes of this section, a reorganized school
35 district is one which ~~absorbed~~ absorbs at least thirty
36 percent of the enrollment of the school district
37 affected by a reorganization or dissolved during a
38 dissolution and in which action to bring about a
39 reorganization or dissolution was initiated by a vote
40 of the board of directors or jointly by the affected

41 boards of directors prior to November 30, 1990, and
42 the reorganization or dissolution takes is initiated
43 by a vote of the board of directors or jointly by the
44 affected boards of directors to take effect on or
45 after July 1, 1991 2002, and on or before July 1, 1993
46 2006. Each district which initiated, by a vote of the
47 board of directors or jointly by the affected boards,
48 action to bring about a reorganization or dissolution
49 by November 30, 1990 to take effect on or after July
50 1, 2002, and on or before July 1, 2006, shall certify

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1 the date and the nature of the action taken to the
2 department of education by September January 1, 1991
3 of the year in which the reorganization or dissolution
4 takes effect.

5 A reorganized school district which meets the
6 requirements of this section for reduced property tax
7 rates, but failed to vote on reorganization or
8 dissolution prior to November 30, 1990, and failed to
9 certify such action to the department of education by
10 September 1, 1991, shall cause to be levied a
11 foundation property tax of four dollars and sixty
12 cents per thousand dollars of assessed valuation on
13 all eligible taxable property pursuant to this
14 section. In succeeding school years, the foundation
15 property tax levy on that portion shall be increased
16 twenty cents per year until it reaches the rate of
17 five dollars and forty cents per thousand dollars of
18 assessed valuation.

19 The reduced property tax rates of reorganized
20 school districts that met the requirements of section
21 442.2, Code 1991, prior to July 1, 1991, shall
22 continue to increase as provided in that section until
23 they reach five dollars and forty cents.

24 Sec. 2. Section 257.3, subsection 3, Code 2001, is
25 amended by striking the subsection.

26 Sec. 3. Section 257.3, subsection 4, Code 2001, is
27 amended to read as follows:

28 4. RAILWAY CORPORATIONS. For purposes of section
29 257.1, the "amount per pupil of foundation property
30 tax" does not include the tax levied under subsection
31 1, 2, or 3 2 on the property of a railway corporation,
32 or on its trustee if the corporation has been declared
33 bankrupt or is in bankruptcy proceedings.

34 Sec. 4. Section 257.11, subsection 2, paragraph c,
35 Code 2001, is amended by striking the paragraph and
36 inserting in lieu thereof the following:

37 c. Pupils attending class for all or a substantial
38 portion of a school day pursuant to a whole grade
39 sharing agreement executed under sections 282.10

40 through 282.12 shall be eligible for supplementary
41 weighting pursuant to this subsection as follows:
42 (1) A school district which was participating in a
43 whole grade sharing arrangement during the budget year
44 beginning July 1, 2001, and which adopts a resolution
45 jointly with the other affected boards to study the
46 question of undergoing a reorganization or dissolution
47 to take effect on or before July 1, 2006, shall
48 receive a weighting of one-tenth of the percentage of
49 the pupil's school day during which the pupil attends
50 classes in another district, attends classes taught by

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1 a teacher who is jointly employed under section
2 280.15, or attends classes taught by a teacher who is
3 employed by another school district. A district shall
4 be eligible for supplementary weighting pursuant to
5 this subparagraph for a maximum of two years. Receipt
6 of supplementary weighting for a second year shall be
7 conditioned upon submission of information resulting
8 from the study to the school budget review committee
9 indicating progress toward the objective of
10 reorganization on or before July 1, 2006.
11 (2) A school district which was not participating
12 in a whole grade sharing arrangement during the budget
13 year beginning July 1, 2001, which executes a whole
14 grade sharing agreement pursuant to sections 282.10
15 through 282.12 for the budget year beginning July 1,
16 2003, and which adopts a resolution jointly with the
17 other affected boards to study the question of
18 undergoing a reorganization or dissolution to take
19 effect on or before July 1, 2006, shall receive a
20 weighting of one-tenth of the percentage of the
21 pupil's school day during which the pupil attends
22 classes in another district, attends classes taught by
23 a teacher who is jointly employed under section
24 280.15, or attends classes taught by a teacher who is
25 employed by another school district. A district shall
26 be eligible for supplementary weighting pursuant to
27 this subparagraph for a maximum of three years.
28 Receipt of supplementary weighting for a second and
29 third year shall be conditioned upon submission of
30 information resulting from the study to the school
31 budget review committee indicating progress toward the
32 objective of reorganization on or before July 1, 2006.
33 Sec. 5. Section 257.11, Code 2001, is amended by
34 adding the following new subsection:
35 NEW SUBSECTION. 4A. REGIONAL ACADEMIES.
36 a. For the school budget year beginning July 1,
37 2002, and succeeding budget years, in order to provide
38 additional funds for school districts in which a

39 regional academy is located, a supplementary weighting
40 plan for determining enrollment is adopted.
41 b. A school district which establishes a regional
42 academy shall be eligible to assign its resident
43 pupils attending classes at the academy a weighting of
44 one-tenth of the percentage of the pupil's school day
45 during which the pupil attends classes at the regional
46 academy. For the purposes of this subsection,
47 "regional academy" means an educational institution
48 established by a school district to which multiple
49 schools send pupils in grades seven through twelve. A
50 regional academy shall include in its curriculum

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1 advanced-level courses and may include in its
2 curriculum vocational-technical programs. The maximum
3 amount of additional weighting for which a school
4 district establishing a regional academy shall be
5 eligible is an amount corresponding to fifteen
6 additional pupils.

7 Sec. 6. NEW SECTION. 257.11A SUPPLEMENTARY 8 WEIGHTING AND SCHOOL REORGANIZATION.

9 1. In determining weighted enrollment under
10 section 257.6, if the board of directors of a school
11 district has approved a contract for sharing pursuant
12 to section 257.11 and the school district has approved
13 an action to bring about a reorganization to take
14 effect on and after July 1, 2002, and on or before
15 July 1, 2006, the reorganized school district shall
16 include, for a period of three years following the
17 effective date of the reorganization, additional
18 pupils added by the application of the supplementary
19 weighting plan, equal to the pupils added by the
20 application of the supplementary weighting plan in the
21 year preceding the reorganization. For the purposes
22 of this paragraph, the weighted enrollment for the
23 period of three years following the effective date of
24 reorganization shall include the supplementary
25 weighting in the base year used for determining the
26 combined district cost for the first year of the
27 reorganization. However, the weighting shall be
28 reduced by the supplementary weighting added for a
29 pupil whose residency is not within the reorganized
30 district.

31 2. For purposes of this section, a reorganized
32 district is one in which the reorganization was
33 approved in an election pursuant to sections 275.18
34 and 275.20 and takes effect on or after July 1, 2002,
35 and on or before July 1, 2006. Each district which
36 initiates, by a vote of the board of directors or
37 jointly by the affected boards, action to bring about

38 a reorganization or dissolution to take effect on or
39 after July 1, 2002, and on or before July 1, 2006,
40 shall certify the date and the nature of the action
41 taken to the department of education by January 1 of
42 the year in which the reorganization or dissolution
43 takes effect.

44 3. Notwithstanding subsection 1, a school district
45 which was participating in a whole grade sharing
46 arrangement during the budget year beginning July 1,
47 2001, and which received a maximum of two years of
48 supplementary weighting pursuant to section 257.11,
49 subsection 2, paragraph "c", shall include additional
50 pupils added by the application of the supplementary

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1 weighting plan, equal to the pupils added by the
2 application of the supplementary weighting plan in the
3 year preceding the reorganization, for a period of
4 four years following the effective date of the
5 reorganization.

6 4. A school district shall be eligible for a
7 combined maximum total of six years of supplementary
8 weighting under the provisions of this section and
9 section 257.11, subsection 2, paragraph "c".

10 Sec. 7. Section 257.13, subsections 1 and 2, Code
11 2001, are amended to read as follows:

12 1. For the school budget year beginning July 1,
13 ~~2000~~ 2001, and succeeding budget years, if a
14 district's actual enrollment for the budget year,
15 determined under section 257.6, is greater than its
16 budget enrollment for the budget year, the district
17 shall be eligible to receive an on-time funding budget
18 adjustment. The adjustment shall be in an amount
19 equal to ~~fifty percent~~ of the difference between the
20 actual enrollment for the budget year and the budget
21 enrollment for the budget year, multiplied by the
22 district cost per pupil.

23 2. The board of directors of a school district
24 that wishes to receive an on-time funding budget
25 adjustment shall adopt a resolution to receive the
26 adjustment and notify the school budget review
27 committee by November 1, ~~2000~~ annually. The school
28 budget review committee shall establish a modified
29 allowable growth in an amount determined pursuant to
30 subsection 1.

31 Sec. 8. Section 257.14, subsection 1, Code 2001,
32 is amended to read as follows:

33 1. For the budget year commencing July 1, ~~2000~~
34 2001, if the department of management determines that
35 the regular program district cost of a school district
36 for a budget year is less than the total of the

37 regular program district cost plus any adjustment
38 added under this section for the base year for that
39 school district, the school district shall be eligible
40 to receive a budget adjustment for that district for
41 that budget year up to an amount equal to the
42 difference. The board of directors of a school
43 district that wishes to receive a budget adjustment
44 pursuant to this subsection shall, notwithstanding the
45 public notice and hearing provisions of chapter 24 or
46 any other provision to the contrary, within thirty
47 days following ~~April 6, 2000~~ the effective date of
48 this Act, adopt a resolution to receive the budget
49 adjustment and immediately notify the department of
50 management of the adoption of the resolution and the

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1 amount of the budget adjustment to be received.

2 Sec. 9. Section 257.14, subsection 2, Code 2001,
3 is amended by striking the subsection and inserting in
4 lieu thereof the following:

5 2. For the budget year commencing July 1, 2002,
6 and succeeding budget years, if the department of
7 management determines that the regular program
8 district cost of a school district for a budget year
9 is less than one hundred one percent of the regular
10 program district cost for the base year for that
11 school district, a district shall be eligible for a
12 budget adjustment corresponding to the following
13 schedule:

14 a. For the budget year commencing July 1, 2002,
15 the greater of the difference between the regular
16 program district cost for the budget year and one
17 hundred one percent of the regular program district
18 cost for the base year, or ninety percent of the
19 amount by which the budget guarantee as calculated for
20 the budget year beginning July 1, 2001, exceeds the
21 adjusted guarantee amount. For purposes of this
22 paragraph, the "adjusted guarantee amount" means the
23 amount which would be applicable for the budget year
24 beginning July 1, 2002, if the budget guarantee were
25 determined for that budget year as calculated for the
26 budget year beginning July 1, 2001.

27 b. For the budget year commencing July 1, 2003,
28 the greater of the difference between the regular
29 program district cost for the budget year and one
30 hundred one percent of the regular program district
31 cost for the base year, or eighty percent of the
32 amount by which the budget guarantee as calculated for
33 the budget year beginning July 1, 2001, exceeds the
34 adjusted guarantee amount. For purposes of this
35 paragraph, the "adjusted guarantee amount" means the

36 amount which would be applicable for the budget year
37 beginning July 1, 2003, if the budget guarantee were
38 determined for that budget year as calculated for the
39 budget year beginning July 1, 2001.

40 c. For the budget year commencing July 1, 2004,
41 the greater of the difference between the regular
42 program district cost for the budget year and one
43 hundred one percent of the regular program district
44 cost for the base year, or seventy percent of the
45 amount by which the budget guarantee as calculated for
46 the budget year beginning July 1, 2001, exceeds the
47 adjusted guarantee amount. For purposes of this
48 paragraph, the "adjusted guarantee amount" means the
49 amount which would be applicable for the budget year
50 beginning July 1, 2004, if the budget guarantee were

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1 determined for that budget year as calculated for the
2 budget year beginning July 1, 2001.

3 d. For the budget year commencing July 1, 2005,
4 the greater of the difference between the regular
5 program district cost for the budget year and one
6 hundred one percent of the regular program district
7 cost for the base year, or sixty percent of the amount
8 by which the budget guarantee as calculated for the
9 budget year beginning July 1, 2001, exceeds the
10 adjusted guarantee amount. For purposes of this
11 paragraph, the "adjusted guarantee amount" means the
12 amount which would be applicable for the budget year
13 beginning July 1, 2005, if the budget guarantee were
14 determined for that budget year as calculated for the
15 budget year beginning July 1, 2001.

16 e. For the budget year commencing July 1, 2006,
17 and each budget year thereafter, the difference
18 between the regular program district cost for the
19 budget year and one hundred one percent of the regular
20 program district cost for the base year.

21 For the purposes of this subsection, a school
22 district shall be eligible to apply the eighty,
23 seventy, and sixty percent provisions in paragraphs
24 "b", "c", and "d", only if the school district
25 received a budget adjustment for the budget year
26 beginning July 1, 2002, based on the ninety percent
27 provision in paragraph "a".

28 The board of directors of a school district that
29 wishes to receive a budget adjustment pursuant to this
30 subsection shall adopt a resolution to receive the
31 budget adjustment and shall, by April 1, annually,
32 notify the department of management of the adoption of
33 the resolution and the amount of the budget adjustment
34 to be received.

35 Sec. 10. EFFECTIVE DATE. Section 8 of this Act,
36 being deemed of immediate importance, takes effect
37 upon enactment."

38 2. Title page, by striking lines 1 and 2 and
39 inserting the following: "An Act relating to certain
40 school finance provisions and providing an effective
41 date."

Brunkhorst of Bremer offered the following amendment H-1667,
to the committee amendment H-1614, filed by him and Dolecheck of
Ringgold and moved its adoption:

H-1667

1 Amend the amendment, H-1614, to Senate File 203, as
2 passed by the Senate, as follows:

3 1. Page 2, by inserting after line 33, the
4 following:

5 "Sec. 100. Section 257.4, subsection 3, Code 2001,
6 is amended to read as follows:

7 3. APPLICATION OF TAX. No later than June 1 15 of
8 each year, the department of management shall notify
9 the county auditor of each county the amount, in
10 dollars and cents per thousand dollars of assessed
11 value, of the additional property tax levy in each
12 school district in the county. A county auditor shall
13 spread the additional property tax levy for each
14 school district in the county over all taxable
15 property in the district."

16 2. Page 7, by striking lines 16 through 27, and
17 inserting the following:

18 "e. For the budget year commencing July 1, 2006,
19 the greater of the difference between the regular
20 program district cost for the budget year and one
21 hundred one percent of the regular program district
22 cost for the base year, or fifty percent of the amount
23 by which the budget guarantee as calculated for the
24 budget year beginning July 1, 2001, exceeds the
25 adjusted guarantee amount. For purposes of this
26 paragraph, the "adjusted guarantee amount" means the
27 amount which would be applicable for the budget year
28 beginning July 1, 2006, if the budget guarantee were
29 determined for that budget year as calculated for the
30 budget year beginning July 1, 2001.

31 f. For the budget year commencing July 1, 2007,
32 the greater of the difference between the regular
33 program district cost for the budget year and one
34 hundred one percent of the regular program district
35 cost for the base year, or forty percent of the amount
36 by which the budget guarantee as calculated for the
37 budget year beginning July 1, 2001, exceeds the

38 adjusted guarantee amount. For purposes of this
39 paragraph, the "adjusted guarantee amount" means the
40 amount which would be applicable for the budget year
41 beginning July 1, 2007, if the budget guarantee were
42 determined for that budget year as calculated for the
43 budget year beginning July 1, 2001.

44 g. For the budget year commencing July 1, 2008,
45 the greater of the difference between the regular
46 program district cost for the budget year and one
47 hundred one percent of the regular program district
48 cost for the base year, or thirty percent of the
49 amount by which the budget guarantee as calculated for
50 the budget year beginning July 1, 2001, exceeds the

Page 2

1 adjusted guarantee amount. For purposes of this
2 paragraph, the "adjusted guarantee amount" means the
3 amount which would be applicable for the budget year
4 beginning July 1, 2008, if the budget guarantee were
5 determined for that budget year as calculated for the
6 budget year beginning July 1, 2001.

7 h. For the budget year commencing July 1, 2009,
8 the greater of the difference between the regular
9 program district cost for the budget year and one
10 hundred one percent of the regular program district
11 cost for the base year, or twenty percent of the
12 amount by which the budget guarantee as calculated for
13 the budget year beginning July 1, 2001, exceeds the
14 adjusted guarantee amount. For purposes of this
15 paragraph, the "adjusted guarantee amount" means the
16 amount which would be applicable for the budget year
17 beginning July 1, 2009, if the budget guarantee were
18 determined for that budget year as calculated for the
19 budget year beginning July 1, 2001.

20 i. For the budget year commencing July 1, 2010,
21 the greater of the difference between the regular
22 program district cost for the budget year and one
23 hundred one percent of the regular program district
24 cost for the base year, or ten percent of the amount
25 by which the budget guarantee as calculated for the
26 budget year beginning July 1, 2001, exceeds the
27 adjusted guarantee amount. For purposes of this
28 paragraph, the "adjusted guarantee amount" means the
29 amount which would be applicable for the budget year
30 beginning July 1, 2010, if the budget guarantee were
31 determined for that budget year as calculated for the
32 budget year beginning July 1, 2001.

33 j. For the budget year commencing July 1, 2011,
34 and each budget year thereafter, the difference
35 between the regular program district cost for the
36 budget year and one hundred one percent of the regular

37 program district cost for the base year.
 38 For the purposes of this subsection, a school
 39 district shall be eligible to apply the eighty,
 40 seventy, sixty, fifty, forty, thirty, twenty, and ten
 41 percent provisions in paragraphs "b" through "i", only
 42 if the school district received a budget adjustment
 43 for the budget year beginning July 1, 2002, based on
 44 the ninety percent provision in paragraph "a".
 45 3. Page 7, by striking lines 35 and 36, and
 46 inserting the following:
 47 "Sec.____. EFFECTIVE DATE. Sections 100 and 8 of
 48 this Act, being deemed of immediate importance, take
 49 effect".
 50 4. By renumbering as necessary.

Amendment H-1667 was adopted.

Heaton of Henry asked and received unanimous consent to withdraw amendment H-1644, to the committee amendment H-1614, filed by him on April 23, 2001.

Heaton of Henry asked and received unanimous consent to withdraw amendment H-1717, to the committee amendment H-1614, filed by him from the floor.

On motion by Brunkhorst of Bremer the committee amendment H-1614, as amended, was adopted, placing out of order amendment H-1349 filed by the committee on education.

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?" (S.F. 203)

The ayes were, 88:

Arnold	Atteberry	Barry	Baudler
Boal	Boggess	Bradley	Brauns
Broers	Brunkhorst	Bukta	Carroll
Chiodo	Cohoon	Cormack	Dix
Dotzler	Drake	Eddie	Eichhorn
Elgin	Falck	Fallon	Finch
Foege	Ford	Frevert	Gipp
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Houser
Hoversten	Huseman	Huser	Jacobs

Jenkins	Jochum	Johnson	Kettering
Klemme	Kuhn	Larkin	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Reynolds
Richardson	Roberts	Scherrman	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Winckler	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, 7:

Alons	Boddicker	De Boef	Dolecheck
Garman	Kreiman	Larson	

Absent or not voting, 5:

Bell	Connors	Greimann	Millage
Schrader			

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 203** be immediately messaged to the Senate.

SENATE MESSAGE CONSIDERED.

Senate File 535, by committee on appropriations, 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.

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

TEMPORARY REDISTRICTING ADVISORY COMMISSION REPORT

The following report was received in the office of the Chief Clerk:

The Report of the Temporary Redistricting Advisory Commission to the General Assembly, pursuant to Chapter 42.6, Code of Iowa. Received April 25, 2001.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 24, 2001. Had I been present, I would have voted "aye" on House File 180.

HEATON of Henry

I was necessarily absent from the House chamber on April 24, 2001. Had I been present, I would have voted "aye" on House Files 180, 590, 694, 712, 716 and Senate Files 57, 184, 211, 344, 418 and "nay" on amendment H-1633 to House File 716.

HOFFMAN of Crawford

I was necessarily absent from the House chamber on April 24, 2001. Had I been present, I would have voted "aye" on House Files 716 and 726.

VAN ENGELLENHOVEN of Mahaska

I inadvertently voted "aye" on House File 725. I meant to vote "nay".

WARNSTADT of Woodbury

BILL 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 23rd day of April, 2001: House File 654.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 25, 2001, he approved and transmitted to the Secretary of State the following bills:

House File 310, an act relating to child support enforcement, including disclosure of certain juvenile court records to the child support recovery unit, and federal tax and nontax setoff payments for accrued support, and providing effective dates.

House File 654, an act relating to the amount of contributions to and accumulated increases in the value of certain retirement plans which are exempt from creditors and providing an effective date.

Senate File 114, an act relating to the composition of the medical assistance advisory council.

Senate File 186, an act providing for a tax levy for the county hospital fund in certain counties and providing an effective date.

Senate File 384, an act relating to pay plans for certain employees of the credit union division of the department of commerce.

Senate File 452, an act requiring the use of a uniform prescription drug information card by providers of third-party payment or prepayment of prescription drug expenses.

Senate File 511, an act to legalize certain ordinances and amendments considered and passed by the city of Davenport in accordance with procedures no longer valid, and providing an effective date and for retroactive applicability.

PRESENTATION OF VISITORS

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

Sixteen fifth grade students from Pocahontas Catholic School, Pocahontas, accompanied by Mrs. Beekmann. By Eddie of Buena Vista.

Thirty-one students from Boone Middle School, Boone, accompanied by Mr. McDonald. By O'Brien of Boone.

Thirty students from Elma Elementary School, Elma, accompanied by Lynn Murray. By Quirk of Chickasaw.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

CITIZENS' AIDE/OMBUDSMAN

The Annual Report, pursuant to Chapter 2C, Code of Iowa.

DEPARTMENT OF WORKFORCE DEVELOPMENT

The Fiscal Year 2000 Annual Report, pursuant to Chapter 86.9, 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.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|-----------|---|
| 2001\1048 | Mr. and Mrs. Virgil Corey, Wapello – For celebrating their 60 th wedding anniversary. |
| 2001\1049 | Liz Seiler, Algona – For celebrating her 90 th birthday. |
| 2001\1050 | Tom and Frances Pope, Sioux City – For celebrating their 50 th wedding anniversary. |
| 2001\1051 | John P. and Doris Gibbons, Marshalltown – For celebrating their 65 th wedding anniversary. |
| 2001\1052 | Peggy Jetmund, La Porte City – For celebrating her 80 th birthday. |
| 2001\1053 | Kathryn Bures, Walker – For celebrating her 80 th birthday. |
| 2001\1054 | Oren Hoyt, La Porte City – For celebrating his 80 th birthday. |
| 2001\1055 | Maynard Kint, Manchester – For celebrating his 80 th birthday. |
| 2001\1056 | Irene Wordehoff, Jesup – For celebrating her 80 th birthday. |
| 2001\1057 | Andrew Jensen, Dunkerton – For celebrating his 80 th birthday. |
| 2001\1058 | Grace Brady, Greeley – For celebrating her 80 th birthday. |
| 2001\1059 | Wilbur Weber, La Porte City – For celebrating his 80 th birthday. |

- 2001\1060 Lucy Ward, La Porte City – For celebrating her 80th birthday.
- 2001\1061 Joseph Sadler, Jesup – For celebrating his 80th birthday.
- 2001\1062 H. Arms, Quasqueton – For celebrating his 80th birthday.
- 2001\1063 Dolores Lantz, Waterloo – For celebrating her 80th birthday.
- 2001\1064 Crystal Clemens, Manchester – For celebrating her 80th birthday.
- 2001\1065 Kathryn Keegan, La Porte City – For celebrating her 80th birthday.
- 2001\1066 William Pasker, Manchester – For celebrating his 80th birthday.
- 2001\1067 Elnora Stahr, Manchester – For celebrating her 80th birthday.
- 2001\1068 Eileen Keenan, Manchester – For celebrating her 80th birthday.
- 2001\1069 Rosemary Ryan, Manchester – For celebrating her 80th birthday.
- 2001\1070 Florian Neuroth, Manchester – For celebrating her 80th birthday.
- 2001\1071 Lloyd Hansel, Edgewood – For celebrating his 90th birthday.
- 2001\1072 Marietta Puffett, Dundee – For celebrating her 90th birthday.
- 2001\1073 Alice Grant, Manchester – For celebrating her 90th birthday.
- 2001\1074 Rose Gibbs, Dunlap – For celebrating her 90th birthday.
- 2001\1075 Antone Arrick, Sr., Crescent – For celebrating his 80th birthday.
- 2001\1076 Ethel and Howard Swaney, Mondamin – For celebrating their 70th wedding anniversary.
- 2001\1077 Maxine Hood, Boone – For celebrating her 80th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 441

Ways and Means: Boal, Chair; Hoversten and Huser.

Senate File 514

Ways and Means: Houser, Chair; Kuhn, Richardson, Sievers and Teig.

Senate File 523

Ways and Means: Shey, Chair; Eichhorn and Frevert.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 255**

Ways and Means: Teig, Chair; Kuhn and Sievers.

House Study Bill 256

Ways and Means: Teig, Chair; Kuhn and Sievers.

House Study Bill 257

Ways and Means: Shey, Chair; Boal and Shoultz.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 258 Appropriations**

Relating to the senior living program including provisions relating to and making appropriations from the senior living trust fund to the department of elder affairs and the department of human services, and including effective date and retroactive applicability provisions.

H.S.B. 259 Appropriations

Relating to and making appropriations from the rebuild Iowa infrastructure fund to state departments and agencies, including the department of agriculture and land stewardship, the department of corrections, the department of cultural affairs, the department of economic development, the department of general services, the Iowa state fair foundation, the legislative council, the department of natural resources, the department of public defense, the department of public safety, the state board of regents, the state department of transportation, and the office of treasurer of state, and making appropriations from the environment first fund for environmental purposes to the department of agriculture and land stewardship, the department of economic development, the department of natural resources, the state department of transportation, and the Iowa resources enhancement and protection fund, making related statutory changes, and providing effective dates.

H.S.B. 260 State Government

Providing for congressional and legislative districts and providing an effective date.

H.S.B. 261 Appropriations

Relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

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.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 217), relating to the regulatory authority and procedures of the department of natural resources by providing for the issuance of limited quota licenses and the issuance of licenses and permits by electronic means.

Fiscal Note is not required.

Recommended **Do Pass** April 24, 2001.

Committee Bill (Formerly House File 573), relating to the application of sales and services tax receipts by a political subdivision to the payment of principal and interest of certain bonds.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 25, 2001.

Committee Bill (Formerly House Study Bill 108), exempting from sales and use taxes the sales and rentals made and services furnished to licensed nonprofit nursing facilities.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 25, 2001.

Committee Bill (Formerly House Study Bill 241), relating to the administration of the tax and related laws by the department of revenue and finance, including

administration of state sales and use, real estate transfer, environmental protection charge on petroleum diminution, property, motor fuel, special fuel, and inheritance taxes, authorizing tax agreements with Indian tribes, and including effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 24, 2001.

Committee Bill (Formerly House Study Bill 246), providing an Iowa individual income tax checkoff for deposit in the keep Iowa beautiful fund, making an appropriation, and providing a retroactive applicability date.

Fiscal Note is not required.

Recommended **Do Pass** April 24, 2001.

RESOLUTIONS FILED

HR 42, by T. Taylor, a resolution urging the Iowa Department of Education's program, the Regional Autism Services program, to continue compiling and maintaining yearly records regarding individuals with autism and related disorders.

Laid over under **Rule 25**.

HR 43, by Hahn, a resolution recognizing Iowa's participation in the Industries of the Future Initiatives.

Laid over under **Rule 25**.

SCR 25, by Miller and Fraise, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 State Quarters Program, and to direct the commission to develop designs incorporating a symbol for the state of Iowa.

Laid over under **Rule 25**.

SCR 26, by committee on rules and administration, a concurrent resolution requesting that the Attorney General of the State of Iowa vigorously enforce Iowa corporate farming law which prohibits processors from owning, controlling, or operating a feedlot in Iowa in which hogs or cattle are fed for slaughter.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1695	H.F.	727	Grundberg of Polk
			Carroll of Poweshiek
H-1706	H.F.	714	Cormack of Webster
H-1714	H.F.	718	Senate Amendment
H-1715	S.F.	531	Murphy of Dubuque
			Warnstadt of Woodbury
			Connors of Polk
			Chiodo of Polk
			O'Brien of Boone
			T. Taylor of Linn
H-1716	H.F.	656	Senate Amendment
H-1718	H.F.	727	Carroll of Poweshiek
H-1719	S.F.	528	Huser of Polk
H-1720	S.F.	528	Falck of Fayette
H-1721	S.F.	528	T. Taylor of Linn

On motion by Rants of Woodbury the House adjourned at 9:22 p.m., until 8:45 a.m., Thursday, April 26, 2001.

JOURNAL OF THE HOUSE

One Hundred Ninth Calendar Day - Seventy-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 26, 2001

The House met pursuant to adjournment at 8:47 a.m., Speaker Siegrist in the chair.

Prayer and song were offered by the Reverend Robert E. Connors, pastor of the Union Park Christian Church, Des Moines. He is the brother of Representative John Connors from Polk County.

The Journal of Wednesday, April 25, 2001 was approved.

INTRODUCTION OF BILLS

House File 738, by committee on ways and means, a bill for an act exempting from sales and use taxes the sales and rentals made and services furnished to licensed nonprofit nursing facilities and including an effective and applicability date provision.

Read first time and placed on the **ways and means calendar**.

House File 739, by committee on ways and means, a bill for an act relating to the application of sales and services tax receipts by a political subdivision to the payment of principal and interest of certain bonds.

Read first time and placed on the **ways and means calendar**.

ADOPTION OF HOUSE RESOLUTION 41

Warnstadt of Woodbury called up for consideration **House Resolution 41**, a resolution recognizing Don "Skip" Meisner upon his retirement, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Appropriations Calendar

Senate File 531, 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, with report of committee recommending passage, was taken up for consideration.

The House stood at ease at 9:15 a.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 531 at 10:27 a.m., Speaker Siegrist in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bell of Jasper on request of Myers of Johnson; Huser of Polk, until her return, on request of Myers of Johnson; Millage of Scott, until his arrival, on request of Rants of Woodbury.

Raecker of Polk offered amendment H-1677 filed by him as follows:

H-1677

- 1 Amend Senate File 531, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, line 35, by striking the figure
- 4 "1,336,347" and inserting the following: "1,513,454".
- 5 2. Page 4, line 4, by striking the figure
- 6 "722,552" and inserting the following: "818,311".
- 7 3. Page 7, line 31, by striking the figure
- 8 "1,252,713" and inserting the following: "1,330,592".
- 9 4. Page 9, line 26, by striking the figure
- 10 "728,715" and inserting the following: "877,970".
- 11 5. By striking page 14, line 25, through page 15,
- 12 line 2, and inserting the following:
- 13 "Sec.____. STATE WORKERS' COMPENSATION CLAIMS.
- 14 There is appropriated from the general fund of the
- 15 state to the department of personnel for the fiscal
- 16 year beginning July 1, 2001, and ending June 30, 2002,
- 17 the following amount, or so much thereof as is
- 18 necessary, to be used for the purposes designated:
- 19 For distribution, subject to approval of the
- 20 department of management, to various state departments

21 to fund the premiums for paying workers' compensation
22 claims which are assessed to and collected from the
23 state department by the department of personnel based
24 upon a rating formula established by the department of
25 personnel:
26 \$ 500,000
27 Notwithstanding section 8.39, subsections 1, 3, and
28 4, the department of management may allocate the
29 premium appropriated in this section to the
30 appropriate offices, divisions, or subdivisions within
31 each state department as necessary to pay workers'
32 compensation premiums as recommended by the department
33 of personnel.
34 The premiums collected by the department of
35 personnel shall be segregated into a separate workers'
36 compensation fund in the state treasury to be used for
37 payment of state employees' workers' compensation
38 claims. Notwithstanding section 8.33, unencumbered or
39 unobligated moneys remaining in this workers'
40 compensation fund at the end of the fiscal year shall
41 not revert but shall be available for expenditure for
42 purposes of the fund for subsequent fiscal years.
43 Any funds received by the department of personnel
44 for workers' compensation purposes other than funds
45 appropriated in this section shall be used for the
46 payment of workers' compensation claims and
47 administrative costs."
48 6. Page 15, line 15, by striking the figure
49 "9,625,794" and inserting the following:
50 "10,125,794".

Murphy of Dubuque offered amendment H-1715, to amendment H-1677, filed by Murphy, et al., and requested division as follows:

H-1715

1 Amend the amendment, H-1677, to Senate File 531, as
2 passed by the Senate, as follows:

H-1715A

3 1. Page 1, by inserting after line 2 the
4 following:
5 "___". Page 1, line 31, by striking the figure
6 "427,869" and inserting the following: "496,795".

H-1715B

7 2. Page 1, by inserting after line 8 the
8 following:
9 "___". Page 9, line 21, by striking the figure

H-1715B

10 "108.00" and inserting the following: "111.00".

H-1715C

11 3. Page 1, line 26, by striking the figure
12 "500,000" and inserting the following: "1,700,000".

H-1715A

13 4. Page 1, line 50, by striking the figure
14 "10,125,794" and inserting the following:
15 "10,753,828".
16 5. Page 1, by inserting after line 50 the
17 following:
18 "___ Page 15, line 23, by striking the figure
19 "10,237,208" and inserting the following:
20 "11,517,347".
21 6. Page 1, by inserting after line 50 the
22 following:
23 "___ Page 16, line 6, by striking the figure
24 "55,610" and inserting the following: "62,980".
25 7. Page 1, by inserting after line 50 the
26 following:
27 "___ Page 16, line 9, by striking the figure
28 "62,250" and inserting the following: "70,500".
29 8. Page 1, by inserting after line 50 the
30 following:
31 "___ Page 17, line 9, by striking the figure
32 "655,234" and inserting the following: "795,573".
33 9. Page 1, by inserting after line 50 the
34 following:
35 "___ Page 17, line 19, by striking the figure
36 "1,532,728" and inserting the following:
37 "1,746,660".
38 10. Page 1, by inserting after line 50 the
39 following:
40 "___ Page 17, by inserting after line 23 the
41 following:
42 "4. OFFICIAL REGISTER
43 For costs incurred in the printing of the official
44 register:
45 \$ 50,000"
46 11. Page 1, by inserting after line 50 the
47 following:
48 "___ Page 17, line 32, by striking the figure
49 "815,580" and inserting the following: "923,669".
50 12. By renumbering as necessary.

Murphy of Dubuque moved the adoption of amendment H-1715A, to amendment H-1677.

Amendment H-1715A lost.

Murphy of Dubuque moved the adoption of amendment H-1715B, to amendment H-1677.

Roll call was requested by Murphy of Dubuque and Warnstadt of Woodbury.

On the question "Shall amendment H-1715B, to amendment H-1677 be adopted?" (S.F. 531)

The ayes were, 39:

Atteberry	Bukta	Chiodo	Cohoon
Connors	Dotzler	Falck	Foege
Ford	Frevert	Greimann	Hatch
Jochum	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Mertz
Murphy	O'Brien	Osterhaus	Petersen
Quirk	Reynolds	Richardson	Scherrman
Schrader	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	

The nays were, 55:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Garman	Gipp
Hahn	Hansen	Heaton	Hoffman
Horbach	Houser	Hoversten	Huseman
Jacobs	Jenkins	Johnson	Kettering
Klemme	Larson	Manternach	Metcalf
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Sievers	Sukup
Teig	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Mr. Speaker	
		Siegrist	

Absent or not voting, 6:

Bell	Grundberg	Huser	Millage
Myers	Witt		

Amendment H-1715B lost.

T. Taylor of Linn moved the adoption of amendment H-1715C, to amendment H-1677.

Roll call was requested by T. Taylor of Linn and Murphy of Dubuque.

On the question "Shall amendment H-1715C, to amendment H-1677 be adopted?" (S.F. 531)

The ayes were, 38:

Atteberry	Bukta	Chiodo	Cphoon
Connors	Dotzler	Falck	Foege
Ford	Frevert	Greimann	Hatch
Jochum	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Mertz
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Reynolds	Richardson
Scherrman	Schrader	Seng	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise		

The nays were, 53:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cormack	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Fallon
Finch	Garman	Gipp	Grundberg
Hahn	Hansen	Hoffman	Horbach
Houser	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Kettering	Klemme
Larson	Manternach	Metcalf	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Sievers	Sukup	Teig
Tymeson	Tyrrell	Van Engelenhoven	Weidman
Mr. Speaker			
Siegrist			

Absent or not voting, 9:

Bell	De Boef	Heaton	Huser
Millage	Shoultz	Smith	Van Fossen
Witt			

Amendment H-1715C lost.

On motion by Raecker of Polk amendment H-1677 was adopted.

Raecker 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. 531)

The ayes were, 54:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Finch	Garman	Gipp	Grundberg
Hahn	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Kettering	Klemme
Larson	Manternach	Metcalf	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Sievers	Sukup	Teig
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Mr. Speaker		
	Siegrist		

The nays were, 40:

Atteberry	Bukta	Chiodo	Cohoon
Connors	Dotzler	Falck	Fallon
Foege	Ford	Frevert	Greimann
Jochum	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Reynolds	Richardson	Scherrman
Schrader	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	Witt

Absent or not voting, 6:

Bell
Mertz

Hansen
Millage

Houser

Huser

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

SENATE AMENDMENTS CONSIDERED

Hoversten of Woodbury called up for consideration **House File 680**, a bill for an act relating to child and dependent abuse reporting and civil remedies pertaining to such reporting, amended by the Senate, and moved that the House concur in the following Senate amendment H-1653:

H-1653

1 Amend House File 680, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, lines 21 and 22, by striking the words
4 "must have completed" and inserting the following:
5 "is in compliance with".

6 2. Page 3, by striking lines 26 through 29 and
7 inserting the following: "However, the licensing
8 board may adopt rules providing for waiver or
9 suspension of the compliance requirements, if the
10 waiver or suspension is in the public interest,
11 applicable to a person who is engaged in active duty
12 in the military service of this state or of the United
13 States, to a person for whom compliance with the
14 training requirements would impose a significant
15 hardship, or to a person who is practicing a licensed
16 profession outside this state or is otherwise subject
17 to circumstances that would preclude the person from
18 encountering child abuse in this state."

19 3. Page 5, by inserting after line 32 the
20 following:

21 "Sec. ____ Section 235B.3, subsection 7,
22 unnumbered paragraph 1, Code 2001, is amended to read
23 as follows:

24 The department shall inform the appropriate county
25 attorneys of any reports of dependent adult abuse.

26 The department may request information from any person
27 believed to have knowledge of a case of dependent
28 adult abuse. The person, including but not limited to
29 a county attorney, a law enforcement agency, a
30 multidisciplinary team, or a social services agency in
31 the state, or any person who is required pursuant to

32 subsection 2 to report dependent adult abuse, whether
 33 or not the person made the specific dependent adult
 34 abuse report, shall cooperate and assist in the
 35 evaluation upon the request of the department. If the
 36 department's assessment reveals that dependent adult
 37 abuse exists which might constitute a criminal
 38 offense, a report shall be made to the appropriate law
 39 enforcement agency. County attorneys and appropriate
 40 law enforcement agencies shall also take any other
 41 lawful action necessary or advisable for the
 42 protection of the dependent adult."

43 4. Page 7, line 35, by striking the words "must
 44 have completed" and inserting the following: "is in
 45 compliance with".

46 5. Page 8, line 4, by inserting after the word
 47 "requirements." the following: "However, the
 48 licensing board may adopt rules providing for waiver
 49 or suspension of the compliance requirements, if the
 50 waiver or suspension is in the public interest,

Page 2

1 applicable to a person who is engaged in active duty
 2 in the military service of this state or of the United
 3 States, to a person for whom compliance with the
 4 training requirements would impose a significant
 5 hardship, or to a person who is practicing a licensed
 6 profession outside this state or is otherwise subject
 7 to circumstances that would preclude the person from
 8 encountering dependent adult abuse in this state."

The motion prevailed and the House concurred in the Senate amendment H-1653.

Hoversten 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. 680)

The ayes were, 90:

Alons	Arnold	Atteberry	Barry
Baudler	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cphoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie

Eichhorn	Falck	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Hahn	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jochum	Johnson
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 10:

Bell	Elgin	Grundberg	Hansen
Houser	Huser	Jenkins	Millage
Murphy	Sukup		

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

Dix of Butler in the chair at 11:46 a.m.

May of Worth called up for consideration **House File 561**, a bill for an act repealing the requirement to fly a flag or pennant on an all-terrain vehicle or snowmobile when operating on a public road or street, amended by the Senate, and moved that the House concur in the following Senate amendment H-1480:

H-1480

- 1 Amend House File 561, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Section 1. Section 321.234A, Code 2001, is
- 6 amended by striking the section and inserting in lieu
- 7 thereof the following:
- 8 321.234A ALL-TERRAIN VEHICLES – BICYCLE SAFETY
- 9 FLAG REQUIRED.

10 1. All-terrain vehicles shall be operated on a
 11 highway only between sunrise and sunset and only when
 12 the operation on the highway is incidental to the
 13 vehicle's use for agricultural purposes. A person
 14 operating an all-terrain vehicle on a highway shall
 15 have a valid driver's license and the vehicle shall be
 16 operated at speeds of thirty-five miles per hour or
 17 less.

18 2. A person convicted of a violation of this
 19 section is guilty of a simple misdemeanor punishable
 20 as a scheduled violation under section 805.8,
 21 subsection 4, paragraph "b".

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

24 "Sec.____. Section 321G.13, subsection 12, Code
 25 2001, is amended by striking the subsection.

26 Sec.____. Section 805.8, subsection 4, paragraph
 27 b, Code 2001, is amended to read as follows:

28 b. For operating violations under section 321G.9,
 29 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11,
 30 and 321G.13, ~~subsections 4 and 9~~ subsection 4, the
 31 scheduled fine is twenty dollars. For violations of
 32 section 321.234A, the scheduled fine is one hundred
 33 dollars."

34 3. Title page, by striking line 1, and inserting
 35 the following: "An Act modifying prohibitions
 36 relating to the operation of an".

37 4. Title page, lines 2 and 3, by striking the
 38 words "when operating on a public road or street."

39 5. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1480.

May of Worth 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. 561)

The ayes were, 79:

Alons	Arnold	Atteberry	Barry
Boddicker	Boggess	Bradley	Brauns
Broers	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Falck	Fallon	Finch
Foege	Ford	Garman	Gipp
Hahn	Heaton	Hoffman	Horbach

Houser	Huseman	Jacobs	Jochum
Johnson	Klemme	Kuhn	Larkin
Larson	Manternach	Mascher	May
Mertz	Metcalf	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Reynolds
Richardson	Scherrman	Schrader	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wise	Witt	Dix,	
		Presiding	

The nays were, 15:

Baudler	Boal	Brunkhorst	De Boef
Frevert	Greimann	Hatch	Hoversten
Jenkins	Kettering	Kreiman	Lensing
Roberts	Tymeson	Winckler	

Absent or not voting, 6:

Bell	Grundberg	Hansen	Huser
Millage	Murphy		

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

Ways and Means Calendar

Senate File 185, a bill for an act relating to the definition of factory-built structures, the relocation of factory-built structures, the certification of installers of manufactured homes, and providing a fee, an appropriation, and a civil penalty, with report of committee recommending passage, was taken up for consideration.

Shey 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. 185)

The ayes were, 98:

Alons	Arnold	Atteberry	Barry
Baudler	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst

Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Falck	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Houser	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Kettering	Klemme	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Witt	Dix,		
	Presiding		

The nays were, 1:

Kreiman

Absent or not voting, 1:

Bell

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 26, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 711, a bill for an act relating to the levy of tax assessments for drainage or levee districts.

Also: That the Senate has on April 26, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 715, 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, sales and use, franchise, hotel and motel, environmental protection charge on petroleum diminution, property, cigarette and tobacco products, and inheritance taxes, local option taxes, and including effective and retroactive applicability date provisions.

Also: That the Senate has on April 26, 2001, 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 350, a bill for an act making transportation-related Code changes relating to temporary restricted permits and temporary entry and exit permits, railroad crossings, the content of driver's licenses and nonoperator's identification cards, child restraint devices in motor vehicles, hours of service, unsatisfied judgments, and bulk liquid transport.

MICHAEL E. MARSHALL, Secretary

Appropriations Calendar

Senate File 527, a bill for an act relating to and making appropriations to the judicial branch, with report of committee recommending passage, was taken up for consideration.

Horbach of Tama 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. 527)

The ayes were, 91:

Alons	Arnold	Atteberry	Barry
Baudler	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Falck	Finch	Foege
Frevort	Garman	Gipp	Greimann
Hahn	Hansen	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Kettering	Klemme	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons

Rekow	Reynolds	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Siegrist, Spkr.	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Winckler
Wise	Witt	Dix,	
		Presiding	

The nays were, 6:

Fallon	Ford	Hatch	Kreiman
Murphy	Richardson		

Absent or not voting, 3:

Bell	Grundberg	Houser
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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

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 561, 680 and Senate File 185.**

Ways and Means Calendar

House File 722, a bill for an act relating to tonnage fees and moneys in the solid waste account of the groundwater protection fund, and providing an effective date, was taken up for consideration.

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?" (H.F. 722)

The ayes were, 95:

Alons	Arnold	Atteberry	Barry
Baudler	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Cohoon	Connors
Cormack	De Boef	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin

Falck	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Houser
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Roberts
Scherrman	Seng	Shey	Shoultz
Siegrist, Spkr.	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Winckler
Wise	Witt	Dix,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Bell	Carroll	Fallon	Richardson
Schrader			

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bukta of Clinton, for the remainder of the day, on request of Myers of Johnson.

House File 731, a bill for an act regarding certain changes relating to the utility replacement tax, and providing for the Act's applicability, was taken up for consideration.

Hoffman of Crawford 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. 731)

The ayes were, 92:

Alons	Arnold	Atteberry	Barry
Baudler	Boal	Boddicker	Boggess
Bradley	Broers	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Falck	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Hoffman	Horbach
Houser	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Reynolds
Roberts	Scherrman	Seng	Shey
Shoultz	Siegrist, Spkr.	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Winckler	Wise	Witt	Dix,
			Presiding

The nays were, none.

Absent or not voting, 8:

Bell	Brauns	Brunkhorst	Bukta
Fallon	Heaton	Richardson	Schrader

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

Larson of Linn in the chair at 12:38 p.m.

Unfinished Business Calendar

Senate File 392, a bill for an act relating to appeals filed in juvenile court proceedings, with report of committee recommending passage, was taken up for consideration.

Broers 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. 392)

The ayes were, 94:

Alons	Arnold	Atteberry	Barry
Baudler	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Falck	Finch	Foege
Ford	Frevert	Garman	Gipp
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Houser
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Kettering
Klemme	Kreiman	Kuhn	Larkin
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Rekow	Reynolds	Roberts	Scherrman
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Witt	Larson,		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Bell	Bukta	Fallon	Greimann
Richardson	Schrader		

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

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 722, 731 and Senate File 392.**

Ways and Means Calendar

Senate File 499, a bill for an act making changes to and reorganizing scheduled fines, with report of committee recommending passage, was taken up for consideration.

Baudler of Adair offered amendment H-1460 filed by the committee on judiciary as follows:

H-1460

- 1 Amend Senate File 499, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 24, by striking the word "ten"
- 4 and inserting the following: "five".
- 5 2. Page 1, line 26, by striking the word
- 6 "fifteen" and inserting the following: "ten".
- 7 3. Page 1, line 32, by striking the word "ten"
- 8 and inserting the following: "five".
- 9 4. Page 3, line 18, by striking the word "Thirty"
- 10 and inserting the following: "Twenty".
- 11 5. Page 3, line 20, by striking the word "Forty"
- 12 and inserting the following: "Thirty".
- 13 6. Page 3, line 22, by striking the word "Fifty"
- 14 and inserting the following: "Forty".
- 15 7. Page 3, line 24, by striking the words "Fifty
- 16 dollars plus five" and inserting the following:
- 17 "Forty dollars plus two".
- 18 8. Page 3, line 31, by striking the word "Thirty"
- 19 and inserting the following: "Twenty".
- 20 9. Page 3, line 33, by striking the word "Fifty"
- 21 and inserting the following: "Forty".
- 22 10. Page 3, line 35, by striking the word
- 23 "Seventy" and inserting the following: "Sixty".
- 24 11. Page 4, line 2, by striking the words
- 25 "Seventy dollars plus five" and inserting the
- 26 following: "Sixty dollars plus two".

Jacobs of Polk asked and received unanimous consent that Senate File 499 be deferred and that the bill retain its place on the calendar. (Amendment H-1460 pending)

Sukup of Franklin in the chair at 12:53 p.m.

House File 733, a bill for an act relating to the Iowa individual health benefit reinsurance association and the Iowa comprehensive health insurance association, by changing the board of directors,

membership, and assessment related to the associations, and making changes related to adjustments in the coverage of basic and standard health benefit plans, was taken up for consideration.

They 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?" (H.F. 733)

The ayes were, 94:

Alons	Arnold	Atteberry	Barry
Baudler	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Falck	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Houser	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Rants
Rayhons	Rekow	Reynolds	Roberts
Scherrman	Seng	Shey	Shoultz
Siegrist, Spkr.	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Witt	Sukup,		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Bell	Bukta	Fallon	Raecker
Richardson	Schrader		

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

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 733** be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth, for the remainder of the day and for Friday, April 27, 2001, on request of Myers of Johnson; Schrader of Marion, for the remainder of the day, on request of Myers of Johnson.

House File 727, a bill for an act relating to county mental health, mental retardation, and developmental disabilities services provisions involving capital expenditures and the funding pools in the property tax relief fund for such services expenditures and providing effective and retroactive applicability dates, was taken up for consideration.

Dix of Butler in the chair at 1:11 p.m.

Carroll of Poweshiek offered the following amendment H-1691 filed by him and moved its adoption:

H-1691

1 Amend House File 727 as follows:

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

4 "DIVISION I

5 ALLOWED GROWTH FUNDING POOLS"

6 2. By striking page 1, line 35 through page 2,
7 line 5 and inserting the following:

8 "(3) In the fiscal year that commenced two years
9 prior to the fiscal year of distribution, the county's
10 mental health, mental retardation, and developmental
11 disabilities services fund ending balance under
12 generally accepted accounting principles was equal to
13 or less than twenty-five percent of the county's
14 actual gross expenditures for the fiscal year that
15 commenced two years prior to the fiscal year of
16 distribution."

17 3. Page 4, by striking lines 16 through 30.

18 4. Page 5, line 2, by inserting before the word
19 "Act" the following: "division of this".

- 20 5. Page 5, line 4, by inserting before the word
21 "Act" the following: "division of this".
22 6. Page 5, by striking lines 7 and 8.
23 7. Page 5, line 9, by inserting before the word
24 "Act" the following: "division of this".
25 8. By striking page 5, line 22, through page 6,
26 line 6.
27 9. Title page, by striking lines 1 through 3 and
28 inserting the following: "An Act relating to mental
29 health, mental retardation, and developmental
30 disabilities service provisions, including county
31 funding".
32 10. Title page, line 4, by striking the words
33 "relief fund".
34 11. By renumbering as necessary.

Amendment H-1691 was adopted.

Carroll of Poweshiek offered the following amendment H-1718 filed by him and moved its adoption:

H-1718

- 1 Amend House File 727 as follows:
2 1. Page 6, by inserting after line 6 the
3 following:
4 "DIVISION ____
5 DISPUTED BILLINGS
6 Sec. ____ DISPUTED BILLINGS.
7 1. To the extent allowable under federal law or
8 regulation, if the costs of a service are payable in
9 whole or in part by a county in accordance with a
10 chapter of the Code listed in this section, the
11 service was rendered prior to July 1, 1997, and the
12 county that would be obligated to pay for the costs of
13 the service has not been billed for the service or has
14 disputed the billing prior to the effective date of
15 this section, or the state has fully charged off the
16 cost of the service to an appropriation made in a
17 prior fiscal year or has not provided information to
18 appropriately document the basis for the billing, the
19 county shall have no obligation to pay for the
20 service.
21 2. This section is applicable to service costs
22 that are a county obligation under the following
23 chapters of the Code:
24 a. Chapter 222.
25 b. Chapter 230.
26 c. Chapter 249A.
27 Sec. ____ EFFECTIVE DATE - APPLICABILITY. This
28 division of this Act, being deemed of immediate

- 29 importance, takes effect upon enactment."
30 2. By renumbering as necessary.

Amendment H-1718 was adopted.

Carroll of Poweshiek offered amendment H-1639 filed by him and Huser of Polk as follows:

H-1639

- 1 Amend House File 727 as follows:
2 1. Page 6, by inserting before line 7, the
3 following:
4 "DIVISION ____
5 INVOLUNTARY COMMITMENT PLACEMENTS
6 Section 1. Section 229.6A, subsection 2, Code
7 2001, is amended to read as follows:
8 2. The procedural requirements of this chapter are
9 applicable to minors involved in hospitalization
10 proceedings pursuant to subsection 1 and placement
11 proceedings pursuant to section 229.14B.
12 Sec. ____ Section 229.13, Code 2001, is amended to
13 read as follows:
14 229.13 EVALUATION ORDER – OUTPATIENT TREATMENT –
15 UNAUTHORIZED DEPARTURE OR FAILURE TO APPEAR.
16 ~~If upon completion of the hearing the court finds~~
17 ~~that the contention that the respondent has a serious~~
18 ~~mental impairment is sustained by clear and convincing~~
19 ~~evidence, the court shall order a respondent whose~~
20 ~~expenses are payable in whole or in part by a county~~
21 ~~committed to the care of a hospital or facility~~
22 ~~designated through the single entry point process, and~~
23 ~~shall order any other respondent committed to the care~~
24 ~~of a hospital or a facility licensed to care for~~
25 ~~persons with mental illness or substance abuse or~~
26 ~~under the care of a facility that is licensed to care~~
27 ~~for persons with mental illness or substance abuse on~~
28 ~~an outpatient basis as expeditiously as possible for a~~
29 ~~complete psychiatric evaluation and appropriate~~
30 ~~treatment.~~
31 1. If upon completion of the hospitalization
32 hearing the court finds by clear and convincing
33 evidence that the respondent has a serious mental
34 impairment, the court shall order the respondent
35 committed as expeditiously as possible for a complete
36 psychiatric evaluation and appropriate treatment as
37 follows:
38 a. The court shall order a respondent whose
39 expenses are payable in whole or in part by a county
40 placed under the care of an appropriate hospital or
41 facility licensed to care for persons with mental

42 illness or substance abuse designated through the
43 single entry point process on an inpatient or
44 outpatient basis.

45 b. The court shall order any other respondent
46 placed under the care of an appropriate hospital or
47 facility licensed to care for persons with mental
48 illness or substance abuse on an inpatient or
49 outpatient basis.

50 2. The court shall provide notice to the

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1 respondent and the respondent's attorney of the
2 placement order under subsection 1. The court shall
3 advise the respondent and the respondent's attorney
4 that the respondent has a right to request a placement
5 hearing held in accordance with the requirements of
6 section 229.14B.

7 3. If the respondent is ordered at the a hearing
8 to undergo outpatient treatment, the outpatient
9 treatment provider must be notified and agree to
10 provide the treatment prior to placement of the
11 respondent under the treatment provider's care.

12 4. The court shall furnish to the chief medical
13 officer of the hospital or facility at the time the
14 respondent arrives at the hospital or facility for
15 inpatient or outpatient treatment a written finding of
16 fact setting forth the evidence on which the finding
17 is based. If the respondent is ordered to undergo
18 outpatient treatment, the order shall also require the
19 respondent to cooperate with the treatment provider
20 and comply with the course of treatment.

21 5. The chief medical officer of the hospital or
22 facility at which the respondent is placed shall
23 report to the court no more than fifteen days after
24 the individual respondent is admitted to or placed
25 under the care of the hospital or facility, making a
26 recommendation for disposition of the matter. An
27 extension of time may be granted, for not to exceed
28 seven days upon a showing of cause. A copy of the
29 report shall be sent to the respondent's attorney, who
30 may contest the need for an extension of time if one
31 is requested. Extension An extension of time shall be
32 granted upon request unless the request is contested,
33 in which case the court shall make such inquiry as it
34 deems appropriate and may either order the
35 respondent's release from the hospital or facility or
36 grant extension of time for psychiatric evaluation.
37 If the chief medical officer fails to report to the
38 court within fifteen days after the individual is
39 admitted to or placed under the care of the hospital
40 or facility, and no an extension of time has not been

41 requested, the chief medical officer is guilty of
42 contempt and shall be punished under chapter 665. The
43 court shall order a rehearing on the application to
44 determine whether the respondent should continue to be
45 held detained at or placed under the care of the
46 facility.

47 6. If, after placement ~~and admission~~ of a
48 respondent in or under the care of a hospital or other
49 suitable facility for inpatient treatment, the
50 respondent departs from the hospital or facility or

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1 fails to appear for treatment as ordered without prior
2 proper authorization from the chief medical officer,
3 upon receipt of notification of the respondent's
4 departure or failure to appear by the chief medical
5 officer, a peace officer of the state shall without
6 further order of the court exercise all due diligence
7 to take the respondent into protective custody and
8 return the respondent to the hospital or facility.
9 Sec. _____. Section 229.14, Code 2001, is amended to
10 read as follows:

11 229.14 CHIEF MEDICAL OFFICER'S REPORT.

12 1. The chief medical officer's report to the court
13 on the psychiatric evaluation of the respondent shall
14 be made not later than the expiration of the time
15 specified in section 229.13. At least two copies of
16 the report shall be filed with the clerk, who shall
17 dispose of them in the manner prescribed by section
18 229.10, subsection 2. The report shall state one of
19 the four following alternative findings:

20 1. a. That the respondent does not, as of the date
21 of the report, require further treatment for serious
22 mental impairment. If the report so states, the court
23 shall order the respondent's immediate release from
24 involuntary hospitalization and terminate the
25 proceedings.

26 2. b. That the respondent is seriously mentally
27 impaired and in need of full-time custody, care and
28 inpatient treatment in a hospital, and is considered
29 likely to benefit from treatment. ~~If the report so~~
30 ~~states, the court shall enter an order which may~~
31 ~~require the respondent's continued hospitalization for~~
32 ~~appropriate treatment. The report shall include the~~
33 chief medical officer's recommendation for further
34 treatment.

35 3. c. That the respondent is seriously mentally
36 impaired and in need of treatment, but does not
37 require full-time hospitalization. If the report so
38 states, it shall include the chief medical officer's
39 recommendation for treatment of the respondent on an

40 outpatient or other appropriate basis, and the court
41 shall enter an order which may direct the respondent
42 to submit to the recommended treatment. The order
43 shall provide that if the respondent fails or refuses
44 to submit to treatment as directed by the court's
45 order, the court may order that the respondent be
46 taken into immediate custody as provided by section
47 229.11 and, following notice and hearing held in
48 accordance with the procedures of section 229.12, may
49 order the respondent treated as a patient requiring
50 full-time custody, care, and treatment in a hospital

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1 until such time as the chief medical officer reports
2 that the respondent does not require further treatment
3 for serious mental impairment or has indicated the
4 respondent is willing to submit to treatment on
5 another basis as ordered by the court. If a patient
6 is transferred for treatment to another provider under
7 this subsection, the treatment provider who will be
8 providing the outpatient or other appropriate
9 treatment shall be provided with relevant court orders
10 by the former treatment provider.

11 4. d. The respondent is seriously mentally
12 impaired and in need of full-time custody and care,
13 but is unlikely to benefit from further inpatient
14 treatment in a hospital. If the report so states, the
15 The report shall include the chief medical officer
16 officer's shall recommend recommendation for an
17 alternative placement for the respondent and the court
18 shall enter an order which may direct the respondent's
19 transfer to the recommended placement.

20 2. Following receipt of the chief medical
21 officer's report under subsection 1, paragraph "b",
22 "c", or "d", the court shall issue an order for
23 appropriate treatment as follows:

24 a. For a respondent whose expenses are payable in
25 whole or in part by a county, placement as designated
26 through the single entry point process in the care of
27 an appropriate hospital or facility on an inpatient or
28 outpatient basis, or other appropriate treatment, or
29 in an alternative placement.

30 b. For any other respondent, placement in the care
31 of an appropriate hospital or facility on an inpatient
32 or outpatient basis, or other appropriate treatment,
33 or an alternative placement.

34 c. A For a respondent who is an inmate in the
35 custody of the department of corrections may, as a
36 court-ordered alternative placement, the court may
37 order the respondent to receive mental health services
38 in a correctional program. If the court or the

39 respondent's attorney considers the placement
40 inappropriate, an alternative placement may be
41 arranged upon consultation with the chief medical
42 officer and approval of the court.
43 d. If the court orders treatment of the respondent
44 on an outpatient or other appropriate basis as
45 described in the chief medical officer's report
46 pursuant to subsection 1, paragraph "c", the order
47 shall provide that, should the respondent fail or
48 refuse to submit to treatment in accordance with the
49 court's order, the court may order that the respondent
50 be taken into immediate custody as provided by section

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1 229.11 and, following notice and hearing held in
2 accordance with the procedures of section 229.12, may
3 order the respondent treated as on an inpatient basis
4 requiring full-time custody, care, and treatment in a
5 hospital until such time as the chief medical officer
6 reports that the respondent does not require further
7 treatment for serious mental impairment or has
8 indicated the respondent is willing to submit to
9 treatment on another basis as ordered by the court.
10 If a patient is transferred for treatment to another
11 provider under this paragraph, the treatment provider
12 who will be providing the outpatient or other
13 appropriate treatment shall be provided with relevant
14 court orders by the former treatment provider.

15 Sec. ____ Section 229.14A, Code 2001, is amended
16 to read as follows:

17 229.14A ESCAPE FROM CUSTODY.

18 A person who is placed in a hospital or other
19 suitable facility for evaluation under section 229.13
20 or who is required to remain hospitalized for
21 treatment under section 229.14, ~~subsection 2~~, shall
22 remain at that hospital or facility unless discharged
23 or otherwise permitted to leave by the court or the
24 chief medical officer of the hospital or facility. If
25 a person placed at a hospital or facility or required
26 to remain at a hospital or facility leaves the
27 facility without permission or without having been
28 discharged, the chief medical officer may notify the
29 sheriff of the person's absence and the sheriff shall
30 take the person into custody and return the person
31 promptly to the hospital or facility.

32 Sec. ____ NEW SECTION. 229.14B PLACEMENT ORDER 33 - NOTICE AND HEARING.

34 1. With respect to a chief medical officer's
35 report made pursuant to section 229.14, subsection 1,
36 paragraph "b", "c", or "d", or any other provision of
37 this chapter related to involuntary commitment for

38 which the court issues a placement order or a transfer
39 of placement is authorized, the court shall provide
40 notice to the respondent and the respondent's attorney
41 or mental health advocate pursuant to section 229.19
42 concerning the placement order and the respondent's
43 right to request a placement hearing to determine if
44 the order for placement or transfer of placement is
45 appropriate.

46 2. The notice shall provide that a request for a
47 placement hearing must be in writing and filed with
48 the clerk within seven days of issuance of the
49 placement order.

50 3. A request for a placement hearing may be signed

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1 by the respondent, the respondent's next friend,
2 guardian, or attorney.

3 4. The court, on its own motion, may order a
4 placement hearing to be held.

5 5. a. A placement hearing shall be held no sooner
6 than four days and no later than seven days after the
7 request for the placement hearing is filed unless
8 otherwise agreed to by the parties.

9 b. The respondent may be transferred to the
10 placement designated by the court's placement order
11 and receive treatment unless a request for hearing is
12 filed prior to the transfer. If the request for a
13 placement hearing is filed prior to the transfer, the
14 court shall determine where the respondent shall be
15 detained and treated until the date of the hearing.

16 c. If the respondent's attorney has withdrawn
17 pursuant to section 229.19, the court shall appoint an
18 attorney for the respondent in the manner described in
19 section 229.8, subsection 1.

20 6. Time periods shall be calculated for the
21 purposes of this section excluding weekends and
22 official holidays.

23 7. If a respondent's expenses are payable in whole
24 or in part by a county through the single entry point
25 process, notice of a placement hearing shall be
26 provided to the county attorney and the county's
27 single entry point process administrator. At the
28 hearing, the county may present evidence regarding
29 appropriate placement.

30 8. In a placement hearing, the court shall
31 determine a placement for the respondent in accordance
32 with the requirements of section 229.23, taking into
33 consideration the evidence presented by all the
34 parties.

35 9. A placement made pursuant to an order entered
36 under section 229.13 or 229.14 or this section shall

37 be considered to be authorized through the single
38 entry point process.

39 Sec. ____ Section 229.15, subsections 1 through 3,
40 Code 2001, are amended to read as follows:

41 1. Not more than thirty days after entry of an
42 order for continued hospitalization of a patient under
43 section 229.14, subsection 2 1, paragraph "b", and
44 thereafter at successive intervals of not more than
45 sixty days continuing so long as involuntary
46 hospitalization of the patient continues, the chief
47 medical officer of the hospital shall report to the
48 court which entered the order. The report shall be
49 submitted in the manner required by section 229.14,
50 shall state whether the patient's condition has

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1 improved, remains unchanged, or has deteriorated, and
2 shall indicate if possible the further length of time
3 the patient will be required to remain at the
4 hospital. The chief medical officer may at any time
5 report to the court a finding as stated in section
6 229.14, subsection 4 1, and the court shall act
7 ~~thereon upon the finding~~ as required by ~~that~~ section
8 229.14, subsection 2.

9 2. Not more than sixty days after the entry of a
10 court order for treatment of a patient pursuant to a
11 report issued under section 229.14, subsection 3 1,
12 paragraph "c", and thereafter at successive intervals
13 as ordered by the court but not to exceed ninety days
14 so long as that court order remains in effect, the
15 medical director of the facility treating the patient
16 shall report to the court which entered the order.
17 The report shall state whether the patient's condition
18 has improved, remains unchanged, or has deteriorated,
19 and shall indicate if possible the further length of
20 time the patient will require treatment by the
21 facility. If at any time the patient without good
22 cause fails or refuses to submit to treatment as
23 ordered by the court, the medical director shall at
24 once so notify the court, which shall order the
25 patient hospitalized as provided by section 229.14,
26 subsection 3 2, paragraph "d", unless the court finds
27 that the failure or refusal was with good cause and
28 that the patient is willing to receive treatment as
29 provided in the court's order, or in a revised order
30 if the court sees fit to enter one. If at any time
31 the medical director reports to the court that in the
32 director's opinion the patient requires full-time
33 custody, care and treatment in a hospital, and the
34 patient is willing to be admitted voluntarily to the
35 hospital for these purposes, the court may enter an

36 order approving hospitalization for appropriate
37 treatment upon consultation with the chief medical
38 officer of the hospital in which the patient is to be
39 hospitalized. If the patient is unwilling to be
40 admitted voluntarily to the hospital, the procedure
41 for determining involuntary hospitalization, as set
42 out in section 229.14, subsection 3 2, paragraph "d",
43 shall be followed.

44 3. When a patient has been placed in a an
45 alternative facility other than a hospital pursuant to
46 a report issued under section 229.14, subsection 4 1,
47 paragraph "d", a report on the patient's condition and
48 prognosis shall be made to the court which placed the
49 patient, at least once every six months, unless the
50 court authorizes annual reports. If an evaluation of

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1 the patient is performed pursuant to section 227.2,
2 subsection 4, a copy of the evaluation report shall be
3 submitted to the court within fifteen days of the
4 evaluation's completion. The court may in its
5 discretion waive the requirement of an additional
6 report between the annual evaluations. If the
7 administrator exercises the authority to remove
8 residents from a county care facility or other county
9 or private institution under section 227.6, the
10 administrator shall promptly notify each court which
11 placed in that facility any resident so removed.

12 Sec. ____ Section 229.15, subsection 4, Code 2001,
13 is amended by striking the subsection and inserting in
14 lieu thereof the following:

15 4. a. When in the opinion of the chief medical
16 officer the best interest of a patient would be served
17 by a convalescent or limited leave, the chief medical
18 officer may authorize the leave and, if authorized,
19 shall promptly report the leave to the court. When in
20 the opinion of the chief medical officer the best
21 interest of a patient would be served by a transfer to
22 a different hospital for continued full-time custody,
23 care, and treatment, the chief medical officer shall
24 promptly send a report to the court. The court shall
25 act upon the report in accordance with section
26 229.14B.

27 b. This subsection shall not be construed to add
28 to or restrict the authority otherwise provided by law
29 for transfer of patients or residents among various
30 state institutions administered by the department of
31 human services. If a patient is transferred under
32 this subsection, the treatment provider to whom the
33 patient is transferred shall be provided with copies
34 of relevant court orders by the former treatment

35 provider.

36 Sec.____. Section 229.16, Code 2001, is amended to
37 read as follows:

38 229.16 DISCHARGE AND TERMINATION OF PROCEEDING.

39 When the condition of a patient who is hospitalized
40 pursuant to a report issued under section 229.14,
41 subsection 2 1, paragraph "b", or is receiving
42 treatment pursuant to a report issued under section
43 229.14, subsection 3 1, paragraph "c", or is in full-
44 time care and custody pursuant to a report issued
45 under section 229.14, subsection 4 1, paragraph "d",
46 is such that in the opinion of the chief medical
47 officer the patient no longer requires treatment or
48 care for serious mental impairment, the chief medical
49 officer shall tentatively discharge the patient and
50 immediately report that fact to the court which

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1 ordered the patient's hospitalization or care and
2 custody. ~~The court shall thereupon~~ Upon receiving the
3 report, the court shall issue an order confirming the
4 patient's discharge from the hospital or from care and
5 custody, as the case may be, and shall terminate the
6 proceedings pursuant to which the order was issued.
7 Copies of the order shall be sent by regular mail to
8 the hospital, the patient, and the applicant if the
9 applicant has filed a written waiver signed by the
10 patient.

11 Sec.____. Section 229.17, Code 2001, is amended to
12 read as follows:

13 229.17 STATUS OF RESPONDENT DURING APPEAL.

14 ~~Where~~ If a respondent appeals to the supreme court
15 from a finding that the contention the respondent is
16 seriously mentally impaired has been sustained, and
17 the respondent was previously ordered taken into
18 immediate custody under section 229.11 or has been
19 hospitalized for psychiatric evaluation and
20 appropriate treatment under section 229.13 before the
21 court is informed of intent to appeal its finding, the
22 respondent shall remain in custody as previously
23 ordered by the court, the time limit stated in section
24 229.11 notwithstanding, or shall remain in the
25 hospital subject to compliance by the hospital with
26 sections 229.13 to 229.16, as the case may be, unless
27 the supreme court orders otherwise. If a respondent
28 appeals to the supreme court regarding a placement
29 order, the respondent shall remain in placement unless
30 the supreme court orders otherwise.

31 Sec.____. Section 229.21, subsection 3, Code 2001,
32 is amended by adding the following new paragraph:
33 NEW PARAGRAPH. d. Any respondent with respect to

34 whom the magistrate or judicial hospitalization
35 referee has held a placement hearing and has entered a
36 placement order may appeal the order to a judge of the
37 district court. The request for appeal must be given
38 to the clerk in writing within ten days of the entry
39 of the magistrate's or referee's order. The request
40 for appeal shall be signed by the respondent, or the
41 respondent's next friend, guardian, or attorney.
42 Sec. ____ Section 229.28, Code 2001, is amended to
43 read as follows:

44 229.28 HOSPITALIZATION IN CERTAIN FEDERAL
45 FACILITIES.

46 When a court finds that the contention that a
47 respondent is seriously mentally impaired has been
48 sustained or proposes to order continued
49 hospitalization of any person, or an alternative
50 placement, as described under section 229.14,

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1 subsection ~~2 or 4~~ 1, paragraph "b" or "d", and the
2 court is furnished evidence that the respondent or
3 patient is eligible for care and treatment in a
4 facility operated by the veterans administration or
5 another agency of the United States government and
6 that the facility is willing to receive the respondent
7 or patient, the court may so order. The respondent or
8 patient, when so hospitalized or placed in a facility
9 operated by the veterans administration or another
10 agency of the United States government within or
11 outside of this state, shall be subject to the rules
12 of the veterans administration or other agency, but
13 shall not thereby lose any procedural rights afforded
14 the respondent or patient by this chapter. The chief
15 officer of the facility shall have, with respect to
16 the person so hospitalized or placed, the same powers
17 and duties as the chief medical officer of a hospital
18 in this state would have in regard to submission of
19 reports to the court, retention of custody, transfer,
20 convalescent leave or discharge. Jurisdiction is
21 retained in the court to maintain surveillance of the
22 person's treatment and care, and at any time to
23 inquire into that person's mental condition and the
24 need for continued hospitalization or care and
25 custody.

26 Sec. ____ CODIFICATION. The Code editor shall
27 transfer section 229.14A, Code 2001, as amended by
28 this Act to section 229.14B, and shall codify section
29 229.14B, as enacted by this Act, as section 229.14A.

30 DIVISION ____
31 RELATED PROVISIONS

32 Sec. ____ Section 225.27, Code 2001, is amended to

33 read as follows:

34 225.27 DISCHARGE - TRANSFER.

35 The state psychiatric hospital may, at any time,
36 discharge any patient as recovered, as improved, or as
37 not likely to be benefited by further treatment. If
38 the patient being so discharged was involuntarily
39 hospitalized, the hospital shall notify the committing
40 judge or court ~~thereof of the discharge~~ as required by
41 section 229.14, ~~subsection 3~~ or section 229.16,
42 whichever is applicable. Upon receiving the
43 notification, the court shall issue an order
44 confirming the patient's discharge from the hospital
45 or from care and custody, as the case may be, and
46 shall terminate the proceedings pursuant to which the
47 order was issued. The court or judge shall, if
48 necessary, appoint ~~some~~ a person to accompany the
49 discharged patient from the state psychiatric hospital
50 to such place as the hospital or the court may

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1 designate, or authorize the hospital to appoint such
2 attendant.

3 Sec. ____ Section 226.26, Code 2001, is amended to
4 read as follows:

5 226.26 DANGEROUS PATIENTS.

6 The administrator, on the recommendation of the
7 superintendent, and on the application of the
8 relatives or friends of a patient who is not cured and
9 who cannot be safely allowed to go at liberty, may
10 release ~~such~~ the patient when fully satisfied that
11 ~~such the~~ relatives or friends will provide and
12 maintain all necessary supervision, care, and
13 restraint over ~~such the~~ patient. If the patient being
14 ~~so~~ released was involuntarily hospitalized, the
15 consent of the district court which ordered the
16 patient's hospitalization placement shall be obtained
17 in advance in substantially the manner prescribed by
18 section 229.14, ~~subsection 3~~.

19 Sec. ____ Section 226.33, Code 2001, is amended to
20 read as follows:

21 226.33 NOTICE TO COURT.

22 When a patient who was hospitalized involuntarily
23 and who has not fully recovered is discharged from the
24 hospital by the administrator under section 226.32,
25 notice of the order shall at once be sent to the court
26 which ordered the patient's hospitalization, in the
27 manner prescribed by section 229.14, ~~subsection 4~~.

28 Sec. ____ Section 227.11, Code 2001, is amended to
29 read as follows:

30 227.11 TRANSFERS FROM STATE HOSPITALS.

31 a county chargeable with the expense of a patient

32 in a state hospital for persons with mental illness
33 shall ~~remove such~~ facilitate the transfer of the
34 patient to a county or private institution for persons
35 with mental illness ~~which has complied that is in~~
36 compliance with the aforesaid applicable rules when
37 the administrator of the division or the
38 administrator's designee ~~so~~ orders the transfer on a
39 finding that ~~said~~ the patient is suffering from
40 chronic mental illness or from senility and will
41 receive equal benefit by being so transferred. A
42 county shall ~~remove~~ facilitate the transfer to its
43 county care facility ~~of~~ any patient in a state
44 hospital for persons with mental illness upon request
45 of the superintendent of the state hospital in which
46 the patient is confined pursuant to the
47 superintendent's authority under section 229.15,
48 subsection 4, and approval by the board of supervisors
49 of the county of the patient's residence. In no case
50 shall a patient be thus transferred except upon

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1 compliance with section ~~229.14, subsection 4,~~ 229.14B
2 or without the written consent of a relative, friend,
3 or guardian if such relative, friend, or guardian pays
4 the expense of the care of such patient in a state
5 hospital. Patients transferred to a public or private
6 facility under this section may subsequently be placed
7 on convalescent or limited leave or transferred to a
8 different facility for continued full-time custody,
9 care, and treatment when, in the opinion of the
10 attending physician or the chief medical officer of
11 the hospital from which the patient was so
12 transferred, the best interest of the patient would be
13 served by such leave or transfer. ~~However, if the~~
14 ~~patient was originally hospitalized involuntarily, the~~
15 ~~leave or transfer shall be made in compliance with~~
16 ~~section 229.15, subsection 4. For any patient who is~~
17 involuntarily committed, any transfer made under this
18 section is subject to the placement hearing
19 requirements of section 229.14B."
20 2. Title page, line 4, by inserting after the
21 word "expenditures" the following: "and placements of
22 persons with serious mental impairments and".
23 3. By renumbering as necessary.

Kreiman of Davis offered the following amendment H-1735, to amendment H-1639, filed by Kreiman, Carroll of Poweshiek, and Huser of Polk from the floor and moved its adoption:

H-1735

1 Amend the amendment, H-1639, to House File 727 as
2 follows:

3 1. Page 1, by striking lines 41 and 42 and
4 inserting the following: "facility designated through
5 the".

6 2. Page 4, line 17, by inserting before the word
7 "alternative" the following: "appropriate".

8 3. Page 4, line 29, by inserting before the word
9 "alternative" the following: "appropriate".

10 4. Page 4, line 33, by inserting before the word
11 "alternative" the following: "appropriate".

12 5. Page 11, line 33, by striking the words
13 "facilitate the transfer of the" and inserting the
14 following: "transfer the".

15 6. Page 11, by striking lines 42 and 43 and
16 inserting the following: "county shall ~~remove~~
17 transfer to its county care facility any patient in a
18 state".

Amendment H-1735 was adopted.

Carroll of Poweshiek asked and received unanimous consent that amendment H-1734, to amendment H-1639, be deferred.

Carroll of Poweshiek asked and received unanimous consent that amendment H-1639, as amended, be deferred.

Carroll of Poweshiek offered the following amendment H-1675 filed by him and moved its adoption:

H-1675

1 Amend House File 727 as follows:

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

4 "DIVISION ____

5 COUNTY BILLING RESPONSIBILITIES

6 Sec. ____ Section 222.2, Code 2001, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 2A. "Department" means the
9 department of human services.

10 Sec. ____ Section 222.73, subsection 1, unnumbered
11 paragraph 1, Code 2001, is amended to read as follows:

12 The superintendent of each resource center and
13 special unit shall compute by February 1 the average
14 daily patient charge and outpatient treatment charges

15 for which each county will be billed for services
16 provided to patients chargeable to the county during
17 the fiscal year beginning the following July 1. The
18 department shall certify the amount of the charges to
19 ~~the director of revenue and finance~~ and notify the
20 counties of the billing charges.

21 Sec. ____ Section 222.73, subsection 2, unnumbered
22 paragraph 1, Code 2001, is amended to read as follows:

23 The superintendent shall certify to the ~~director of~~
24 ~~revenue and finance~~ department the billings to each
25 county for services provided to patients chargeable to
26 the county during the preceding calendar quarter. The
27 county billings shall be based on the average daily
28 patient charge and outpatient treatment charges
29 computed pursuant to subsection 1, and the number of
30 inpatient days and outpatient treatment service units
31 chargeable to the county. The billings to a county of
32 legal settlement are subject to adjustment for all of
33 the following circumstances:

34 Sec. ____ Section 222.73, subsection 4, Code 2001,
35 is amended to read as follows:

36 4. The department shall certify to ~~the director of~~
37 ~~revenue and finance~~ and the counties by February 1 the
38 actual per-patient-per-day costs, as computed pursuant
39 to subsection 3, and the actual costs owed by each
40 county for the immediately preceding calendar year for
41 patients chargeable to the county. If the actual
42 costs owed by the county are greater than the charges
43 billed to the county pursuant to subsection 2, the
44 ~~director of revenue and finance~~ department shall bill
45 the county for the difference with the billing for the
46 quarter ending June 30. If the actual costs owed by
47 the county are less than the charges billed to the
48 county pursuant to subsection 2, the ~~director of~~
49 ~~revenue and finance~~ department shall credit the county
50 for the difference starting with the billing for the

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1 quarter ending June 30.

2 Sec. ____ Section 222.74, Code 2001, is amended to
3 read as follows:

4 222.74 DUPLICATE TO COUNTY.

5 When certifying to the ~~director of revenue and~~
6 ~~finance~~ department amounts to be charged against each
7 county as provided in section 222.73, the
8 superintendent shall send to the county auditor of
9 each county against which the superintendent has so
10 certified any amount, a duplicate of the ~~certificate~~
11 certification statement. The county auditor upon
12 receipt of the duplicate ~~certificate~~ certification
13 statement shall enter it to the credit of the state in

14 the ledger of state accounts, and shall immediately
15 issue a notice to the county treasurer authorizing the
16 treasurer to transfer the amount from the county fund
17 to the general state revenue. The county treasurer
18 shall file the notice as authority for making the
19 transfer and shall include the amount transferred in
20 the next remittance of state taxes to the treasurer of
21 state, designating the fund to which the amount
22 belongs.

23 Sec. ___. Section 222.75, Code 2001, is amended to
24 read as follows:

25 222.75 DELINQUENT PAYMENTS – PENALTY.
26 ~~Should any If a county fail fails to pay the bills~~
27 a billed charge within forty-five days from the date
28 the county auditor received the ~~certificate~~
29 certification statement from the superintendent
30 pursuant to section 222.74, the ~~director of revenue~~
31 ~~and finance department~~ may charge the delinquent
32 county a penalty of not greater than one percent per
33 month on and after forty-five days from the date the
34 county auditor received the ~~certificate~~ certification
35 statement until paid.

36 Sec. ___. Section 222.79, Code 2001, is amended to
37 read as follows:

38 222.79 CERTIFICATION STATEMENT PRESUMED CORRECT.

39 In actions to enforce the liability imposed by
40 section 222.78, the ~~certificate~~ certification
41 statement sent from the superintendent to the county
42 auditor pursuant to section 222.74 stating the sums
43 charged in such cases shall be presumptively correct.

44 Sec. ___. Section 229.41, Code 2001, is amended to
45 read as follows:

46 229.41 VOLUNTARY ADMISSION.

47 Persons making application pursuant to section
48 229.2 on their own behalf or on behalf of another
49 person who is under eighteen years of age, if the
50 person whose admission is sought is received for

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1 observation and treatment on the application, shall be
2 required to pay the costs of hospitalization at rates
3 established by the administrator. The costs may be
4 collected weekly in advance and shall be payable at
5 the business office of the hospital. The collections
6 shall be remitted to the ~~director of revenue and~~
7 ~~finance department of human services~~ monthly to be
8 credited to the general fund of the state.

9 Sec. ___. Section 229.42, Code 2001, is amended to
10 read as follows:

11 229.42 COSTS PAID BY COUNTY.

12 If a person wishing to make application for

13 voluntary admission to a mental hospital established
14 by chapter 226 is unable to pay the costs of
15 hospitalization or those responsible for the person
16 are unable to pay the costs, application for
17 authorization of voluntary admission must be made
18 through a single entry point process before
19 application for admission is made to the hospital.
20 The person's county of legal settlement shall be
21 determined through the single entry point process and
22 if the admission is approved through the single entry
23 point process, the person's admission to a mental
24 health hospital shall be authorized as a voluntary
25 case. The authorization shall be issued on forms
26 provided by the administrator. The costs of the
27 hospitalization shall be paid by the county of legal
28 settlement to the ~~director of revenue and finance~~
29 department of human services and credited to the
30 general fund of the state, providing the mental health
31 hospital rendering the services has certified to the
32 county auditor of the county of legal settlement the
33 amount chargeable to the county and has sent a
34 duplicate statement of the charges to the ~~director of~~
35 revenue and finance department of human services. A
36 county shall not be billed for the cost of a patient
37 unless the patient's admission is authorized through
38 the single entry point process. The mental health
39 institute and the county shall work together to locate
40 appropriate alternative placements and services, and
41 to educate patients and family members of patients
42 regarding such alternatives.
43 All the provisions of chapter 230 shall apply to
44 such voluntary patients so far as is applicable.
45 The provisions of this section and of section
46 229.41 shall apply to all voluntary inpatients or
47 outpatients either away from or at the institution
48 ~~heretofore or hereafter~~ receiving mental health
49 services.
50 ~~Should any~~ If a county fail ~~fails~~ to pay these

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1 bills the billed charges within forty-five days from
2 the date the county auditor received the certificate
3 certification statement from the superintendent, the
4 ~~director of revenue and finance~~ department of human
5 services shall charge the delinquent county the
6 penalty of one percent per month on and after forty-
7 five days from the date the county received the
8 certificate certification statement until paid. Such
9 The penalties received shall be credited to the
10 general fund of the state.
11 Sec. __. Section 230.20, subsection 1, unnumbered

12 paragraph 1, Code 2001, is amended to read as follows:

13 The superintendent of each mental health institute
14 shall compute by February 1 the average daily patient
15 charges and other service charges for which each
16 county will be billed for services provided to
17 patients chargeable to the county during the fiscal
18 year beginning the following July 1. The department
19 shall certify the amount of the charges to the
20 ~~director of revenue and finance~~ and notify the
21 counties of the billing charges.

22 Sec. ____ Section 230.20, subsection 2, paragraph

23 a, Code 2001, is amended to read as follows:

24 a. The superintendent shall certify to the
25 ~~director of revenue and finance~~ department the
26 billings to each county for services provided to
27 patients chargeable to the county during the preceding
28 calendar quarter. The county billings shall be based
29 on the average daily patient charge and other service
30 charges computed pursuant to subsection 1, and the
31 number of inpatient days and other service units
32 chargeable to the county. However, a county billing
33 shall be decreased by an amount equal to reimbursement
34 by a third party payor or estimation of such
35 reimbursement from a claim submitted by the
36 superintendent to the third party payor for the
37 preceding calendar quarter. When the actual third
38 party payor reimbursement is greater or less than
39 estimated, the difference shall be reflected in the
40 county billing in the calendar quarter the actual
41 third party payor reimbursement is determined.

42 Sec. ____ Section 230.20, subsections 4 and 5,
43 Code 2001, are amended to read as follows:

44 4. The department shall certify to the ~~director of~~
45 ~~revenue and finance and the~~ counties by February 1 the
46 actual per-patient-per-day costs, as computed pursuant
47 to subsection 3, and the actual costs owed by each
48 county for the immediately preceding calendar year for
49 patients chargeable to the county. If the actual
50 costs owed by the county are greater than the charges

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1 billed to the county pursuant to subsection 2, the
2 ~~director of revenue and finance~~ department shall bill
3 the county for the difference with the billing for the
4 quarter ending June 30. If the actual costs owed by
5 the county are less than the charges billed to the
6 county pursuant to subsection 2, the ~~director of~~
7 ~~revenue and finance~~ department shall credit the county
8 for the difference starting with the billing for the
9 quarter ending June 30.

10 5. An individual statement shall be prepared for a

11 patient on or before the fifteenth day of the month
12 following the month in which the patient leaves the
13 mental health institute, and a general statement shall
14 be prepared at least quarterly for each county to
15 which charges are made under this section. Except as
16 otherwise required by sections 125.33 and 125.34 the
17 general statement shall list the name of each patient
18 chargeable to that county who was served by the mental
19 health institute during the preceding month or
20 calendar quarter, the amount due on account of each
21 patient, and the specific dates for which any third
22 party payor reimbursement received by the state is
23 applied to the statement and billing, and the county
24 shall be billed for eighty percent of the stated
25 charge for each patient specified in this subsection.
26 The statement prepared for each county shall be
27 certified by the department ~~to the director of revenue~~
28 ~~and finance~~ and a duplicate statement shall be mailed
29 to the auditor of that county.

30 Sec. __. Section 230.22, Code 2001, is amended to
31 read as follows:

32 230.22 PENALTY.

33 Should any county fail to pay the amount billed by
34 a statement submitted pursuant to section 230.20
35 within forty-five days from the date the statement is
36 received by the county, the ~~director of revenue and~~
37 ~~finance department~~ shall charge the delinquent county
38 the penalty of one percent per month on and after
39 forty-five days from the date the statement is
40 received by the county until paid. Provided, however,
41 that the penalty shall not be imposed if the county
42 has notified the ~~director of revenue and finance~~
43 ~~department~~ of error or questionable items in the
44 billing, in which event, the ~~director of revenue and~~
45 ~~finance department~~ shall suspend the penalty only
46 during the period of negotiation.

47 Sec. __. Section 230.34, Code 2001, is amended by
48 adding the following new subsection:

49 NEW SUBSECTION. 4. As used in this chapter,
50 unless the context otherwise requires, "department"

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1 means the department of human services."

2 2. By renumbering as necessary.

Amendment H-1675 was adopted.

Carroll of Poweshiek asked and received unanimous consent to
withdraw amendment H-1681 filed by him on April 24, 2001.

Grundberg of Polk offered the following amendment H-1695 filed by her and Carroll of Poweshiek, and moved its adoption:

H-1695

1 Amend House File 727 as follows:

2 1. Page 6, by inserting before line 7 the
3 following:

4 "DIVISION ____

5 ACCREDITATION STANDARDS

6 Sec. ____ Section 225C.6, subsection 1, paragraph

7 e, Code 2001, is amended to read as follows:

8 ~~c. If no other person~~ Unless another governmental
9 ~~body~~ sets standards for a service available to persons
10 with disabilities, adopt state standards for that
11 service. The commission shall provide that a service
12 provider's compliance with standards for a service set
13 by a nationally recognized body shall be deemed to be
14 in compliance with the state standards adopted by the
15 commission for that service. The commission shall
16 adopt state standards for those residential and
17 community-based providers of services to persons with
18 mental illness or developmental disabilities that are
19 not otherwise subject to licensure by the department
20 of human services or department of inspections and
21 appeals, including but not limited to services payable
22 under the adult rehabilitation option of the medical
23 assistance program and other services payable from
24 funds credited to a county mental health, mental
25 retardation, and developmental disabilities services
26 fund created in section 331.424A. In addition, the
27 commission shall review the licensing standards used
28 by the department of human services or department of
29 inspections and appeals for those facilities providing
30 services to persons with mental illness or
31 developmental disabilities."

32 2. By renumbering as necessary.

Amendment H-1695 was adopted.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-1734, to amendment H-1639, previously deferred, filed by him from the floor.

On motion by Carroll of Poweshiek amendment H-1639, as amended, previously deferred, 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. 727)

The ayes were, 92:

Alons	Arnold	Atteberry	Barry
Baudler	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Falck	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Grundberg	Hahn	Hatch	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Reynolds
Richardson	Roberts	Scherrman	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Winckler	Wise	Witt	Dix,
			Presiding

The nays were, 3:

Greimann	Kreiman	Tremmel
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Absent or not voting, 5:

Bell	Bukta	Hansen	Mertz
Schrader			

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

Senate File 528, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the general fund of the state, road use tax fund, and

primary road fund, providing for the nonreversion of certain moneys, and discontinuing driver's license renewal by mail, with report of committee recommending passage, was taken up for consideration.

Millage of Scott asked and received unanimous consent that amendment H-1684 be deferred.

Carroll of Poweshiek in the chair at 2:10 p.m.

Cohoon of Des Moines offered the following amendment H-1725 filed by him and Brauns of Muscatine from the floor and moved its adoption:

H-1725

- 1 Amend Senate File 528, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 13 the
- 4 following:
- 5 "____. For transfer to the Iowa civil air patrol:
- 6 \$ 25,000"
- 7 2. By renumbering as necessary.

Amendment H-1725 lost.

Gipp of Winneshiek asked and received unanimous consent to withdraw amendment H-1665 filed by him on April 24, 2001.

Gipp of Winneshiek offered the following amendment H-1683 filed by him and moved its adoption:

H-1683

- 1 Amend Senate File 528, as passed by the Senate, as
- 2 follows:
- 3 1. Page 5, by inserting after line 23 the
- 4 following:
- 5 "Sec. _____. There is appropriated from the road use
- 6 tax fund to the department of general services for the
- 7 fiscal year beginning July 1, 2001, and ending June
- 8 30, 2002, the following amount, or so much thereof as
- 9 is necessary, to be used for the purpose designated:
- 10 For planning and design of a state institutional
- 11 road that shall be an extension of Twelfth street
- 12 south of Court avenue, adjacent to the new judicial
- 13 building in Des Moines:
- 14 \$ 34,000

15 Notwithstanding section 8.33, moneys appropriated
16 in this section that remain unencumbered or
17 unobligated at the close of the fiscal year shall not
18 revert but shall remain available for expenditure for
19 the purpose designated until the close of the fiscal
20 year that begins July 1, 2004.

21 For purposes of this section, a "state
22 institutional road" is part of the state park, state
23 institution, and other state land road system, as
24 defined in section 306.3."

25 2. Title page, line 3, by inserting after the
26 word "transportation" the following: "and the
27 department of general services".

28 3. By renumbering as necessary.

Amendment H-1683 was adopted.

Millage of Scott asked and received unanimous consent to withdraw amendment H-1684, filed by him on April 24, 2001, previously deferred, placing out of order the following amendments:

Amendment H-1719 filed by Huser of Polk on April 25, 2001.

Amendment H-1720 filed by Falck of Fayette on April 25, 2001.

Amendment H-1721 filed by T. Taylor of Linn on April 25, 2001.

Amendment H-1722 filed by Warnstadt of Woodbury from the floor.

Amendment H-1723 filed by Larkin of Lee from the floor.

Amendment H-1726 filed by Warnstadt of Woodbury from the floor.

Amendment H-1727 filed by Lensing of Johnson from the floor.

Amendment H-1728 filed by Tremmel of Wapello from the floor.

Amendment H-1730 filed by Quirk of Chickasaw from the floor.

Amendment H-1731 filed by Chiodo of Polk from the floor.

Amendment H-1732 filed by Tremmel of Wapello, Seng of Scott, Winckler of Scott, Warnstadt of Woodbury and Mertz of Kossuth from the floor.

Amendment H-1737 filed by Osterhaus of Jackson from the floor.

Amendment H-1738 filed by Mascher of Johnson from the floor.

Amendment H-1739 filed by Richardson of Warren from the floor.

Amendment H-1740 filed by Richardson of Warren from the floor.

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?" (S.F. 528)

The ayes were, 90:

Alons	Arnold	Atteberry	Barry
Baudler	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Chiodo	Cohoon	Connors	Cormack
De Boef	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Falck	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Metcalfe
Millage	Murphy	Myers	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Scherrman	Seng	Shey	Shoultz
Siegrist, Spkr.	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Teig
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Witt	Carroll,		
	Presiding		

The nays were, 5:

Fallon	Hatch	Kreiman	O'Brien
Tremmel			

Absent or not voting, 5:

Bell	Bukta	Mertz	Roberts
Schrader			

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

MOTION TO RECONSIDER PREVAILED

Rants of Woodbury called up for consideration the motion to reconsider House File 271, filed on April 24, 2001, and moved to reconsider the vote by which **House File 271**, a bill for an act adding specified document preparation and modification to the list of acts

defining the activities of a real estate broker, passed the House and was placed on its last reading on April 23, 2001.

The motion prevailed and the House reconsidered House File 271.

Rants of Woodbury asked and received unanimous consent that House File 271 be deferred and that the bill retain its place on the unfinished business calendar.

The House resumed consideration of **Senate File 499**, a bill for an act making changes to and reorganizing scheduled fines, previously deferred and found on page 1572 of the House Journal. (Amendment H-1460 pending)

Rants of Woodbury asked and received unanimous consent that House File 499 be deferred and that the bill retain its place on the calendar.

Ways and Means Calendar

House File 721, a bill for an act excluding certain business property from being considered abandoned property under the state's disposition of unclaimed property law, was taken up for consideration.

SENATE FILE 526 SUBSTITUTED FOR HOUSE FILE 721

Sukup of Franklin asked and received unanimous consent to substitute Senate File 526 for House File 721, placing out of order amendment H-1636 filed by Shoultz of Black Hawk on April 23, 2001.

Senate File 526, a bill for an act excluding certain business property from being considered abandoned property under the state's disposition of unclaimed property law, was taken up for consideration.

Shoultz of Black Hawk offered the following amendment H-1650 filed by him and moved its adoption:

H-1650

1 Amend Senate File 526, as passed by the Senate, as

2 follows:

- 3 1. Page 1, line 2, by striking the words
- 4 "paragraphs" and inserting the following:
- 5 "paragraph".
- 6 2. Page 1, by striking lines 9 through 11.

Amendment H-1650 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. 526)

The ayes were, 89:

Alons	Arnold	Atteberry	Barry
Baudler	Boal	Bogges	Bradley
Brauns	Broers	Brunkhorst	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Finch	Foege	Ford	Frevert
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Houser	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Kettering	Klemme	Kuhn	Larkin
Larson	Lensing	Mascher	May
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Rekow
Reynolds	Richardson	Scherrman	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Witt
Carroll,			
Presiding			

The nays were, 5:

Boddicker	Fallon	Garman	Kreiman
Manternach			

Absent or not voting, 6:

Bell	Bukta	Johnson	Mertz
Roberts	Schrader		

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

HOUSE FILE 721 WITHDRAWN

Sukup of Franklin asked and received unanimous consent to withdraw House File 721 from further consideration by the House.

MOTIONS TO RECONSIDER

(Senate File 527)

I move to reconsider the vote by which Senate File 527 passed the House on April 26, 2001.

RANTS of Woodbury

(Senate File 528)

I move to reconsider the vote by which Senate File 528 passed the House on April 26, 2001.

RANTS of Woodbury

(Senate File 531)

I move to reconsider the vote by which Senate File 531 passed the House on April 26, 2001.

RANTS of Woodbury

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 25 and 26, 2001. Had I been present, I would have voted "aye" on House Files 561, 680, 732, Senate Files 185, 531 and "nay" on Senate File 203, amendments H-1629 and H-1672 to House File 732.

MILLAGE of Scott

I was necessarily absent from the House chamber on April 26, 2001. Had I been present, I would have voted "aye" on House File 733.

RAECKER of Polk

I was necessarily absent from the House chamber on April 26, 2001. Had I been present, I would have voted "aye" on House Files 722, 731, 733 and Senate File 392.

RICHARDSON of Warren

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 26th of April, 2001: House Files 73 and 707.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

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

Eleven FCCLA students from Gilbert High School, Gilbert, accompanied by advisor Karlene Wonderlich. By Garman of Story.

Thirty-four students from Boone Middle School, Boone, accompanied by Mr. McDonald and Mr. Paris. By O'Brien of Boone.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- 2001\1078 Vera Garrison, Indianola – For celebrating her 95th birthday.
- 2001\1079 Mary Jane and John Pray, Indianola – For celebrating their 60th wedding anniversary.
- 2001\1080 Zachary Williams, Leon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2001\1081 Adam Rohloff, Oskaloosa – For achieving a perfect score at the State Bible Quiz Contest.
- 2001\1082 Connie Sheesley, Oskaloosa – For winning the Golden Apple Award.
- 2001\1083 Fannie Bender, Wellman – For celebrating her 96th birthday.
- 2001\1084 Geraldine and Arthur Allison, Deep River – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENT

Senate File 529

Ways and Means: Boal, Chair; Houser and Larkin.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 258

Appropriations: Heaton, Chair; Brunkhorst and Smith.

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.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON COMMERCE AND REGULATION

Senate File 515, a bill for an act providing for the crossing of railroad rights-of-way by public utilities, and providing applicability dates.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-1742 April 25, 2001.

RESOLUTION FILED

HR 44, by Siegrist, Rants and Myers, a resolution paying tribute to the memory of Jane Fowler and recognizing her many contributions to state government.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1724	S.F.	98	Dolecheck of Ringgold
H-1729	H.F.	736	Eichhorn of Hamilton
H-1733	S.F.	350	Senate Amendment
H-1736	S.F.	499	Larson of Linn
			Chiodo of Polk
			Grundberg of Polk
			Hahn of Muscatine
			Boal of Polk
			Petersen of Polk
H-1741	S.F.	499	Tremmel of Wapello
H-1742	S.F.	515	Committee on Commerce and Regulation
H-1743	H.F.	582	Metcalf of Polk

On motion by Rants of Woodbury the House adjourned at 2:53 p.m., until 8:45 a.m., Friday, April 27, 2001.

JOURNAL OF THE HOUSE

One Hundred Tenth Calendar Day - Seventy-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 27, 2001

The House met pursuant to adjournment at 10:00 a.m., Speaker Siegrist in the chair.

Prayer was offered by the Honorable Christopher Rants, House Majority Leader from Woodbury County.

The Journal of Thursday, April 26, 2001 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fallon of Polk on request of Myers of Johnson; Sukup of Franklin on request of Rants of Woodbury.

INTRODUCTION OF BILL

House File 740, by committee on appropriations, a bill for an act relating to the senior living program including provisions relating to and making appropriations from the senior living trust fund to the department of elder affairs and the department of human services, and including effective date and retroactive applicability provisions.

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 26, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 705, a bill for an act relating to sales and use taxes on the delivery of electricity and natural gas and to the rate of tax for providing metered gas, electricity, and fuel to provide energy for residential customers.

Also: That the Senate has on April 26, 2001, 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 203, a bill for an act extending the regular program district cost guarantee for school districts, and providing an effective date.

Also: That the Senate has on April 26, 2001, passed the following bill in which the concurrence of the House is asked:

Senate File 516, a bill for an act establishing a small business growth initiative by adjusting the allocation to Iowa of income earned by an S corporation for purposes of the state individual income tax and including a retroactive applicability date provision.

Also: That the Senate has on April 26, 2001, passed the following bill in which the concurrence of the House is asked:

Senate File 521, a bill for an act establishing a new economy employment initiative by providing for a partial deduction under the individual income tax for the capital gain from the sale or exchange of capital stock of a corporation which was acquired by an individual on account of employment with the corporation, limiting the fiscal impact of the partial deductions, and including an effective and retroactive applicability date provision.

Also: That the Senate has on April 26, 2001, passed the following bill in which the concurrence of the House is asked:

Senate File 524, a bill for an act providing assistance regarding the development of grapes and wine.

Also: That the Senate has on April 24, 2001, passed the following bill in which the concurrence of the House is asked:

Senate File 530, a bill for an act relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date.

Also: That the Senate has on April 26, 2001, passed the following bill in which the concurrence of the House is asked:

Senate File 536, a bill for an act relating to physical plant and equipment levy amounts collected in urban renewal areas, providing an effective date, and providing for the Act's applicability.

Also: That the Senate has on April 26, 2001, passed the following bill in which the concurrence of the House is asked:

Senate File 537, a bill for an act relating to and making appropriations from the tobacco settlement endowment fund and the healthy Iowans tobacco trust, establishing certain uses for the appropriations, and providing effective dates.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 516, by committee on ways and means, a bill for an act establishing a small business growth initiative by adjusting the allocation to Iowa of income earned by an S corporation for purposes of the state individual income tax and including an effective and retroactive applicability date provision.

Read first time and **passed on file**.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that **House File 727** and **Senate File 526** be immediately messaged to the Senate.

Rants of Woodbury asked and received unanimous consent for the immediate consideration of Senate Files 532 and 533.

CONSIDERATION OF BILLS

Appropriations Calendar

Senate File 532, a bill for an act relating to matters related to the tobacco settlement including the tobacco settlement authority, the tobacco settlement trust fund, and the tobacco settlement endowment fund, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

The House stood at ease at 10:11 a.m., until the fall of the gavel.

The House resumed session at 11:09 a.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 fifty-seven members present, forty-three absent.

The House resumed consideration of Senate File 532.

Brunkhorst of Bremer offered the following amendment H-1744 filed by him from the floor and moved its adoption:

H-1744

- 1 Amend Senate File 532, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 11, line 1, by inserting after the word
 4 "agreement," the following: "With respect to capital
 5 projects, it is the intent of the general assembly to
 6 fund capital projects that qualify as vertical
 7 infrastructure projects as defined in section 8.57,
 8 subsection 5, paragraph "c", to the extent practicable
 9 in any fiscal year and without limiting other
 10 qualifying capital expenditures considered and
 11 approved by a constitutional majority of each house of
 12 the general assembly and the governor."
 13 2. Page 12, by inserting after line 27, the
 14 following:
 15 "Sec. ____ RULES COMPLIANCE WITH THREE-FIFTHS.
 16 The senate and the house of representatives shall
 17 comply with any provision of law that requires a vote
 18 of at least three-fifths of the members of both
 19 chambers of the general assembly and approval by the
 20 governor, which requirement shall also be a
 21 requirement of the joint rules for the Seventy-ninth
 22 General Assembly."
 23 3. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Arnold of Lucas.

On the question "Shall amendment H-1744 be adopted?" (S.F. 532)

The ayes were, 51:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Brunkhorst	Chiodo
Cormack	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Finch	Garman	Gipp	Hahn
Hansen	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Johnson	Manternach	Metcalf	Myers
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Siegrist, Spkr.	Sievers
Teig	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Carroll,	
		Presiding	

The nays were, 42:

Atteberry	Bell	Bukta	Cohoon
Connors	Dotzler	Falck	Foege

Ford	Frevert	Greimann	Hatch
Houser	Jochum	Kettering	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Millage	Murphy	O'Brien
Osterhaus	Petersen	Quirk	Reynolds
Richardson	Scherrman	Schrader	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

Absent or not voting, 7:

Fallon	Grundberg	Jenkins	Klemme
Larson	Mertz	Sukup	

Amendment H-1744 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?" (S.F. 532)

The ayes were, 94:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Falck	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahh
Hansen	Hatch	Heaton	Horbach
Houser	Hoversten	Huseman	Huser
Jacobs	Jochum	Johnson	Kettering
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Siegrist, Spkr.	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Witt	Carroll,		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Fallon
Mertz

Hoffman
Sukup

Jenkins

Klemme

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 532** be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Smith of Marshall, until his return, on request of Huser of Polk.

Unfinished Business Calendar

The House resumed consideration of **Senate File 499**, a bill for an act making changes to and reorganizing scheduled fines, previously deferred and found on page 1572 of the House Journal. (Amendment H-1460 pending)

Eichhorn of Hamilton moved the adoption of the committee amendment H-1460.

The committee amendment H-1460 was adopted, placing out of order amendment H-1598 filed by the committee on ways and means on April 19, 2001.

Larson of Linn offered amendment H-1736 filed by Larson, et al., as follows:

H-1736

- 1 Amend Senate File 499, 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 321.236, subsection 1,
6 paragraph a, Code 2001, is amended to read as follows:
7 a. May be charged and collected upon a simple
8 notice of a fine payable to the city clerk or clerk of
9 the district court, if authorized by ordinance. The
10 fine shall not exceed five dollars ~~except per~~
11 violation. The same parking violation shall not be
12 issued more than once per hour. Four separate
13 violations may be issued per violator on one simple
14 notice at the same location in a twenty-four hour
15 period. If separate violations are issued in a
16 twenty-four-hour period the aggregate fine amount
17 shall not exceed twenty dollars per violator. The
18 fine for a snow route parking violations in which case
19 the fine violation shall not exceed twenty-five
20 dollars. The fine for a parking violation or for a
21 snow route violation may be increased up to ~~ten~~ five
22 dollars in excess of the fine for each violation if
23 the parking violation is not paid within thirty days
24 of the date upon which the violation occurred, if
25 authorized by ordinance. Violations of section
26 321L.4, subsection 2, may be charged and collected
27 upon a simple notice of a one hundred dollar fine
28 payable to the city clerk or clerk of the district
29 court, if authorized by ordinance. No costs or other
30 charges shall be assessed. All fines collected by a
31 city pursuant to this paragraph shall be retained by
32 the city and all fines collected by a county pursuant
33 to this paragraph shall be retained by the county."
34 2. Page 1, line 25, by striking the word
35 "dollars." and inserting the following: "dollars per
36 violation. Four separate violations may be issued per
37 violator on one citation at the same location in a
38 twenty-four-hour period. If separate violations are
39 issued in a twenty-four-hour period the aggregate fine
40 amount shall not exceed twenty dollars per violator."
41 3. Page 1, line 26, by striking the words
42 "increases in an amount" and inserting the following:
43 "may be increased".
44 4. Page 1, line 26, by striking the word
45 "dollars," and inserting the following: "dollars of
46 the fine or aggregate fine amount,".
47 5. Page 1, line 32, by striking the word
48 "dollars." and inserting the following: "dollars or
49 if separate violations were issued the scheduled fine
50 shall be the aggregate fine amount which shall not

Page 2

1 exceed twenty dollars."

Tremmel of Wapello offered the following amendment H-1741, to amendment H-1736, filed by him and moved its adoption:

H-1741

- 1 Amend the amendment, H-1736, to Senate File 499, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 15, by inserting after the word
- 5 "period" the following: "in counties with a
- 6 population in excess of three hundred thousand".
- 7 2. Page 1, line 38, by inserting after the word
- 8 "period" the following: "in counties with a
- 9 population in excess of three hundred thousand".

A non-record roll call was requested.

The ayes were 42, nays 20.

Amendment H-1741 was adopted.

Larson of Linn moved the adoption of amendment H-1736, as amended.

A non-record roll call was requested.

The ayes were 37, nays 47.

Amendment H-1736 lost.

Eichhorn 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. 499)

The ayes were, 74:

Alons	Barry	Baudler	Bell
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Chiodo	Cohoon	Connors	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Foege
Frevert	Garman	Gipp	Greimann
Hahn	Hansen	Heaton	Horbach

Houser	Huseman	Huser	Jochum
Johnson	Kettering	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Millage	Myers
O'Brien	Osterhaus	Rants	Rayhons
Rekow	Reynolds	Richardson	Roberts
Scherrman	Seng	Shey	Shoultz
Siegrist, Spkr.	Sievers	Stevens	Taylor, D.
Tremmel	Tymeson	Tyrrell	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Witt	Carroll,		
	Presiding		

The nays were, 18:

Arnold	Atteberry	Cormack	Dotzler
Falck	Ford	Grundberg	Hatch
Hoversten	Jacobs	Metcalf	Murphy
Petersen	Quirk	Raecker	Schrader
Taylor, T.	Van Engelenhoven		

Absent or not voting, 8:

Fallon	Hoffman	Jenkins	Klemme
Mertz	Smith	Sukup	Teig

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stevens of Dickinson for the remainder of the day, on request of Bukta of Clinton.

Appropriations Calendar

Senate File 533, a bill for an act relating to and making appropriations to the tobacco settlement trust fund and providing a contingent effective date, with report of committee recommending passage, was taken up for consideration.

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?" (S.F. 533)

The ayes were, 89:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Eddie	Eichhorn	Elgin
Falck	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Horbach	Houser	Hoversten
Huseman	Huser	Jacobs	Jochum
Johnson	Kettering	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Siegrist, Spkr.	Sievers	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Witt
Carroll, Presiding			

The nays were, none.

Absent or not voting, 11:

Bradley	Drake	Fallon	Hoffman
Jenkins	Klemme	Mertz	Shoultz
Smith	Stevens	Sukup	

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 533** be immediately messaged to the Senate.

Speaker Siegrist in the chair at 12:15 p.m.

HOUSE REFUSED TO CONCUR

Brunkhorst of Bremer called up for consideration **Senate File 203**, a bill for an act extending the regular program district cost guarantee for school districts, 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-1745 to the House amendment:

H-1745

1 Amend the House amendment, S-3535, to Senate File
2 203, as passed by the Senate, as follows:

3 1. By striking page 1, line 3, through page 9,
4 line 13, and inserting the following:

5 "____. Page 1, by inserting before line 1 the
6 following:

7 "Sec.____. Section 257.13, subsections 1 and 2,
8 Code 2001, are amended to read as follows:

9 1. For the school budget year years beginning July
10 1, 2000 2001, and July 1, 2002, if a district's actual
11 enrollment for the budget year, determined under
12 section 257.6, is greater than its budget enrollment
13 for the budget year, the district shall be eligible to
14 receive an on-time funding budget adjustment. The
15 adjustment shall be in an amount equal to fifty
16 percent of the difference between the actual
17 enrollment for the budget year and the budget
18 enrollment for the budget year, multiplied by the
19 district cost per pupil.

20 2. The board of directors of a school district
21 that wishes to receive an on-time funding budget
22 adjustment shall adopt a resolution to receive the
23 adjustment and notify the school budget review
24 committee by November 1, 2000 annually. The school
25 budget review committee shall establish a modified
26 allowable growth in an amount determined pursuant to
27 subsection 1."

28 _____. Page 2, by inserting after line 1, the
29 following:

30 "Sec.____. REORGANIZATION INCENTIVES AND REGIONAL
31 ACADEMIES - INTERIM STUDY. The legislative council
32 is requested to establish an interim study committee
33 relating to the reauthorization of reorganization
34 incentives for school districts and the establishment
35 of regional academies.

36 The committee shall review the reorganization
37 incentive provisions previously contained within the
38 school finance formula applicable to school districts,
39 and shall evaluate the effectiveness of those

40 provisions in promoting the reorganization or
41 dissolution of school districts. The committee shall
42 consider possible enhancements and refinements to the
43 provisions previously in effect, and shall make
44 recommendations regarding implementation of the
45 incentives, including supplementary weighting and
46 taxpayer incentives in the form of a reduced
47 foundation property tax levy.
48 The committee shall study the creation and
49 implementation of regional academies as an alternative
50 governing and taxing structure for school districts.

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1 The committee shall examine the feasibility of
2 creating and implementing a regional academy system,
3 with the objective of utilizing economies of scale to
4 enhance the educational opportunities of students in
5 grades seven through twelve residing within designated
6 regions.
7 The committee shall make recommendations regarding
8 boundary determination, curriculum content including
9 advanced-level and vocational-technical courses,
10 taxing authority, financial incentives to regional
11 academy formation, and adaptation of the school
12 finance formula to the new regional structure.
13 The committee shall consider transportation
14 provision and funding issues relating to and arising
15 out of its recommendations regarding the
16 reauthorization of reorganization incentives and the
17 establishment of regional academies.
18 The committee shall submit a report of its findings
19 and recommendations to the general assembly by January
20 14, 2002."
21 2. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H-1745, to the House amendment.

SENATE AMENDMENTS CONSIDERED

Eddie of Buena Vista called up for consideration **Senate File 350**, a bill for an act making transportation-related Code changes relating to temporary restricted permits and temporary entry and exit permits, railroad crossings, the content of driver's licenses and nonoperator's identification cards, child restraint devices in motor vehicles, hours of service, unsatisfied judgments, and bulk liquid transport, amended by the House, further amended by the Senate

and moved that the House concur in the following Senate amendment H-1733 to the House amendment:

H-1733

- 1 Amend the House amendment, S-3494, to Senate File
- 2 350, as passed by the Senate as follows:
- 3 1. Page 3, line 10 by striking the words "value
- 4 of the value" and inserting the following: "value of
- 5 the vehicle".

The motion prevailed and the House concurred in the Senate amendment H-1733, to the House amendment.

Eddie of Buena Vista 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. 350)

The ayes were, 92:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Finch	Foege	Ford	Frevert
Garman	Gipp	Greimann	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Houser	Hoversten	Huseman
Huser	Jacobs	Jochum	Johnson
Kettering	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Taylor, D.	Taylor, T.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Winckler	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, none.

Absent or not voting, 8:

Fallon
Mertz

Grundberg
Smith

Jenkins
Stevens

Klemme
Sukup

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 564**, a bill for an act providing for the reversion of dividends and distributions by certain cooperative associations, amended by the Senate, and moved that the House concur in the following Senate amendment H-1652:

H-1652

- 1 Amend House File 564, as passed by the House, as
- 2 follows:
- 3 1. Page 2, line 9, by striking the word and
- 4 figure "section 556.5" and inserting the following:
- 5 "sections 556.5 and 556.11".
- 6 2. Page 2, by inserting after line 13, the
- 7 following:
- 8 " _____. Any disbursement that is retained by the
- 9 cooperative association shall be forfeited to the
- 10 cooperative association if the cooperative association
- 11 publishes at least one notice of the abandoned
- 12 property in a publication regularly distributed to its
- 13 membership or in a newspaper having a general
- 14 circulation in the county where the cooperative
- 15 association is located. The notice shall include all
- 16 of the following:
- 17 a. The name and address of the cooperative
- 18 association.
- 19 b. The name of the person who has an interest in
- 20 the disbursement according to the records of the
- 21 cooperative association.
- 22 c. A brief description of the type of disbursement
- 23 retained by the cooperative association.
- 24 d. A statement that the disbursement will be
- 25 forfeited to the cooperative association unless the
- 26 person files a claim for the disbursement within the
- 27 period provided for in this section."
- 28 3. Page 2, by striking lines 25 through 29, and
- 29 inserting the following: "within six months after the
- 30 first date that the notice of abandoned property is
- 31 first published as provided in this section, the
- 32 disbursement shall be forfeited to the cooperative

33 association."

34 4. Page 2, line 30, by striking the word

35 "disbursement" and inserting the following:

36 "disbursements".

37 5. Page 2, line 31, by striking the word "is" and

38 inserting the following: "are".

39 6. Page 2, line 32, by inserting before the words

40 "the directors" the following: "provided in this

41 subsection. The cooperative association may authorize

42 the payment of forfeited disbursements to persons

43 claiming interests in forfeited disbursements as

44 provided in the cooperative association's articles of

45 incorporation or bylaws. Otherwise, forfeited

46 disbursements shall be used as".

47 7. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1652.

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. 564)

The ayes were, 91:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Finch	Foege	Ford	Frevert
Garman	Gipp	Greimann	Hahn
Hansen	Heaton	Hoffman	Horbach
Houser	Hoversten	Huseman	Huser
Jacobs	Jochum	Johnson	Kettering
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven

Van Fossen
Wise

Warnstadt
Witt

Weidman
Mr. Speaker
Siegrist

Winckler

The nays were, 1:

Hatch

Absent or not voting, 8:

Fallon
Mertz

Grundberg
Smith

Jenkins
Stevens

Klemme
Sukup

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 564** and **Senate Files 203, 350 and 499.**

SENATE AMENDMENTS CONSIDERED

Baudler of Adair called up for consideration **House File 502**, a bill for an act relating to agricultural production, by prohibiting acts relating to facilities or operations, making penalties applicable, and providing penalties and civil liability, amended by the Senate, and moved that the House concur in the following Senate amendment H-1689:

H-1689

- 1 Amend House File 502, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by inserting after line 7, the
- 4 following:
- 5 "Sec. ____ Section 717A.1, subsection 2, paragraph
- 6 a, Code 2001, is amended to read as follows:
- 7 a. Willfully destroy property of an animal
- 8 facility, or kill or injure an animal maintained at an
- 9 animal facility, including by an act of violence or
- 10 the transmission of a disease including but not
- 11 limited to any disease designated by the department of
- 12 agriculture and land stewardship pursuant to section
- 13 163.2.
- 14 Sec. ____ Section 717A.1, subsection 2, paragraph

15 c, subparagraph (2), Code 2001, is amended to read as
16 follows:

17 (2) ~~Injure~~ Kill or injure an animal maintained at
18 the animal facility."

19 2. Page 4, line 14, by striking the word "The"
20 and inserting the following: "The This".

21 3. Page 4, by inserting after line 16 the
22 following:

23 "____. This section does not apply to a licensed
24 veterinarian practicing veterinary medicine as
25 provided in chapter 169 and according to customary
26 standards of care."

27 4. Page 6, by striking line 5, and inserting the
28 following:

29 "____. A person who violates this section as it
30 applies to a research crop or crop operation".

31 5. Page 6, by striking line 18, and inserting the
32 following:

33 "____. A person who violates this section as it
34 applies to a crop other than a research crop".

35 6. By renumbering, relettering, or redesignating
36 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1689.

Baudler of Adair 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. 502)

The ayes were, 92:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Finch	Foege	Ford	Frevert
Garman	Gipp	Greimann	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Houser	Hoversten	Huseman
Huser	Jacobs	Jochum	Johnson
Kettering	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher

May	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Taylor, D.	Taylor, T.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Winckler	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, none.

Absent or not voting, 8:

Fallon	Grundberg	Jenkins	Klemme
Mertz	Smith	Stevens	Sukup

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

Eichhorn of Hamilton called up for consideration **House File 656**, a bill for an act relating to the licensing and regulation of manufactured or mobile homes, providing that actions for rent recovery and for forcible entry and detention of real property may be merged, and providing coordinating amendments, amended by the Senate, and moved that the House concur in the following Senate amendment H-1716:

H-1716

- 1 Amend House File 656, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 15, by striking lines 2 through 22.
- 4 2. Title page, by striking lines 2 through 4, and
- 5 inserting the following: "or mobile homes, and
- 6 providing coordinating amendments."
- 7 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1716.

Eichhorn 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. 656)

The ayes were, 92:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Finch	Foege	Ford	Frevert
Garman	Gipp	Greimann	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Houser	Hoversten	Huseman
Huser	Jacobs	Jochum	Johnson
Kettering	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Taylor, D.	Taylor, T.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Winckler	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, none.

Absent or not voting, 8:

Fallon	Grundberg	Jenkins	Klemme
Mertz	Smith	Stevens	Sukup

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

HOUSE INSISTS

Broers of Cerro Gordo called up for consideration **Senate File 466**, a bill for an act relating to child care and protection public policy provisions involving children, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED (Senate File 466)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 466: Broers of Cerro Gordo, Chair; Cormack of Webster, Boddicker of Cedar, Murphy of Dubuque and Smith of Marshall.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 502 and 656.**

INTRODUCTION OF BILLS

House File 741, by Rants, a bill for an act relating to certain grain crops originating from agricultural seeds that have been genetically modified using biotechnological techniques, providing for liability, and providing for penalties.

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

House File 742, by committee on appropriations, a bill for an act relating to and making appropriations from the rebuild Iowa infrastructure fund to state departments and agencies, including the department of corrections, the department of cultural affairs, the department of economic development, the department of general services, the Iowa state fair foundation, the legislative council, the department of natural resources, the department of public defense, the department of public safety, the state board of regents, the state department of transportation, and the office of treasurer of state, and making appropriations from the environment first fund for environmental purposes to the department of agriculture and land stewardship, the department of economic development, the department of natural resources, the state department of transportation, and the Iowa resources enhancement and protection fund, making related statutory changes, and providing effective dates.

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

House File 743, by committee on ways and means, a bill for an act providing for fees for the remediation of sites evidencing contamination from a release of fertilizers and soil conditioners or pesticides, and providing an effective date.

Read first time and placed on the **ways and means calendar**.

House File 744, by committee on ways and means, a bill for an act relating to the exemption from property taxation of facilities used by private educational institutions.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGES CONSIDERED

Senate File 521, by committee on ways and means, a bill for an act establishing a new economy employment initiative by providing for a partial deduction under the individual income tax for the capital gain from the sale or exchange of capital stock of a corporation which was acquired by an individual on account of employment with the corporation, limiting the fiscal impact of the partial deductions, and including an effective and retroactive applicability date provision.

Read first time and **passed on file**.

Senate File 530, by committee on appropriations, a bill for an act relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date.

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

Senate File 536, by committee on ways and means, a bill for an act relating to physical plant and equipment levy amounts collected in urban renewal areas, providing an effective date, and providing for the Act's applicability.

Read first time and referred to committee on **ways and means**.

Senate File 537, by committee on appropriations, a bill for an act relating to and making appropriations from the tobacco settlement endowment fund and the healthy Iowans tobacco trust, establishing certain uses for the appropriations, and providing effective dates.

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

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 26, 2001. Had I been present, I would have voted "aye" on House Files 727, 731, 733 and Senate Files 392, 526 and 528.

BUKTA of Clinton

CONFERENCE COMMITTEE REPORT FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee report on the following bill has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

Senate File 346, a bill for an act relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for transcription and recording of testimony for certain investigations conducted by the department of corrections, and for purchases by a department or agency from Iowa state industries.

ON THE PART OF THE HOUSE:

CLEL BAUDLER, Chair
GEORGE EICHHORN
KEITH KREIMAN
CHUCK LARSON
MARK TREMMEL

ON THE PART OF THE SENATE:

ANDY MCKEAN, Chair
JEFF ANGELO
JOHNIE HAMMOND
JACK HOLVECK
STEVE KING

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 26, 2001, he approved and transmitted to the Secretary of State the following bills:

House File 352, an act relating to the administration and care of the Iowa battle flag collection.

House File 356, an act relating to administrative and corrective changes to the workers' compensation law and providing an effective date and retroactive applicability.

House File 535, an act allowing cities to issue general obligation bonds, revenue bonds, or loan agreements to fund the construction and equipping of child care centers and providing an effective date.

House File 581, an act relating to the size of drainage or levee districts having election districts.

House File 647, an act relating to the release and use of certain personal information by the state department of transportation.

Senate File 62, an act relating to the processing and distribution of honey in residences.

Senate File 168, an act relating to the granting of additional cable television franchises by a city.

Senate File 169, an act limiting the exemption from regulation of certain persons acting as an attorney in fact regarding certain real estate transactions.

Senate File 259, an act relating to the victim rights compensation fund.

Senate File 337, an act relating to transfers of structured settlement payment rights for tort and workers' compensation claims, providing civil remedies, and an applicability date.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

April 26, 2001

Brent Siegrist
Speaker of the House
State Capitol Building
LOCAL

Dear Speaker Siegrist:

I hereby transmit House File 341, an act relating to informed consent provisions relating to an abortion and providing criminal penalties, and providing an effective date.

House File 341 provides that an abortion shall be prohibited without the "voluntary and informed consent" of the woman seeking the procedure. To meet this consent requirement, a physician or the physician's agent is required to provide government prescribed information, predominantly non-medical, to the woman at least 24 hours

prior to performing the procedure. The bill, in a rare move, would subject medical professionals to criminal penalties for failing to comply.

House File 341 is substantially the same as House File 2229, which I vetoed one year ago. The concerns that I expressed then remain today and are as follows:

1. Providing prescribed information – While I firmly support providing information that allows a patient to make an informed decision regarding a medical procedure, the requirement in this bill is redundant with current law and therefore not necessary. Iowa law currently requires a medical professional to obtain, from the patient, a written consent to any medical or surgical procedure. (Iowa Code 147.137) This written consent includes information on the risks associated with the procedure to be performed. Therefore, women are already being provided information they need to make an informed decision about the abortion procedure.

2. 24 Hour Waiting period – This bill also assumes that women do not invest enough time before the procedure weighing the emotional, medical, and spiritual factors involved in making this extremely difficult decision. I do not believe that assumption is true.

Current parental notification laws, which I supported, also provide an opportunity for every young woman to have help and assistance in making this decision. Medical facilities providing abortions and family planning services currently make information available to a woman contemplating an abortion. A number of other organizations, including many churches, synagogues, and faith-based organizations, should and do make information on alternatives available. From this, I conclude that any information a woman wants or needs is available to her.

Given the current laws in Iowa and the level of information currently available to women, I must again conclude that this bill is not about providing informed consent. Rather it is about government prescribing what a woman should think about, when a woman should think, and for how long a woman should think. This goes beyond the appropriate role of government in the context of this legal procedure.

The decision to have or not have an abortion is and should be the patient's decision. It should be made pursuant to her own values, in consultation with her physician and her God. Government's role is and should be limited.

For the above reasons, I hereby respectfully disapprove House File 341.

Sincerely,
Thomas J. Vilsack
Governor

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- 2001\1085 Orvil Nelson, Wellman – For celebrating his 80th birthday.
- 2001\1086 Harold Schmickley, Boone – For celebrating his 95th birthday.
- 2001\1087 Burlington High School SADD Chapter, Burlington – For being named National SADD Program of the Year.
- 2001\1088 Darlyne Wright, Armstrong – For celebrating her 88th birthday.
- 2001\1089 Roma and Ray Ault, Mitchellville – For celebrating their 50th wedding anniversary.
- 2001\1090 Carolyn and Bill Frederick, Alleman – For celebrating their 50th wedding anniversary.
- 2001\1091 Phil Wiese, Tipton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2001\1092 Gilbert High School, Gilbert – For winning the State Parliamentary Procedure Competition.

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.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATION

Senate File 530, a bill for an act relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 27, 2001.

Senate File 535, 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1750** April 27, 2001.

Committee Bill (Formerly House Study Bill 258), relating to the senior living program including provisions relating to and making appropriations from the senior living trust fund to the department of elder affairs and the department of human services, and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended Do Pass April 26, 2001.

Committee Bill (Formerly House Study Bill 259), relating to and making appropriations from the rebuild Iowa infrastructure fund to state departments and agencies, including the department of agriculture and land stewardship, the department of corrections, the department of cultural affairs, the department of economic development, the department of general services, the Iowa state fair foundation, the legislative council, the department of natural resources, the department of public defense, the department of public safety, the state board of regents, the state department of transportation, and the office of treasurer of state, and making appropriations from the environment first fund for environmental purposes to the department of agriculture and land stewardship, the department of economic development, the department of natural resources, the state department of transportation, and the Iowa resources enhancement and protection fund, making related statutory changes, and providing effective dates.

Fiscal Note is not required.

Recommended Amend and Do Pass April 26, 2001.

Committee Bill (Formerly House Study Bill 261), 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 27, 2001.

COMMITTEE ON WAYS AND MEANS

Senate File 514, a bill for an act relating to a maximum property tax dollars limitation for counties and providing for the Act's applicability.

Fiscal Note is not required.

Recommended Do Pass April 26, 2001.

Senate File 520, a bill for an act relating to the property tax exemption for methane gas and other gas conversion property and providing a retroactive applicability date and an effective date.

Fiscal Note is not required.

Recommended Do Pass April 26, 2001.

Committee Bill (Formerly House Study Bill 255), providing for fees for the remediation of sites evidencing contamination from a release of fertilizers and soil conditioners or pesticides, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 26, 2001.

Committee Bill (Formerly House Study Bill 257), relating to the exemption from property taxation of facilities used by private educational institutions.

Fiscal Note is not required.

Recommended **Do Pass** April 26, 2001.

RESOLUTIONS FILED

HCR 34, by Grundberg, a concurrent resolution reminding Iowa's congressional delegation to fund the federal financial commitment to states, localities, and children with disabilities under the federal Individuals With Disabilities Education Act.

Laid over under **Rule 25**.

HCR 35, by May, Brauns, Houser, and Huser, a concurrent resolution requesting the establishment of a committee to study and make recommendations concerning issues related to hazardous material cleanup.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1746	H.F.	740	Osterhaus of Jackson
H-1747	H.F.	740	Osterhaus of Jackson
H-1748	S.F.	515	T. Taylor of Linn
H-1749	S.F.	515	T. Taylor of Linn
H-1750	S.F.	535	Committee on Appropriations
H-1751	S.F.	535	Finch of Story
H-1752	H.F.	739	Eichhorn of Hamilton

On motion by Rants of Woodbury the House adjourned at 12:53 p.m., until 10:00 a.m., Monday, April 30, 2001.

JOURNAL OF THE HOUSE

One Hundred Thirteenth Calendar Day - Seventy-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 30, 2001

The House met pursuant to adjournment at 10:11 a.m., Speaker Siegrist in the chair.

Prayer was offered by the Honorable Rod Roberts, state representative from Carroll County.

The Journal of Friday, April 27, 2001 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Rod Roberts, state representative from Carroll County.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kuhn of Floyd, until his arrival, on request of Bukta of Clinton; Shoultz of Black Hawk on request of Warnstadt of Woodbury.

INTRODUCTION OF BILL

House File 745, by Rants, a bill for an act regulating infectious and contagious diseases in animals, providing for the indemnification of owners, and providing an effective date.

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

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 27, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 716, a bill for an act providing for taxes relating to ethanol blended gasoline, making penalties applicable, and providing for the Act's applicability.

Also: That the Senate has on April 27, 2001, insisted on its amendment to Senate File 203, a bill for an act extending the regular program district cost guarantee for school districts, and providing an effective date, and the members of the Conference Committee on the part of the Senate are: The Senator from Shelby, Senator Boettger, Chair; the Senator from Union, Senator Angelo; the Senator from Plymouth, Senator Redwine; the Senator from Dubuque, Senator Connolly; the Senator from Palo Alto, Senator Kibbie.

Also: That the Senate has on April 27, 2001, 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 458, a bill for an act relating to children's program and juvenile court provisions involving the department of human services in regard to the foster home insurance fund, group child care providers, juvenile delinquency and child in need of assistance dispositions, and termination of parental rights.

Also: That the Senate has on April 27, 2001, appointed the conference committee to Senate File 466, a bill for an act relating to child care and protection public policy provisions involving children, and the members of the Conference Committee on the part of the Senate are: The Senator from Jefferson, Senator Miller, Chair; the Senator from Sac, Senator King; the Senator from Scott, Senator Tinsman; the Senator from Washington, Senator Shearer; the Senator from Story, Senator Hammond.

Also: That the Senate has on April 27, 2001, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 526, a bill for an act excluding certain business property from being considered abandoned property under the state's disposition of unclaimed property law.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 524, by committee on appropriations, a bill for an act providing assistance regarding the development of grapes and wine and providing for tax revenue and an appropriation.

Read first time and referred to committee on **ways and means**.

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.

ADOPTION OF HOUSE RESOLUTION 33

Reynolds of Van Buren called up for consideration **House Resolution 33**, a resolution honoring the Des Moines Register's 2001 Academic All-State Team, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 698, a bill for an act providing appropriations for certain temporary staffing for the Iowa utilities board and consumer advocate prior to assessment of such staffing expenses to utilities, was taken up for consideration.

Jenkins of Black Hawk asked and received unanimous consent to withdraw amendment H-1593 filed by him and Hansen of Pottawattamie on April 19, 2001.

Jenkins of Black Hawk asked and received unanimous consent to withdraw amendment H-1626, to amendment H-1593, filed by Chiodo of Polk on April 23, 2001.

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?" (H.F. 698)

The ayes were, 89:

Alons	Atteberry	Barry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Falck	Finch	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hatch	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Jacobs	Jenkins	Jochum
Johnson	Kettering	Klemme	Larkin
Larson	Lensing	Manternach	Mascher

May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Sievers	Smith	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, 1:

Kreiman

Absent or not voting, 10:

Arnold	Dix	Fallon	Foege
Hansen	Huser	Kuhn	Shoultz
Stevens	Van Engelenhoven		

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

Sukup of Franklin in the chair at 10:37 a.m.

Ways and Means Calendar

House File 737, a bill for an act providing an Iowa individual income tax checkoff for deposit in the keep Iowa beautiful fund, making an appropriation, and providing a retroactive applicability date, was taken up for consideration.

Finch 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?" (H.F. 737)

The ayes were, 57:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Brunkhorst	Carroll
Chiodo	Cormack	De Boef	Dix
Dolecheck	Drake	Eddie	Eichhorn

Elgin	Fallon	Finch	Gipp
Greimann	Hahn	Heaton	Hoffman
Horbach	Houser	Hoversten	Huseman
Jacobs	Jenkins	Johnson	Kettering
Klemme	Kreiman	Larson	Manternach
Metcalf	Millage	Quirk	Raecker
Rants	Rayhons	Rekow	Shey
Siegrist, Spkr.	Sievers	Teig	Tymeson
Van Fossen	Warnstadt	Weidman	Wise
Sukup, Presiding			

The nays were, 35:

Atteberry	Bell	Bukta	Cphoon
Connors	Dotzler	Falck	Ford
Frevert	Garman	Hatch	Jochum
Larkin	Lensing	Mascher	May
Mertz	Murphy	Myers	O'Brien
Osterhaus	Petersen	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Smith	Taylor, D.	Taylor, T.	Tremmel
Tyrrell	Winckler	Witt	

Absent or not voting, 8:

Foege	Grundberg	Hansen	Huser
Kuhn	Shoultz	Stevens	Van Engelenhoven

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

CONFERENCE COMMITTEE APPOINTED (Senate File 203)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 203: Brunkhorst of Bremer, Chair; Grundberg of Polk, Boal of Polk, Wise of Lee and Mascher of Johnson.

On motion by Rants of Woodbury, the House was recessed at 10:53 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:08 p.m., Speaker pro tempore Sukup in the chair.

INTRODUCTION OF BILLS

House File 746, 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**.

House File 747, by committee on ways and means, a bill for an act imposing a tax rate increase from thirty percent to thirty-two percent on the adjusted gross receipts over three million dollars from gambling games conducted at racetrack enclosures and providing an effective date.

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 30, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 726, 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 office of drug control policy, and the commission of veterans affairs, providing a criminal surcharge increase, and providing an effective date.

Also: That the Senate has on April 30, 2001, concurred in the House amendment and adopted the following resolution in which the concurrence of the Senate was asked:

Senate Joint Resolution 3, a joint resolution authorizing the sixth judicial district department of correctional services to extend a lease-purchase agreement and providing an effective date.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schrader of Marion on request of Myers of Johnson.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty members present, twenty absent.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 698** be immediately messaged to the Senate.

Rants of Woodbury moved to suspend the rules for the immediate consideration of **House File 740**.

A non-record roll call was requested.

The ayes were 56, nays 44.

The motion to suspend the rules prevailed.

CONSIDERATION OF BILL

Appropriations Calendar

House File 740, a bill for an act relating to the senior living program including provisions relating to and making appropriations from the senior living trust fund to the department of elder affairs and the department of human services, and including effective date and retroactive applicability provisions, was taken up for consideration.

Heaton of Henry offered the following amendment H-1755 filed by him from the floor and moved its adoption:

H-1755

- 1 Amend House File 740 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "purposes" the following: ", and for not more than
- 4 the following full-time equivalent positions".
- 5 2. Page 1, by inserting after line 11, the
- 6 following:
- 7 FTEs 8.00"
- 8 3. Page 1, line 12, by striking the word "Of" and
- 9 inserting the following: "1. Of".

10 4. Page 1, by inserting after line 22, the
11 following:

12 "2. Of the funds appropriated in this section,
13 \$255,800 shall be used by the department to fund
14 strategies for dependent adult abuse detection,
15 training, and services.

16 3. The funds appropriated under this section shall
17 be used in accordance with any regulations,
18 requirements, or guidelines of the health care
19 financing administration of the United States
20 department of health and human services applicable to
21 the senior living program."

22 5. Page 2, line 5, by inserting after the word
23 "purposes" the following: ", and for not more than
24 the following full-time equivalent positions".

25 6. Page 2, by inserting after line 6, the
26 following:

27 FTEs 5.00"

28 7. Page 2, by inserting after line 17, the
29 following:

30 "Sec. ____ CONVERSION GRANT PROJECTS – RULES –
31 INTENT.

32 1. The department of human services shall adopt
33 rules that provide that beginning with applications
34 for conversion grants received on or after July 1,
35 2001, the department shall give greater weight in the
36 scoring methodology to nursing facility conversion
37 projects that are primarily the renovation and
38 remodeling of the existing nursing facility structure
39 and give less weight to conversion projects that are
40 primarily new construction. The department of human
41 services shall encourage cooperative efforts between
42 the department of inspections and appeals, the state
43 fire marshal and the grant applicant to promote the
44 acceptance of nursing facility conversion projects
45 that are primarily renovation and remodeling of the
46 existing nursing facility structure.

47 2. It is the intent of the general assembly that
48 the department of elder affairs certify all assisted
49 living programs established through nursing facility
50 conversion grants. The department of elder affairs

Page 2

1 shall consult with conversion grant applicants and
2 recipients to establish and monitor occupancy
3 agreements and assisted living program residents shall
4 be allowed access to third-party payors. The
5 department of elder affairs shall allow grant
6 recipients to revise and modify occupancy agreements
7 to reflect rates that are affordable, as defined in
8 section 249H.3, during the ten-year period of

9 operation following the awarding of the grant by the
10 department of human services."

11 8. Page 3, line 1, by inserting after the figure
12 "94.00." the following: "A nursing facility shall not
13 receive a reimbursement rate under this paragraph that
14 is less than the rate received on June 30, 2001, plus
15 an inflation factor of 6.21 percent. For the purposes
16 of this calculation, any excess payment allowance
17 received by the facility shall not be considered part
18 of the reimbursement rate."

19 9. Page 3, line 10, by inserting after the figure
20 "97.47." the following: "A nursing facility shall not
21 receive a reimbursement rate under this paragraph that
22 is less than the rate received on June 30, 2002, plus
23 an inflation factor based on the HCFA/SNF index. For
24 the purposes of this calculation, any excess payment
25 allowance received by the facility shall not be
26 considered part of the reimbursement rate."

27 10. Page 5, line 6, by striking the word "their"
28 and inserting the following: "the median of".

29 11. Page 5, line 16, by striking the word "their"
30 and inserting the following: "the median of".

31 12. Page 6, line 23, by striking the word "rate"
32 and inserting the following: "median".

33 13. Page 10, by inserting after line 1, the
34 following:

35 "Sec. ____ Section 249H.3, subsection 1, Code
36 2001, is amended to read as follows:

37 1. "Affordable" means rates for payment of room,
38 board, amenities, and medical and health services
39 which do not exceed the rates established for
40 providers of medical and health services under the
41 medical assistance program with eligibility for an
42 individual equal to the eligibility for medical
43 assistance pursuant to section 249A.3 may be
44 purchased, in conjunction with third-party payors, by
45 seniors with low and moderate incomes in the market
46 area of the providers of such services. In relation
47 to services provided by a provider of services under a
48 home and community-based waiver, "affordable" means
49 that the total monthly cost of the home and community-
50 based waiver services provided does not exceed the

Page 3

1 cost for that level of care as established by rule by
2 the department of human services, pursuant to chapter
3 17A, in consultation with the department of elder
4 affairs."

5 14. By renumbering as necessary.

Amendment H-1755 was adopted.

Osterhaus of Jackson offered the following amendment H-1747 filed by him and moved its adoption:

H-1747

- 1 Amend House File 740 as follows:
- 2 1. Page 1, line 11, by striking the figure
- 3 "5,285,426" and inserting the following:
- 4 "10,285,426".
- 5 2. Page 1, line 33, by striking the figure
- 6 "20,000,000" and inserting the following:
- 7 "15,000,000".

Speaker Siegrist in the chair at 2:30 p.m.

Amendment H-1747 lost.

Osterhaus of Jackson offered amendment H-1746 filed by him as follows:

H-1746

- 1 Amend House File 740 as follows:
- 2 1. Page 5, by striking lines 18 through 32, and
- 3 inserting the following:
- 4 "g. The department shall not apply a geographic
- 5 wage index adjustment in determining the modified
- 6 price-based case-mix reimbursement rate for nursing
- 7 facilities."
- 8 2. Page 7, by striking lines 31 and 32.

The House stood at ease at 3:09 p.m., until the fall of the gavel.

The House resumed session at 4:50 p.m., Speaker Siegrist in the chair.

Rants of Woodbury asked and received unanimous consent that House File 740 be deferred and that the bill retain its place on the unfinished business calendar. (Amendment H-1746 pending)

INTRODUCTION OF BILLS

House File 748, by committee on state government, a bill for an act providing for congressional and legislative districts and providing an effective date.

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

House File 749, by Reynolds, Hatch, Dotzler, Cormack, Jochum, T. Taylor, Witt, Winckler, Fallon, Greimann, Smith, Lensing, Frevert, and Kreiman, a bill for an act requiring disclosure of information on the use of tax revenues for economic development purposes.

Read first time and referred to committee on **ways and means**.

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 30, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 692, a bill for an act relating to mandatory disclosures in certain political telephone communications, and applying a penalty.

MICHAEL E. MARSHALL, Secretary

MOTION TO RECONSIDER (House File 737)

I move to reconsider the vote by which House File 737 passed the House on April 30, 2001.

WARNSTADT of Woodbury

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 30, 2001. Had I been present, I would have voted "aye" on House File 698.

ARNOLD of Lucas

I was necessarily absent from the House chamber on April 27 and 30, 2001. Had I been present, I would have voted "aye" on House Files 502, 564, 698, 737 and Senate Files 350 and 533.

STEVENS of Dickinson

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 30th day of April, 2001: House Files 229, 560, 662, 694, 706 and 711.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

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

Three sixth grade students from Logan Magnolia School, Logan, accompanied by Mary Espenmiller. By Barry of Harrison.

Fifth grade students from Turkey Valley, Jackson Junction. By Gipp of Winneshiek and Quirk of Chickasaw.

Six sixth and eighth grade students from St. Patrick's Catholic School, Sheldon, accompanied by teacher Pam Wehmeyer. By Johnson of Osceola.

Six students from Algona Seton, Algona, accompanied by Mr. Stillman. By Mertz of Kossuth.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF INSPECTIONS AND APPEALS

The Fiscal Year 2000 Annual Report, pursuant to Chapter 10A.104(3), Code of Iowa.

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

The Fiscal Year 2000 Annual Report, pursuant to Chapter 8D.3, 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.

MARGARET A. THOMSON
Chief Clerk of the House

- 2001\1093 Velma Siebrecht, Odebolt – For celebrating her 80th birthday.
- 2001\1094 Gladys Strackbein, Battle Creek – For celebrating her 80th birthday.
- 2001\1095 Darlene and Darwin Becker, Lake View – For celebrating their 50th wedding anniversary.
- 2001\1096 Verna Pithan, Charter Oak – For celebrating her 80th birthday.
- 2001\1097 Edna Mitzel, Manilla – For celebrating her 80th birthday.
- 2001\1098 Lorena Petersen, Denison – For celebrating her 85th birthday.
- 2001\1099 Veryl and Dick Determan, Onawa – For celebrating their 62nd wedding anniversary.
- 2001\1100 Marjorie Fratzke, Oelwein – For celebrating her 90th birthday.
- 2001\1101 Mr. and Mrs. Chris Petersen, Norwalk – For celebrating their 50th wedding anniversary.
- 2001\1102 Mr. and Mrs. Charles Pettit, Norwalk – For celebrating their 50th wedding anniversary.
- 2001\1103 Lauren and Agnes Gaumer, Murray – For celebrating their 60th wedding anniversary.
- 2001\1104 A. Robert Maxwell, Davenport – For celebrating his 80th birthday.
- 2001\1105 Floyd Peters, Vinton – For celebrating his 80th birthday.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 260 **(Committee of the Whole)**

State Government: Metcalf, Chair; Elgin, Larkin, Boddicker, Bradley, Brauns, Chiodo, Connors, Cormack, Eichhorn, Falck, Garman, Gipp, Jacobs, Jochum, Millage, O'Brien, Reynolds, T. Taylor, Tremmel and Van Engelenhoven.

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.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 537, a bill for an act relating to and making appropriations from the tobacco settlement endowment fund and the healthy Iowans tobacco trust, establishing certain uses for the appropriations, and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** April 30, 2001.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 260), providing for congressional and legislative districts and providing an effective date.

Fiscal Note is not required.

Recommended **Without Recommendation** April 30, 2001.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 232), relating to the tax rate on the adjusted gross receipts from gambling games at certain racetrack enclosures.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 27, 2001.

AMENDMENTS FILED

H-1753	H.F.	714	Sukup of Franklin
H-1754	S.F.	458	Senate Amendment
H-1756	S.F.	535	Atteberry of Delaware
H-1757	S.F.	535	Jochum of Dubuque
H-1758	S.F.	535	Scherrman of Dubuque
H-1759	S.F.	535	Wise of Lee
H-1760	H.F.	720	Reynolds of Van Buren
H-1761	H.F.	708	Larson of Linn

H-1762	H.F.	729	Metcalf of Polk
H-1763	H.F.	726	Senate Amendment
H-1764	H.F.	740	Osterhaus of Jackson
H-1765	H.F.	740	Smith of Marshall
H-1766	H.F.	714	Houser of Pottawattamie
			Sukup of Franklin
			Heaton of Henry
H-1767	H.F.	742	Gipp of Winneshiek
H-1768	S.F.	535	Foege of Linn
H-1769	H.F.	710	Sukup of Franklin
H-1770	H.F.	718	Warnstadt of Woodbury
H-1771	S.F.	165	Hatch of Polk
H-1772	H.F.	740	Osterhaus of Jackson
H-1773	S.F.	535	Wise of Lee
H-1774	S.F.	535	Finch of Story
De Boef of Mahaska			Tymeson of Madison
Mertz of Kossuth			Johnson of Osceola
Hoversten of Woodbury			Garman of Story
Tyrrell of Iowa			Tremmel of Wapello
O'Brien of Boone			Alons of Sioux
Seng of Scott			Broers of Cerro Gordo
Hahn of Muscatine			Barry of Harrison
Quirk of Chickasaw			Manternach of Jones
Eichhorn of Hamilton			Boddicker of Cedar
Roberts of Carroll			Rekow of Allamakee
Chiodo of Polk			Raecker of Polk
Rayhons of Hancock			Heaton of Henry
Boal of Polk			Carroll of Poweshiek
Sievers of Scott			Baudler of Adair
Larson of Linn			Horbach of Tama
Reynolds of Van Buren			Brunkhorst of Bremer
Klemme of Plymouth			Hoffman of Crawford
H-1775	H.F.	737	Mascher of Johnson
H-1776	H.F.	737	Mascher of Johnson
H-1777	S.F.	535	Winckler of Scott
H-1778	H.C.R.	35	May of Worth
H-1779	S.F.	165	Fallon of Polk
H-1780	S.F.	165	Fallon of Polk
H-1781	S.F.	165	Fallon of Polk
H-1782	S.F.	165	Fallon of Polk
H-1783	S.F.	165	Fallon of Polk

H-1784	S.F.	165	Fallon of Polk
H-1785	S.F.	165	Fallon of Polk
H-1786	S.F.	165	Fallon of Polk
H-1787	S.F.	165	Fallon of Polk
H-1788	S.F.	165	Petersen of Polk
H-1789	H.F.	737	Mascher of Johnson
H-1790	S.F.	165	Petersen of Polk
H-1791	S.F.	165	Petersen of Polk
H-1792	H.F.	720	Rayhons of Hancock
H-1793	S.F.	165	Grundberg of Polk
H-1794	S.F.	516	Grundberg of Polk
H-1795	H.F.	692	Senate Amendment
H-1796	H.F.	746	Murphy of Dubuque
H-1797	H.F.	746	Murphy of Dubuque

On motion by Rants of Woodbury the House adjourned at 4:51 p.m., until 8:45 a.m., Tuesday, May 1, 2001.

JOURNAL OF THE HOUSE

One Hundred Fourteenth Calendar Day - Seventy-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, May 1, 2001

The House met pursuant to adjournment at 8:53 a.m., Speaker Siegrist in the chair.

Prayer was offered by the Honorable Mike O'Brien, state representative from Boone County.

The Journal of Monday, April 30, 2001 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 30, 2001, 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 590, a bill for an act relating to the testing of individuals and the release of the results of tests for communicable and infectious diseases and for the human immunodeficiency virus and making penalties applicable.

Also: That the Senate has on April 30, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 643, a bill for an act providing statutory revisions relating to the department of education, school districts, and the kindergarten through grade twelve educational program.

Also: That the Senate has on April 30, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 722, a bill for an act relating to tonnage fees and moneys in the solid waste account of the groundwater protection fund, and providing an effective date.

Also: That the Senate has on April 30, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 733, a bill for an act relating to the Iowa individual health benefit reinsurance association and the Iowa comprehensive health insurance association, by changing the board of directors, membership, and assessment related to the associations, and making changes related to adjustments in the coverage of basic and standard health benefit plans.

Also: That the Senate has on April 30, 2001, refused to concur in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 470, a bill for an act relating to the regulation of infectious and contagious diseases in animals, and providing for penalties.

Also: That the Senate has on April 30, 2001, 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 532, a bill for an act relating to matters related to the tobacco settlement including the tobacco settlement authority, the tobacco settlement trust fund, and the tobacco settlement endowment fund, and providing an effective date.

Also: That the Senate has on April 30, 2001, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 18, a concurrent resolution honoring Brigadier General John A. Tymeson upon the occasion of his retirement.

Also: That the Senate has on April 30, 2001, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 27, a concurrent resolution urging Iowa's congressional delegation to support a federal appropriation to implement the Teaching America's History program.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 723, a bill for an act exempting irrigation equipment from sales and use taxes, providing limited refunds, and including effective and retroactive applicability date provisions, was taken up for consideration.

Hoffman of Crawford 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. 723)

The ayes were, 96:

Alons
Baudler

Arnold
Bell

Atteberry
Boal

Barry
Boddicker

Bogges	Bradley	Brauns	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Falck	Fallon
Finch	Foege	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Houser	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Winckler	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, none.

Absent or not voting, 4:

Broers	Ford	Shey	Shoultz
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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 724, a bill for an act relating to the allocation of special fees collected from the sale of Iowa heritage license plates, was taken up for consideration.

Speaker pro tempore Sukup in the chair at 9:11 a.m.

Manternach 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?" (H.F. 724)

The ayes were, 96:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Brunkhorst
Bukta	Carroll	Chiodo	Cphoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Falck	Fallon
Finch	Foege	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Houser	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Siegrist, Spkr.	Sievers
Smith	Stevens	Taylor, D.	Taylor, T.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Winckler	Wise	Witt	Sukup, Presiding

The nays were, none.

Absent or not voting, 4:

Broers	Ford	Shey	Shoultz
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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 743, a bill for an act providing for fees for the remediation of sites evidencing contamination from a release of fertilizers and soil conditioners or pesticides, and providing an effective date, was taken up for consideration.

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?" (H.F. 743)

The ayes were, 96:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Falck	Fallon
Finch	Foege	Ford	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Siegrist, Spkr.	Sievers
Smith	Stevens	Taylor, D.	Taylor, T.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Winckler	Wise	Witt	Sukup,
			Presiding

The nays were, 1:

Murphy

Absent or not voting, 3:

Brunkhorst

Shey

Shoultz

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 750, by Foege, a bill for an act creating a children's mental health initiative.

Read first time and referred to committee on **human resources**.

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 30, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 719, 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 support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 724** be immediately messaged to the Senate.

The House stood at ease at 9:39 a.m., until the fall of the gavel.

The House resumed session at 11:07 a.m., Speaker pro tempore Sukup 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 30, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 579, a bill for an act relating to the administration and management of the department of personnel.

MICHAEL E. MARSHALL, Secretary

House File 720, a bill for an act relating to the taking of fish and game by increasing fees for nonresident hunting, fishing, fur harvesting, and related licenses, providing for additional licenses and fees, and providing effective and applicability dates, was taken up for consideration.

Rayhons of Hancock asked and received unanimous consent to withdraw amendment H-1792 filed by him on April 30, 2001.

Reynolds of Van Buren asked and received unanimous consent to withdraw amendment H-1760 filed by her on April 30, 2001.

Sievers 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. 720)

The ayes were, 70:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	De Boef	Dix	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Frevert	Garman
Gipp	Hahn	Hansen	Heaton
Hoffman	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Kettering	Klemme	Kreiman	Kuhn
Larson	Lensing	Mascher	May
Mertz	Metcalf	Millage	Myers
O'Brien	Osterhaus	Raecker	Rants
Rekow	Reynolds	Roberts	Scherrman
Shey	Siegrist, Spkr.	Sievers	Smith
Stevens	Teig	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Winckler
Witt	Sukup,		
	Presiding		

The nays were, 28:

Atteberry	Bell	Chiodo	Cohoon
Connors	Cormack	Dolecheck	Falck
Foege	Ford	Greimann	Hatch
Horbach	Hoversten	Larkin	Manternach
Murphy	Petersen	Quirk	Rayhons
Richardson	Schrader	Seng	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Wise

Absent or not voting, 2:

Grundberg	Shoultz
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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 735, a bill for an act relating to the regulatory authority and procedures of the department of natural resources by providing for the issuance of limited quota licenses and the issuance of licenses and permits by electronic means, was taken up for consideration.

SENATE FILE 407 SUBSTITUTED FOR HOUSE FILE 735

Teig of Hamilton asked and received unanimous consent to substitute Senate File 407 for House File 735.

Senate File 407, a bill for an act relating to the regulatory authority and procedures of the department of natural resources by providing for the issuance of limited quota licenses and the issuance of licenses and permits by electronic means, was taken up for consideration.

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. 407)

The ayes were, 98:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen

Quirk	Raecker	Rants	Rayhons
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Siegrist, Spkr.	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Witt	Sukup, Presiding		

The nays were, none.

Absent or not voting, 2:

Grundberg Shoultz

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

HOUSE FILE 735 WITHDRAWN

Teig of Hamilton asked and received unanimous consent to withdraw House File 735 from further consideration by the House.

SPECIAL PRESENTATION

Connors of Polk introduced to the House the Honorable former Lieutenant Governor Bob Anderson who introduced several lawyers and journalists from Africa who were visiting Iowa.

The House rose and expressed its welcome.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 720** and **Senate File 407**.

MOTION TO RECONSIDER WITHDRAWN (Senate File 528)

Rants of Woodbury asked and received unanimous consent to withdraw the motion to reconsider **Senate File 528**, a bill for an act relating to and making transportation and other infrastructure-

related appropriations to the state department of transportation, including allocation and use of moneys from the general fund of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, and discontinuing driver's license renewal by mail, filed by him on April 26, 2001.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 528** be immediately messaged to the Senate.

Speaker Siegrist in the chair at 11:43 a.m.

SENATE AMENDMENT CONSIDERED

Boggess of Page called up for consideration **House File 718**, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, making related statutory changes, and providing effective dates, amended by the Senate amendment H-1714 as follows:

H-1714

- 1 Amend House File 718, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 10, by striking the figure
- 4 "235,000", and inserting the following: "285,000".
- 5 2. Page 1, line 16, by striking the figure
- 6 "1,649,126", and inserting the following:
- 7 "1,699,126".
- 8 3. Page 1, by inserting after line 17 the
- 9 following:
- 10 "Of the moneys allocated for the world food prize,
- 11 \$50,000 shall be allocated for purposes of the world
- 12 food prize youth institute."
- 13 4. Page 2, line 1, by striking the figure
- 14 "4,487,342" and inserting the following: "4,437,342".
- 15 5. Page 17, by inserting after line 7, the
- 16 following:
- 17 "Sec. ____ Section 90A.12, subsection 1, Code
- 18 2001, is amended to read as follows:
- 19 1. A person ~~age thirty-three years or older~~ shall
- 20 not participate as a contestant in an organized
- 21 amateur boxing contest unless each contestant
- 22 participating in the contest ~~is age thirty-three years~~

23 ~~or older~~ meets the age requirements of USA boxing
 24 incorporated, or its successor organization. A birth
 25 certificate, or similar document validating the
 26 contestant's date of birth, must be submitted at the
 27 time of the preflight physical examination in order to
 28 determine eligibility."

29 6. Page 17, by inserting after line 7 the
 30 following:

31 "Sec. ____ Section 260F.6, Code 2001, is amended
 32 by adding the following new subsection:

33 NEW SUBSECTION. 3. Notwithstanding the
 34 requirements of this section, moneys in the job
 35 training fund may be used by a community college to
 36 conduct entrepreneur development and support
 37 activities."

38 7. By renumbering as necessary.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-1770, to the Senate amendment H-1714, filed by him on April 30, 2001.

On motion by Boggess of Page the House concurred in the Senate amendment H-1714.

Boggess of Page 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. 718)

The ayes were, 55:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Carroll
Connors	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Finch	Gipp	Hahn	Hansen
Heaton	Hoffman	Horbach	Houser
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Kettering	Klemme	Kreiman
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Sievers	Sukup
Teig	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Mr. Speaker	
		Siegrist	

The nays were, 43:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Cormack	Dotzler	Falck
Fallon	Foege	Ford	Frevert
Garman	Greimann	Hatch	Huser
Jochum	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Reynolds	Richardson	Scherrman
Schrader	Seng	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise	Witt	

Absent or not voting, 2:

Grundberg Shoultz

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

On motion by Rants of Woodbury, the House was recessed at 11:51 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:41 p.m., Speaker Siegrist in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-six members present, twenty-four absent.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 742, a bill for an act relating to and making appropriations from the rebuild Iowa infrastructure fund to state departments and agencies, including the department of corrections, the department of cultural affairs, the department of economic development, the department of general services, the Iowa state fair foundation, the legislative council, the department of natural resources, the department of public defense, the department of public safety, the state board of regents, the state department of

transportation, and the office of treasurer of state, and making appropriations from the environment first fund for environmental purposes to the department of agriculture and land stewardship, the department of economic development, the department of natural resources, the state department of transportation, and the Iowa resources enhancement and protection fund, making related statutory changes, and providing effective dates, was taken up for consideration.

Warnstadt of Woodbury offered the following amendment H-1820 filed by him from the floor and moved its adoption:

H-1820

1 Amend House File 742 as follows:

2 1. By striking everything after the enacting
3 clause, and inserting the following:

4 "DIVISION I

5 REBUILD IOWA INFRASTRUCTURE FUND

6 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

7 Section 1. There is appropriated from the rebuild

8 Iowa infrastructure fund to the department of

9 agriculture and land stewardship for the fiscal year

10 beginning July 1, 2001, and ending June 30, 2002, the

11 following amount, or so much thereof as is necessary,

12 to be used for the purpose designated:

13 To provide financial assistance for the

14 establishment of permanent soil and water conservation

15 practices, notwithstanding section 8.57, subsection 5,

16 paragraph "c":

17 \$ 5,500,000

18 1. Not more than 5 percent of the moneys

19 appropriated in this section may be allocated for

20 cost-sharing to abate complaints filed under section

21 161A.47.

22 2. Of the moneys appropriated in this section, 5

23 percent shall be allocated for financial incentives to

24 establish practices to protect watersheds above

25 publicly owned lakes of the state from soil erosion

26 and sediment as provided in section 161A.73.

27 3. Not more than 30 percent of a district's

28 allocation of moneys as financial incentives may be

29 provided for the purpose of establishing management

30 practices to control soil erosion on land that is row-

31 cropped, including but not limited to no-till

32 planting, ridge-till planting, contouring, and contour

33 strip-cropping as provided in section 161A.73.

34 4. The state soil conservation committee created

35 in section 161A.4 may allocate moneys appropriated in

36 this section to conduct research and demonstration
 37 projects to promote conservation tillage and nonpoint
 38 source pollution control practices.
 39 5. The financial incentive payments may be used in
 40 combination with department of natural resources
 41 moneys.

42 DEPARTMENT OF CORRECTIONS

43 Sec. 2. There is appropriated from the rebuild
 44 Iowa infrastructure fund to the department of
 45 corrections for the fiscal year beginning July 1,
 46 2001, and ending June 30, 2002, the following amounts,
 47 or so much thereof as is necessary, to be used for the
 48 purposes designated:
 49 1. To supplement funds appropriated in 1998 Iowa
 50 Acts, chapter 1219, section 2, subsection 3, for

Page 2

1 construction of a 200-bed facility at the Iowa state
 2 penitentiary at Fort Madison:
 3 \$ 6,400,000
 4 2. For costs associated with connecting the
 5 correctional facility at Oakdale to the city of
 6 Coralville water system:
 7 \$ 100,000
 8 3. For the final phase of the state's share of the
 9 construction costs associated with the Mitchellville
 10 waste water treatment plant:
 11 \$ 364,400
 12 4. For costs associated with connecting the
 13 electrical system supporting the special needs unit at
 14 Fort Madison:
 15 \$ 333,168
 16 Sec. 3. 2000 Iowa Acts, chapter 1225, section 2,
 17 unnumbered paragraph 2, is amended to read as follows:
 18 The first \$300,000 of the amount appropriated in
 19 this subsection shall be allocated for community-based
 20 corrections projects in Council Bluffs. The next
 21 \$600,000 of the amount appropriated in this subsection
 22 shall be allocated for community-based corrections
 23 projects in the judicial district in which the city of
 24 Davenport is located. These moneys may be used by the
 25 department to enter into lease-purchasing agreements
 26 or the payment of rent for such projects.
 27 Sec. 4. 1999 Iowa Acts, chapter 204, section 1,
 28 subsection 1, is amended to read as follows:
 29 1. For purchase and planning, design, and
 30 construction of a 170-bed facility at the Iowa medical
 31 and classification center at Oakdale:
 32 FY 1999-2000 \$ 3,750,000
 33 \$ 1,050,000
 34 FY 2000-2001 \$ 2,500,000

35 \$ 0
 36 DEPARTMENT OF CULTURAL AFFAIRS
 37 Sec. 5. There is appropriated from the rebuild
 38 Iowa infrastructure fund to the department of cultural
 39 affairs for the fiscal year beginning July 1, 2001,
 40 and ending June 30, 2002, the following amounts, or so
 41 much thereof as is necessary, to be used for the
 42 purposes designated:
 43 1. For historical site preservation grants, to be
 44 used for the restoration, preservation, and
 45 development of historical sites:
 46 \$ 2,000,000
 47 Historical site preservation grants shall only be
 48 awarded for projects which meet the definition of
 49 "vertical infrastructure" in section 8.57, subsection
 50 5, paragraph "c".

Page 3

1 In making grants pursuant to this subsection, the
 2 department shall consider the existence and amount of
 3 other funds available to an applicant for the
 4 designated project. Each grant awarded from moneys
 5 appropriated in this subsection shall not exceed
 6 \$100,000 per project. Not more than two grants may be
 7 awarded in each county.
 8 2. For continuation of the project recommended by
 9 the Iowa battle flag advisory committee to stabilize
 10 the condition of the battle flag collection,
 11 notwithstanding section 8.57, subsection 5, paragraph
 12 "c":
 13 \$ 275,000
 14 DEPARTMENT OF ECONOMIC DEVELOPMENT
 15 Sec. 6. There is appropriated from the rebuild
 16 Iowa infrastructure fund to the department of economic
 17 development for the fiscal year beginning July 1,
 18 2001, and ending June 30, 2002, the following amounts,
 19 or so much thereof as is necessary, to be used for the
 20 purposes designated:
 21 1. To be deposited in the physical infrastructure
 22 assistance fund created in section 15E.175:
 23 \$ 2,000,000
 24 The moneys appropriated in this subsection shall be
 25 used for projects which cumulatively result in the
 26 creation of "vertical infrastructure", as defined in
 27 section 8.57, subsection 5, paragraph "c", having a
 28 total value of at least \$2,000,000. The department
 29 shall report to the general assembly by March 31 of
 30 the fiscal year for which funds are appropriated in
 31 this subsection regarding the amount of such funds
 32 used for "vertical infrastructure" projects and the
 33 amount of such funds used for projects which result in

34 the creation of "vertical infrastructure".

35 2. For accelerated career education program
36 capital projects at community colleges that are
37 authorized under chapter 260G and that meet the
38 definition of "vertical infrastructure" in section
39 8.57, subsection 5, paragraph "c":
40

\$ 5,300,000

41 The moneys appropriated in this subsection shall be
42 allocated equally among the community colleges in the
43 state. If any portion of the equal allocation to a
44 community college is not obligated or encumbered by
45 April 1, 2002, the unobligated and unencumbered
46 portions shall be available for use by other community
47 colleges.

48 DEPARTMENT OF GENERAL SERVICES

49 Sec. 7. There is appropriated from the rebuild
50 Iowa infrastructure fund to the department of general

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1 services for the fiscal year beginning July 1, 2001,
2 and ending June 30, 2002, the following amounts, or so
3 much thereof as is necessary, to be used for the
4 purposes designated:

5 1. For capitol interior restoration:

6 \$ 1,700,000

7 2. For relocation expenses associated with
8 remodeling projects on the capitol complex,
9 notwithstanding section 8.57, subsection 5, paragraph
10 "c":
11

\$ 1,579,000

12 3. For routine maintenance of state buildings and
13 facilities under the purview of the department,
14 notwithstanding section 8.57, subsection 5, paragraph
15 "c":
16

\$ 2,500,000

17 The department shall quarterly file a report with
18 the legislative fiscal bureau detailing the use and
19 disposition of funds appropriated in this subsection.
20 4. For major renovation and major repair needs
21 including health, life, and fire safety needs, and for
22 compliance with the federal Americans With
23 Disabilities Act, for state-owned buildings and
24 facilities:
25

\$ 15,000,000

26 a. In accordance with section 8.57, subsection 5,
27 paragraph "c", the moneys appropriated in this
28 subsection shall not be used for project management
29 services provided by the department.

30 b. Of the amount appropriated in this subsection,
31 \$200,000 may be used for costs associated with the
32 vertical infrastructure program, notwithstanding

33 section 8.57, subsection 5, paragraph "c".

34 5. For relocation costs associated with renovation
35 of the state records center, notwithstanding section
36 8.57, subsection 5, paragraph "c":
37

\$ 1,028,000

38 6. For the purchase of land and improvements to
39 properties in the vicinity of the capitol complex:
40

\$ 400,000

41 Funds appropriated in this subsection may be
42 expended to prepare purchased property for utilization
43 by the state.

44 7. For the planning, design, and construction of a
45 facility, or for the purchase and renovation of the
46 metropolitan medical center property in Des Moines,
47 which shall be used as a multipurpose laboratory
48 facility, pursuant to approval by the legislative
49 council, notwithstanding section 8.57, subsection 5,
50 paragraph "c":
.....

Page 5

1 \$ 8,200,000

2 Sec. 8. There is appropriated from the rebuild
3 Iowa infrastructure fund to the department of general
4 services for the fiscal years designated, the
5 following amounts, or so much thereof as is necessary,
6 to be used for the purposes designated:

7 1. For the construction of a pedestrian bridge
8 across Court avenue to provide pedestrian access
9 across the capitol complex:

10 FY 2001-2002 \$ 500,000

11 FY 2002-2003 \$ 550,000

12 2. For costs associated with renovation of the
13 state records center:

14 FY 2001-2002 \$ 1,215,000

15 FY 2002-2003 \$ 8,500,000

16 FY 2003-2004 \$ 1,300,000

IOWA STATE FAIR FOUNDATION

18 Sec. 9. There is appropriated from the rebuild
19 Iowa infrastructure fund to the Iowa state fair
20 foundation for the fiscal year beginning July 1, 2001,
21 and ending June 30, 2002, the following amounts, or so
22 much thereof as is necessary, to be used for the
23 purposes designated:

24 1. For replacement of the roof of the livestock
25 pavilion:

26 \$ 500,000

27 2. For upgrades to the sewer and water systems:

28 \$ 300,000

29 3. For electrical upgrades:

30 \$ 200,000

31 DEPARTMENT OF NATURAL RESOURCES

32 Sec. 10. There is appropriated from the rebuild
 33 Iowa infrastructure fund to the department of natural
 34 resources for the fiscal year beginning July 1, 2001,
 35 and ending June 30, 2002, the following amounts, or so
 36 much thereof as is necessary, to be used for the
 37 purposes designated:
 38 1. For costs associated with the planning and
 39 design of a premier destination park, notwithstanding
 40 section 8.57, subsection 5, paragraph "c":
 41 \$ 1,000,000

42 2. To upgrade electrical systems at state parks
 43 throughout the state:
 44 \$ 500,000

45 DEPARTMENT OF PUBLIC DEFENSE

46 Sec. 11. There is appropriated from the rebuild
 47 Iowa infrastructure fund to the department of public
 48 defense for the fiscal years designated, the following
 49 amounts, or so much thereof as is necessary, to be
 50 used for the purposes designated:

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1 1. For maintenance and repair of national guard
 2 armories and facilities:
 3 FY 2001-2002 \$ 700,000
 4 2. For construction of a new national guard armory
 5 at Estherville:
 6 FY 2001-2002 \$ 400,000
 7 FY 2002-2003 \$ 400,000
 8 FY 2003-2004 \$ 400,000

9 DEPARTMENT OF PUBLIC SAFETY

10 Sec. 12. There is appropriated from the rebuild
 11 Iowa infrastructure fund to the department of public
 12 safety for the fiscal year beginning July 1, 2001, and
 13 ending June 30, 2002, the following amount, or so much
 14 thereof as is necessary, to be used for the purpose
 15 designated:
 16 For construction of a new Iowa state patrol post in
 17 Mason City:
 18 \$ 1,700,000

19 STATE BOARD OF REGENTS

20 Sec. 13. There is appropriated from the rebuild
 21 Iowa infrastructure fund to the state board of regents
 22 for the fiscal period beginning July 1, 2001, and
 23 ending June 30, 2004, the following amounts, or so
 24 much thereof as is necessary, to be used for the
 25 purposes designated:
 26 1. For construction of a new business college
 27 building at Iowa state university of science and
 28 technology:
 29 FY 2001-2002 \$ 4,200,000
 30 FY 2002-2003 \$ 6,700,000

31	FY 2003-2004	\$	0
32	2. For phase I of construction of the art building		
33	at the state university of Iowa:		
34	FY 2001-2002	\$	4,453,000
35	FY 2002-2003	\$	7,910,000
36	FY 2003-2004	\$	3,653,000
37	3. For upgrading the steam distribution system at		
38	the university of northern Iowa:		
39	FY 2001-2002	\$	3,990,000
40	FY 2002-2003	\$	4,320,000
41	FY 2003-2004	\$	4,390,000
42	4. For utility system replacement at the Iowa		
43	school for the deaf:		
44	FY 2001-2002	\$	250,000
45	FY 2002-2003	\$	0
46	FY 2003-2004	\$	0
47	5. For tuckpointing at the Iowa school for the		
48	deaf:		
49	FY 2001-2002	\$	185,000
50	FY 2002-2003	\$	0

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1	FY 2003-2004	\$	0
2	6. For upgrading the heating, ventilation, and air		
3	conditioning system at the Iowa braille and sight-		
4	saving school:		
5	FY 2001-2002	\$	400,000
6	FY 2002-2003	\$	0
7	FY 2003-2004	\$	0
8	The state board of regents is authorized to enter		
9	into contracts for the full cost of carrying out the		
10	projects listed in subsections 1 through 3, for which		
11	appropriations are made in those subsections. The		
12	state shall not be obligated for costs associated with		
13	contracts identified in this paragraph in excess of		
14	the funds appropriated by the general assembly.		
15	STATE DEPARTMENT OF TRANSPORTATION		
16	Sec. 14. There is appropriated from the rebuild		
17	Iowa infrastructure fund to the state department of		
18	transportation for the fiscal year beginning July 1,		
19	2001, and ending June 30, 2002, the following amounts,		
20	or so much thereof as is necessary, to be used for the		
21	purposes designated:		
22	1. For vertical infrastructure improvements at all		
23	10 of the commercial air service airports within the		
24	state:		
25	.....	\$	1,000,000
26	One-half of the funds appropriated in this		
27	subsection shall be allocated equally between each		
28	commercial service airport, 40 percent of the funds		
29	shall be allocated based on the percentage that the		

30 number of enplaned passengers at each commercial
 31 service airport bears to the total number of enplaned
 32 passengers in the state during the previous fiscal
 33 year, and 10 percent of the funds shall be allocated
 34 based on the percentage that the air cargo tonnage at
 35 each commercial service airport bears to the total air
 36 cargo tonnage in the state during the previous fiscal
 37 year. In order for a commercial service airport to
 38 receive funding under this subsection, the airport
 39 shall be required to submit applications for funding
 40 of specific projects to the department for approval by
 41 the state transportation commission.

42 2. For deposit in the aviation hangar revolving
 43 loan fund, created in section 330.2, for improvements
 44 to and design and construction of hangars at general
 45 aviation airports within the state:
 46 \$ 500,000

47 3. For acquiring, constructing, and improving
 48 recreational trails within the state:
 49 \$ 2,000,000

50 Of the amount appropriated in this subsection,

Page 8

1 \$1,000,000 shall be used for funding, on a matching
 2 basis, recreational trail projects, with priority
 3 given to completion of trail connections and sections
 4 between existing trails and parks within the
 5 established state recreational trails system. Such
 6 projects shall be matched by \$1 of private or other
 7 funds for each \$3 of state funds.

8 Of the amount appropriated in this subsection,
 9 \$50,000 shall be allocated for planning and
 10 development of the Iowa portion of the Mississippi
 11 river trail.

12 4. For an economic assistance program for capital
 13 improvements at commercial air service and general
 14 service airports including hangars, terminals, parking
 15 lots, and fuel facilities:
 16 \$ 500,000

17 The state department of transportation shall adopt
 18 rules for the implementation of the program described
 19 in this subsection. The rules shall include a
 20 provision allowing commercial air service and general
 21 service airports to apply for assistance under the
 22 program when immediate action is necessary in order to
 23 attract or retain an economic development opportunity
 24 in the region served by the airport. The rules shall
 25 also include a provision giving economic assistance
 26 preference to projects that maximize local community
 27 investment and jobs. Economic assistance may be in
 28 the form of a grant, loan, or combination of both.

29 OFFICE OF TREASURER OF STATE

30 Sec. 15. There is appropriated from the rebuild
31 Iowa infrastructure fund to the office of treasurer of
32 state for the fiscal year beginning July 1, 2001, and
33 ending June 30, 2002, the following amount, or so much
34 thereof as is necessary, to be used for the purpose
35 designated:

36 For county fair infrastructure improvements for
37 distribution in accordance with chapter 174 to
38 qualified fairs which belong to the association of
39 Iowa fairs:
40 \$ 1,060,000

41 Sec. 16. REVERSION. Notwithstanding section 8.33,
42 moneys appropriated in this division of this Act shall
43 not revert at the close of the fiscal year for which
44 they were appropriated but shall remain available for
45 the purposes designated until the close of the fiscal
46 year that begins July 1, 2004, or until the project
47 for which the appropriation was made is completed,
48 whichever is earlier.

49 Sec. 17. EFFECTIVE DATE. Section 4 in this
50 division of this Act, amending 1999 Iowa Acts, chapter

Page 9

1 204, section 1, being deemed of immediate importance,
2 takes effect upon enactment.

3 DIVISION II
4 ENVIRONMENT FIRST FUND
5 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

6 Sec. 18. There is appropriated from the
7 environment first fund to the department of
8 agriculture and land stewardship for the fiscal year
9 beginning July 1, 2001, and ending June 30, 2002, the
10 following amounts, or so much thereof as is necessary,
11 to be used for the purposes designated:

12 1. For the conservation reserve enhancement
13 program to restore and construct wetlands for the
14 purposes of intercepting tile line runoff, reducing
15 nutrient loss, improving water quality, and enhancing
16 agricultural production practices:

17 \$ 1,500,000

18 2. For continuation of a program that provides
19 multi-objective resource protections for flood
20 control, water quality, erosion control, and natural
21 resource conservation:

22 \$ 2,700,000

23 3. For continuation of a statewide voluntary farm
24 management demonstration program to demonstrate the
25 effectiveness and adaptability of emerging practices
26 in agronomy that protect water resources and provide
27 other environmental benefits:

28 \$ 850,000
29 4. For deposit in the alternative drainage system
30 assistance fund created in section 159.29A to be used
31 for purposes of supporting the alternative drainage
32 system assistance program as provided in section
33 159.29B:
34 \$ 1,000,000
35 Of the amount appropriated in this section,
36 \$300,000 shall be allocated to drainage district 176
37 to provide cost-share assistance for closing
38 agricultural drainage wells and constructing
39 alternative drainage systems in order to assist in
40 raising the level of cost-share payments to 75 percent
41 of the cost of the projects.
42 5. To provide financial assistance for the
43 establishment of permanent soil and water conservation
44 practices:
45 \$ 2,000,000
46 a. Not more than 5 percent of the moneys
47 appropriated in this subsection may be allocated for
48 cost-sharing to abate complaints filed under section
49 161A.47.
50 b. Of the moneys appropriated in this subsection,

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1 5 percent shall be allocated for financial incentives
2 to establish practices to protect watersheds above
3 publicly owned lakes of the state from soil erosion
4 and sediment as provided in section 161A.73.
5 c. Not more than 30 percent of a district's
6 allocation of moneys as financial incentives may be
7 provided for the purpose of establishing management
8 practices to control soil erosion on land that is row-
9 cropped, including but not limited to no-till
10 planting, ridge-till planting, contouring, and contour
11 strip-cropping as provided in section 161A.73.
12 d. The state soil conservation committee created
13 in section 161A.4 may allocate moneys appropriated in
14 this subsection to conduct research and demonstration
15 projects to promote conservation tillage and nonpoint
16 source pollution control practices.
17 e. The financial incentive payments may be used in
18 combination with department of natural resources
19 moneys.
20 6. To encourage and assist farmers in enrolling in
21 the continuous sign-up federal conservation reserve
22 program and work with them to enhance their
23 revegetation efforts to improve water quality and
24 habitat:
25 \$ 1,500,000
26 7. For deposit in the hungry canyons account of

27 the loess hills development and conservation fund
 28 created in section 161D.2, to be allocated as provided
 29 in chapter 161D:
 30 \$ 750,000
 31 8. For deposit in the loess hills alliance account
 32 of the loess hills development and conservation fund
 33 created in section 161D.2, to be allocated as provided
 34 in chapter 161D:
 35 \$ 250,000
 36 9. For allocation to the southern Iowa
 37 conservation and development authority for protection
 38 of road structures:
 39 \$ 250,000
 40 10. For deposit in the agrichemical remediation
 41 fund created in section 161.7, to be used as described
 42 in section 161.7:
 43 \$ 1,000,000
 44 DEPARTMENT OF ECONOMIC DEVELOPMENT
 45 Sec. 19. There is appropriated from the
 46 environment first fund to the department of economic
 47 development for the fiscal year beginning July 1,
 48 2001, and ending June 30, 2002, the following amount,
 49 or so much thereof as is necessary, to be used for the
 50 purpose designated:

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1 For deposit in the brownfield redevelopment fund
 2 created in section 15.293 to provide assistance under
 3 the brownfield redevelopment program:
 4 \$ 3,000,000
 5 DEPARTMENT OF NATURAL RESOURCES
 6 Sec. 20. There is appropriated from the
 7 environment first fund to the department of natural
 8 resources for the fiscal year beginning July 1, 2001,
 9 and ending June 30, 2002, the following amounts, or so
 10 much thereof as is necessary, to be used for the
 11 purposes designated:
 12 1. To provide local watershed managers with
 13 geographic information system data for their use in
 14 developing, monitoring, and displaying results of
 15 their watershed work:
 16 \$ 195,000
 17 2. For statewide coordination of volunteer efforts
 18 under the water quality and keepers of the land
 19 programs:
 20 \$ 130,000
 21 3. For continuing the establishment and operation
 22 of water quality monitoring stations:
 23 \$ 3,000,000
 24 4. For contracting to assist department staff with
 25 the review of national pollutant discharge elimination

26	system permits:	
27	.....	\$ 250,000
28	5. For additional efforts to reduce the	
29	department's floodplain permit backlog:	
30	.....	\$ 200,000
31	6. For continuation of the waste tire abatement	
32	program:	
33	.....	\$ 500,000
34	7. To complete natural resource inventories and	
35	protection plans to identify and safeguard unique	
36	landforms and ecosystems:	
37	.....	\$ 125,000
38	8. For a community-based grant distribution	
39	program to provide funding for the planting of trees	
40	throughout the state:	
41	.....	\$ 250,000
42	9. For the dredging of lakes, including necessary	
43	preparation for dredging, in accordance with the	
44	department's classification of Iowa lakes restoration	
45	report:	
46	.....	\$ 500,000
47	10. For recreational grants to be used for the	
48	restoration or construction of recreational complexes	
49	or facilities under the recreational grant matching	
50	program:	

Page 12

1	.....	\$ 2,100,000
2	Matching grants awarded from the funds appropriated	
3	in this subsection shall be awarded on a matching	
4	basis of one dollar for every two dollars the	
5	applicant had raised.	
6	The department shall give special consideration to	
7	recreational complex or facility projects which	
8	involve public and private sector participation.	
9	11. For purposes of funding capital projects for	
10	the purposes specified in section 452A.79, and for	
11	expenditures for the local cost share grants to be	
12	used for capital expenditures to local governmental	
13	units for boating accessibility:	
14	.....	\$ 2,300,000
15	If the amount appropriated in this subsection	
16	exceeds the amount of marine fuel tax receipts	
17	deposited into the rebuild Iowa infrastructure fund	
18	for the fiscal year ending June 30, 2002, the	
19	difference between the amount appropriated in this	
20	subsection from the environment first fund and the	
21	actual marine fuel tax receipts deposited into the	
22	rebuild Iowa infrastructure fund is appropriated to	
23	the rebuild Iowa infrastructure fund from the	
24	accumulated balance of marine fuel tax receipts in the	

25 general fund of the state which is tracked by the
 26 department of management pursuant to section 8.60,
 27 subsection 14.

28 12. For a contribution toward the development of
 29 the Lewis and Clark rural water system:

30 \$ 60,000

31 STATE DEPARTMENT OF TRANSPORTATION

32 Sec. 21. There is appropriated from the
 33 environment first fund to the state department of
 34 transportation for the fiscal year beginning July 1,
 35 2001, and ending June 30, 2002, the following amount,
 36 or so much thereof as is necessary, to be used for the
 37 purpose designated:

38 For a grant to the Grundy county conservation board
 39 for a borrow pit recreational area project:

40 \$ 90,000

41 The grant made pursuant to this section shall be
 42 awarded on a matching basis of one dollar for every
 43 two dollars the Grundy county conservation board has
 44 raised. The moneys appropriated in this section shall
 45 not be used for administrative costs.

46 Sec. 22. 2000 Iowa Acts, chapter 1225, is amended
 47 by adding the following new section after section 28:

48 NEW SECTION. SEC. 28A. REVERSION.

49 Notwithstanding section 8.33, moneys appropriated in
 50 sections 25 through 27 of this division of this Act

Page 13

1 shall not revert at the close of the fiscal year for
 2 which they were appropriated but shall remain
 3 available for the purposes designated until the close
 4 of the fiscal year beginning July 1, 2003, or until
 5 the project for which the appropriation was made is
 6 completed, whichever is earlier.

7 **RESOURCES ENHANCEMENT AND PROTECTION FUND**

8 Sec. 23. Notwithstanding the amount of the
 9 standing appropriation from the general fund of the
 10 state under section 455A.18, subsection 3, there is
 11 appropriated from the environment first fund to the
 12 Iowa resources enhancement and protection fund, in
 13 lieu of the appropriation made in section 455A.18, for
 14 the fiscal year beginning July 1, 2001, and ending
 15 June 30, 2002, the following amount, to be allocated
 16 as provided in section 455A.19:

17 \$ 10,500,000

18 Sec. 24. REVERSION. Notwithstanding section 8.33,
 19 moneys appropriated in this division of this Act shall
 20 not revert at the close of the fiscal year for which
 21 they were appropriated but shall remain available for
 22 the purposes designated until the close of the fiscal
 23 year beginning July 1, 2002, or until the project for

24 which the appropriation was made is completed,
25 whichever is earlier.
26 Sec. 25. EFFECTIVE DATE. Section 22 in this
27 division of this Act, amending 2000 Acts, chapter
28 1225, being deemed of immediate importance, takes
29 effect upon enactment.

30 DIVISION III

31 STATUTORY CHANGES AND RELATED MATTERS

32 Sec. 26. Section 7E.5A, Code 2001, is amended to
33 read as follows:

34 7E.5A BUILDINGS AND INFRASTRUCTURE – 35 IDENTIFICATION OF MAINTENANCE FUNDING NEEDS.

36 1. For each new vertical infrastructure project
37 ~~undertaken on or after July 1, 1997~~, the department in
38 control of the vertical infrastructure shall identify
39 and recommend to the general assembly funding
40 sufficient to meet the projected maintenance, repair,
41 and replacement needs of the vertical infrastructure.
42 2. A department shall, within its five-year
43 capital budget request, identify specific instances
44 where the failure to address deferred maintenance has
45 had a negative impact on the department's ability to
46 implement its mission and the proposed costs for
47 annual routine and preventive maintenance based on an
48 industry standard of one percent of the estimated
49 replacement cost of the department's facilities.
50 3. A department requesting state moneys for a

Page 14

1 vertical infrastructure project shall actively pursue
2 any federal funds for which the proposed project may
3 be eligible and shall demonstrate such pursuit prior
4 to receiving state moneys for the project. The
5 department shall report the receipt of any such
6 federal funds to the department of management and the
7 legislative fiscal bureau in the manner described in
8 section 8.23.

9 2. 4. As used in this section, "vertical
10 infrastructure" means the same as defined in section
11 8.57, subsection 5, paragraph "c".

12 Sec. 27. Section 15F.203, Code 2001, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 3A. An application for financial
15 assistance under the program may be approved by the
16 board to buy down or refinance an existing loan on a
17 project that otherwise meets the eligibility
18 requirements for financial assistance under the
19 program.

20 Sec. 28. Section 461A.3A, subsection 2, unnumbered
21 paragraph 1, Code 2001, is amended to read as follows:

22 There is appropriated from the rebuild Iowa

23 infrastructure fund for each fiscal year of the fiscal
 24 period beginning July 1, 1997, and ending June 30,
 25 ~~2001~~ 2004, the sum of three million dollars to the
 26 department for use in the restore the outdoors
 27 program. Notwithstanding section 8.33, unencumbered
 28 or unobligated moneys remaining at the end of a fiscal
 29 year shall not revert but shall remain available for
 30 expenditure during the following fiscal year for
 31 purposes of the restore the outdoors program."
 32 2. Title page, line 3, by inserting after the
 33 word "including" the following: "the department of
 34 agriculture and land stewardship,".
 35 3. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and Millage of Scott.

On the question "Shall amendment H-1820 be adopted?" (H.F. 742)

The ayes were, 43:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Fallon	Foege	Ford	Frevett
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Reynolds	Richardson	Scherrman
Schrader	Seng	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise	Witt	

The nays were, 53:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Finch	Garman	Gipp	Hahn
Hansen	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Kettering	Klemme	Larson	Manternach
Metcalf	Millage	Raecker	Rants
Rayhons	Rekow	Roberts	Shey
Sievers	Sukup	Teig	Tymeson

Tyrrell
Mr. Speaker
Siegrist

Van Engelenhoven Van Fossen

Weidman

Absent or not voting, 4:

Grundberg

Heaton

Houser

Shoultz

Amendment H-1820 lost.

Gipp of Winneshiek offered the following amendment H-1767 filed by him and moved its adoption:

H-1767

- 1 Amend House File 742 as follows:
- 2 1. Page 1, line 21, by striking the words
- 3 "associated with connecting" and inserting the
- 4 following: "of entering into a lease-purchase
- 5 agreement to connect".
- 6 2. Page 1, by inserting after line 23 the
- 7 following:
- 8 "Sec. _____. There is appropriated from the rebuild
- 9 Iowa infrastructure fund to the department of
- 10 corrections for the fiscal year beginning July 1,
- 11 2002, and ending June 30, 2003, the following amount,
- 12 or so much thereof as is necessary, to be used for the
- 13 purpose designated:
- 14 To supplement funds appropriated in 1998 Iowa Acts,
- 15 chapter 1219, section 2, subsection 3, for
- 16 construction of a 200-bed facility at the Iowa state
- 17 penitentiary at Fort Madison:
- 18 \$ 2,000,000"
- 19 3. By renumbering, redesignating, and correcting
- 20 internal references as necessary.

Amendment H-1767 was adopted.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-1809 filed by him from the floor.

Quirk of Chickasaw offered amendment H-1813 filed by him from the floor and requested division as follows:

H-1813

- 1 Amend House File 742 as follows:
- 2 1. Page 10, line 7, by striking the figure

H-1813A

- 3 "850,000" and inserting the following: "300,000".
- 4 2. Page 12, line 30, by striking the figure
- 5 "250,000" and inserting the following: "50,000".

H-1813B

- 6 3. Page 13, by striking lines 20 through 33.

H-1813A

- 7 4. Page 14, line 18, by striking the figure
- 8 "10,000,000" and inserting the following:
- 9 "10,840,000".
- 10 5. Title page, lines 13 and 14, by striking the
- 11 words "the state department of transportation,".
- 12 6. By renumbering, redesignating, and correcting
- 13 internal references as necessary.

On motion by Quirk of Chickasaw amendment H-1813A lost.

Quirk of Chickasaw moved the adoption of amendment H-1813B.

Amendment H-1813B lost.

Drake of Pottawattamie offered the following amendment H-1804 filed by him from the floor and moved its adoption:

H-1804

- 1 Amend House File 742 as follows:
- 2 1. Page 14, by inserting after line 28 the
- 3 following:
- 4 "DIVISION ____
- 5 RESOURCES ENHANCEMENT AND PROTECTION FUND
- 6 DEPARTMENT OF NATURAL RESOURCES
- 7 Sec. ____ There is appropriated from the open
- 8 spaces account of the Iowa resources enhancement and
- 9 protection fund from the moneys not specifically
- 10 allocated in section 455A.19, subsection 1, paragraph
- 11 "a", to the department of natural resources for the
- 12 fiscal year beginning July 1, 2001, and ending June
- 13 30, 2002, the following amount, or so much thereof as
- 14 is necessary, to be used for the purposes designated:
- 15 For salaries, support, and maintenance of personnel
- 16 and programs relating to water access development, all
- 17 state parks as they existed on April 1, 2001,
- 18 recreation areas, and state preserves, and for related

- 19 miscellaneous purposes:
20 \$ 500,000"
21 2. Title page, line 15, by inserting after the
22 word "fund," the following: "and making
23 appropriations from the Iowa resources enhancement and
24 protection fund,".
25 3. By renumbering, redesignating, and correcting
26 internal references as necessary.

Amendment H-1804 lost.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-1837 filed by him from the floor.

Warnstadt of Woodbury offered the following amendment H-1840 filed by him from the floor and moved its adoption:

H-1840

- 1 Amend House File 742 as follows:
2 1. Page 15, line 12, by inserting after the word
3 "facilities," the following: "This subsection shall
4 not apply to the state department of transportation."

Amendment H-1840 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Foege of Linn, for the remainder of the day, on request of Huser of Polk.

Gipp of Winneshiek asked and received unanimous consent to withdraw amendment H-1798 filed by him from the floor.

Rekow of Allamakee called up for consideration the motion to reconsider the vote by which amendment H-1804, printed on pages 1676 through 1677 of the House Journal, to House File 742 filed by him from the floor failed to be adopted by the House.

A non-record roll call was requested.

The ayes were 30, nays 53.

The motion to reconsider lost.

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. 742)

The ayes were, 70:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Cohoon	De Boef	Dix
Dolecheck	Drake	Eddie	Eichhorn
Elgin	Finch	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Houser
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Metcalf
Millage	Myers	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Roberts	Shey	Sievers	Stevens
Sukup	Teig	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, 28:

Atteberry	Bell	Chiodo	Connors
Cormack	Dotzler	Falck	Fallon
Ford	Frevert	Hatch	Huser
Jochum	Mertz	Murphy	O'Brien
Osterhaus	Petersen	Quirk	Scherrman
Schrader	Seng	Smith	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler

Absent or not voting, 2:

Foege Shoultz

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 751, by Rants and Myers, a bill for an act providing tax credits for investments in qualifying businesses and allowing the transfer of investment tax credits.

Read first time and referred to committee on **ways and means**.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 742** be immediately messaged to the Senate.

Senate File 530, a bill for an act relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Larkin of Lee offered the following amendment H-1828 filed by him from the floor and moved its adoption:

H-1828

- 1 Amend Senate File 530, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, line 6, by striking the figure
- 4 "27,742,137" and inserting the following:
- 5 "30,130,652".
- 6 2. Page 6, line 14, by striking the figure
- 7 "23,591,417" and inserting the following:
- 8 "23,983,834".
- 9 3. Page 6, line 24, by striking the figure
- 10 "21,564,956" and inserting the following:
- 11 "21,823,768".
- 12 4. Page 6, line 30, by striking the figure
- 13 "23,023,286" and inserting the following:
- 14 "23,310,118".
- 15 5. Page 7, line 3, by striking the figure
- 16 "21,677,580" and inserting the following:
- 17 "21,883,802".
- 18 6. Page 7, line 9, by striking the figure
- 19 "7,178,143" and inserting the following: "7,272,542".
- 20 7. Page 7, line 15, by striking the figure
- 21 "17,952,898" and inserting the following:
- 22 "18,142,698".
- 23 8. Page 7, line 26, by striking the figure
- 24 "12,229,337" and inserting the following:

- 25 "12,365,583".
26 9. Page 7, line 32, by striking the figure
27 "25,274,461" and inserting the following:
28 "25,504,865".

Amendment H-1828 lost.

The House stood at ease at 4:30 p.m., until the fall of the gavel.

The House resumed session at 5:46 p.m., Speaker pro tempore Sukup in the chair.

QUORUM CALL

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

The House resumed consideration of Senate File 530.

Tremmel of Wapello offered the following amendment H-1829 filed by him from the floor and moved its adoption:

H-1829

- 1 Amend Senate File 530, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 13, line 11, by striking the figure
4 "8,870,274" and inserting the following: "9,310,263".
5 2. Page 13, line 17, by striking the figure
6 "6,740,702" and inserting the following: "7,407,017".
7 3. Page 13, line 23, by striking the figure
8 "4,033,736" and inserting the following: "4,500,354".
9 4. Page 13, line 29, by striking the figure
10 "3,829,927" and inserting the following: "4,240,315".
11 5. Page 13, line 35, by striking the figure
12 "11,823,192" and inserting the following:
13 "12,858,098".
14 6. Page 14, line 6, by striking the figure
15 "8,941,214" and inserting the following: "9,380,994".
16 7. Page 14, line 12, by striking the figure
17 "5,157,571" and inserting the following: "5,282,938".
18 8. Page 14, line 18, by striking the figure
19 "5,033,178" and inserting the following: "5,264,765".
20 9. Page 14, line 23, by striking the figure
21 "78,119" and inserting the following: "79,948".

Roll call was requested by Tremmel of Wapello and Myers of Johnson.

On the question "Shall amendment H-1829 be adopted?" (S.F. 530)

The ayes were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Fallon	Ford	Frevert	Gipp
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Murphy
Myers	Osterhaus	Petersen	Quirk
Reynolds	Richardson	Scherrman	Schrader
Seng	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

The nays were, 52:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Finch	Garman	Hahn	Heaton
Hoffman	Horbach	Hoversten	Huseman
Jacobs	Jenkins	Johnson	Kettering
Klemme	Larson	Manternach	Metcalf
Millage	Raecker	Rants	Rayhons
Rekow	Roberts	Shey	Siegrist, Spkr.
Sievers	Teig	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Sukup, Pres.

Absent or not voting, 6:

Foege	Grundberg	Hansen	Houser
O'Brien	Shoultz		

Amendment H-1829 lost.

Bell of Jasper offered the following amendment H-1827 filed by him from the floor and moved its adoption:

H-1827

1 Amend Senate File 530, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 21, line 27, by striking the figure

4 "11,931,266" and inserting the following:

5 "12,507,130".

Dix of Butler in the chair at 6:23 p.m.

Roll call was requested by Bell of Jasper and T. Taylor of Linn.

On the question "Shall amendment H-1827 be adopted?" (S.F. 530)

The ayes were, 41:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Fallon	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
Osterhaus	Petersen	Quirk	Reynolds
Richardson	Scherrman	Schrader	Seng
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise
Witt			

The nays were, 55:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Grundberg	Hahn
Hansen	Heaton	Horbach	Houser
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Siegrist, Spkr.	Sievers	Sukup
Teig	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Dix,	
		Presiding	

Absent or not voting, 4:

Foege	Hoffman	O'Brien	Shoultz
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Amendment H-1827 lost.

Richardson of Warren offered the following amendment H-1819 filed by him from the floor and moved its adoption:

H-1819

- 1 Amend Senate File 530, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 22, line 24, by striking the figure
- 4 "3,501,690" and inserting the following: "4,019,177".

Gipp of Winneshiek in the chair at 6:45 p.m.

Amendment H-1819 lost.

Bell of Jasper offered the following amendment H-1826 filed by him from the floor and moved its adoption:

H-1826

- 1 Amend Senate File 530, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 23, line 15, by striking the figure
- 4 "1,240,582" and inserting the following: "1,332,428".
- 5 2. Page 23, line 25, by striking the figure
- 6 "36,676,633" and inserting the following:
- 7 "38,164,365".

Roll call was requested by Myers of Johnson and Van Fossen of Scott.

On the question "Shall amendment H-1826 be adopted?" (S.F. 530)

The ayes were, 41:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Fallon	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
Osterhaus	Petersen	Quirk	Reynolds
Richardson	Scherrman	Schrader	Seng
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise
Witt			

The nays were, 56:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Boguess	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Finch	Garman	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Houser	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Siegrist, Spkr.	Sievers
Sukup	Teig	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Gipp, Presiding

Absent or not voting, 3:

Foege	O'Brien	Shoultz
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Amendment H-1826 lost.

Richardson of Warren offered the following amendment H-1818 filed by him from the floor and moved its adoption:

H-1818

- 1 Amend Senate File 530, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 23, by inserting after line 26 the
- 4 following:
- 5 "It is the intent of the general assembly that of
- 6 the amount appropriated in this subsection the
- 7 department may expend up to \$660,000 and maintain
- 8 10.00 FTEs for the special enforcement team."

Amendment H-1818 lost.

Horbach of Tama 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, 56:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Finch	Garman	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Houser	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Siegrist, Spkr.	Sievers
Sukup	Teig	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Gipp,
			Presiding

The nays were, 41:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Fallon	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
Osterhaus	Petersen	Quirk	Reynolds
Richardson	Scherrman	Schrader	Seng
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise
Witt			

Absent or not voting, 3:

Foege	O'Brien	Shoultz
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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 May 1, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 635, a bill for an act providing that certain employees are not entitled to compensation for time spent traveling to and from the worksite.

Also: That the Senate has on May 1, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 712, a bill for an act relating to the annual filing for the family farm tax credit, to the notification to the assessor of the change in ownership or the person actively engaged in farming the tract of agricultural land for which the family farm tax credit is allowed, providing a penalty, and including effective and applicability date provisions.

Also: That the Senate has on May 1, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 713, a bill for an act relating to the administration of county government by providing for the issuance of certain lease or lease-purchase contracts, the recording of certain property transfers, the striking of a requirement to record returns of marriage with real estate recordings, the imposition of a real estate installment contract fee, and changing the date for reporting and paying agricultural land tax credits and family farm tax credits.

Also: That the Senate has on May 1, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 731, a bill for an act regarding certain changes relating to the utility replacement tax, and providing for the Act's applicability.

Also: That the Senate has on May 1, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 732, a bill for an act relating to appropriations for the department of human services and including other provisions and appropriations involving human services and health care, and providing effective dates.

MICHAEL E. MARSHALL, Secretary

Unfinished Business Calendar

The House resumed consideration of **House File 740**, a bill for an act relating to the senior living program including provisions relating to and making appropriations from the senior living trust fund to the department of elder affairs and the department of human services, and including effective date and retroactive applicability provisions, previously deferred on April 30, 2001 and found on pages 1638 through 1641 of the House Journal. (Amendment H-1746 pending)

Speaker Siegrist in the chair at 7:31 p.m.

Osterhaus of Jackson moved the adoption of amendment H-1746.

A non-record roll call was requested.

The ayes were 36, nays 58.

Amendment H-1746 lost.

Smith of Marshall offered the following amendment H-1765 filed by him and moved its adoption:

H-1765

- 1 Amend House File 740 as follows:
- 2 1. Page 6, line 30, by inserting after the word
- 3 "care" the following: "with an emphasis on
- 4 compensation to direct care workers".

Amendment H-1765 was adopted.

Osterhaus of Jackson offered amendment H-1764 filed by him as follows:

H-1764

- 1 Amend House File 740 as follows:
- 2 1. By striking page 2, line 18, through page 10,
- 3 line 28, and inserting the following:
- 4 "Sec. __. MODIFIED PRICE-BASED CASE-MIX
- 5 REIMBURSEMENT - NURSING FACILITIES.
- 6 1. Beginning July 1, 2001, the department of human
- 7 services shall reimburse nursing facilities under the
- 8 medical assistance program in accordance with a
- 9 phased-in, modified price-based case-mix reimbursement
- 10 system that includes a case-mix adjusted component and
- 11 a non-case-mix adjusted component.
- 12 2. The modified price-based case-mix reimbursement
- 13 rate shall be phased in over a three-year period.
- 14 a. For the fiscal year beginning July 1, 2001, and
- 15 ending June 30, 2002, 66.67 percent of a facility's
- 16 reimbursement rate shall be computed based on the
- 17 current rate effective June 30, 2001, and 33.33
- 18 percent shall be computed based on the modified price-
- 19 based case-mix reimbursement rate. The current rate
- 20 portion shall be increased by an inflation allowance
- 21 of 6.21 percent, with a maximum reimbursement rate of
- 22 \$94.00.
- 23 b. For the fiscal year beginning July 1, 2002, and
- 24 ending June 30, 2003, 33.33 percent of a facility's
- 25 reimbursement rate shall be computed based on the

26 current rate effective June 30, 2001, and 66.67
27 percent shall be computed based on the modified price-
28 based case-mix reimbursement rate. The current rate
29 portion shall be increased by an inflation allowance
30 of 9.21 percent with a maximum reimbursement rate of
31 \$97.47.

32 c. For the fiscal year beginning July 1, 2003, and
33 ending June 30, 2004, and thereafter, 100 percent of a
34 facility's reimbursement rate shall be computed based
35 on the modified price-based case-mix reimbursement
36 rate.

37 3. Modified price-based case-mix reimbursement
38 rate calculation.

39 a. The department of human services shall
40 determine the statewide median of nursing facility
41 costs as follows:

42 (1) For the fiscal period beginning July 1, 2001,
43 and ending June 30, 2003, the department shall
44 determine the statewide median of nursing facility
45 costs based upon each facility's actual costs taken
46 from the most recent cost reports, submitted by the
47 nursing facility for the period ending on or before
48 December 31, 2000, subject to certain existing
49 limitations and adjustments. These costs shall be
50 inflated forward to July 1, 2001, by using the

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1 midpoint of each cost report and applying the HCFA/SNF
2 index.

3 (2) Beginning July 1, 2003, and every second state
4 fiscal year thereafter beginning on July 1 of the
5 respective state fiscal year, the department shall
6 recalculate the statewide median of nursing facility
7 costs based upon the most recent cost reports
8 submitted by the nursing facility for the period
9 ending on or before December 31 of the previous
10 calendar year and shall inflate these costs forward to
11 the beginning of the state fiscal year, by using the
12 midpoint of each cost report and applying the HCFA/SNF
13 index.

14 b. Beginning July 1, 2002, and thereafter, the
15 occupancy factor shall be increased to 85 percent when
16 calculating the nondirect care cost component of the
17 modified price-based case-mix reimbursement rate. The
18 occupancy factor shall not apply to support care
19 costs.

20 c. The modified price-based case-mix reimbursement
21 rate paid to nursing facilities shall be calculated
22 using the statewide median cost as adjusted to reflect
23 the case mix of the medical assistance residents in
24 the nursing facility.

25 d. (1) The department of human services shall use
26 the resource utilization groups-III (RUG-III), version
27 5.12b, 34 group, index maximizer model as the resident
28 classification system to determine a nursing
29 facility's case-mix index, based on data from the
30 minimum data set (MDS) submitted by each facility.
31 Standard version 5.12b, 34 group case-mix indices,
32 developed by HCFA, shall be the basis for calculating
33 the average case-mix index and shall be used to adjust
34 the direct-care component in the determination of the
35 modified price-based case-mix reimbursement rate.
36 (2) The department of human services shall
37 determine and adjust each facility's case-mix index on
38 a quarterly basis. A separate calculation shall be
39 made to determine the average case-mix index for a
40 facilitywide case-mix index, and a case-mix index for
41 the medical assistance residents of the nursing
42 facility using the minimum data set (MDS) report
43 submitted by the facility for the previous quarter,
44 which reflects the residents in the facility on the
45 last day of the previous calendar quarter.
46 e. The department shall calculate the rate ceiling
47 for the direct-care cost component at 110 percent of
48 the median of case-mix adjusted costs. Nursing
49 facilities with direct care case-mix adjusted costs at
50 100 percent of the median or greater, shall receive an

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1 amount equal to their costs not to exceed 110 percent
2 of the median. Nursing facilities with case-mix
3 adjusted costs below 100 percent of the median shall
4 receive a profit add-on payment by having their
5 payment rate for the direct-care cost component
6 calculated as their allowable case-mix adjusted cost
7 plus 50 percent of the difference between 100 percent
8 of the median and their allowable case-mix adjusted
9 cost, not to exceed 10 percent of the median of case-
10 mix adjusted costs.
11 f. The department shall calculate the rate ceiling
12 for the nondirect care cost component at 100 percent
13 of the median of non-case-mix adjusted costs. Nursing
14 facilities with non-case-mix adjusted costs at 95
15 percent of the median or greater shall receive an
16 amount equal to their costs not to exceed 100 percent
17 of the median. Nursing facilities with non-case-mix
18 adjusted costs below 95 percent of the median shall
19 receive a profit add-on payment that is their costs
20 plus 50 percent of the difference between 95 percent
21 of the median and their non-case-mix adjusted costs,
22 not to exceed 15 percent of the median of non-case-mix
23 adjusted costs.

24 g. The department shall apply the geographic wage
25 index adjustment annually to the case-mix adjusted
26 component of the modified price-based case-mix
27 reimbursement rate for the nursing facilities located
28 in standard metropolitan statistical area counties in
29 Iowa identified by HCFA. This rate shall be
30 calculated using the case-mix adjusted costs of the
31 nursing facility, not to exceed \$8 per patient day. A
32 nursing facility may request an exception to
33 application of the geographic wage index based upon a
34 reasonable demonstration of wages, location, and total
35 cost. A request for an exception shall be submitted
36 to the department of human services within 30 days of
37 receipt of notification by the nursing facility of the
38 new reimbursement rate. The exception request shall
39 include an explanation of the circumstances and
40 supporting data.

41 h. For the purpose of determining the median
42 applicable to Medicare-certified hospital-based
43 skilled nursing facilities, the department shall treat
44 such facilities as a separate peer group.

45 i. The modified price-based case-mix reimbursement
46 rate for state-operated nursing facilities and special
47 population nursing facilities shall be the average
48 allowable per diem costs, adjusted for inflation,
49 based on the most current financial and statistical
50 report. Special population nursing facilities

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1 enrolled on or after June 1, 1993, shall have a rate
2 ceiling equal to the rate ceiling for Medicare-
3 certified hospital-based nursing facilities.

4 4. a. ACCOUNTABILITY MEASURES.

5 It is the intent of the general assembly that the
6 department of human services initiate a system to
7 measure a variety of elements to determine a nursing
8 facility's capacity to provide quality of life and
9 appropriate access to medical assistance program
10 beneficiaries in a cost-effective manner. Beginning
11 July 1, 2001, the department shall implement a process
12 to collect data for these measurements and shall
13 develop procedures to increase nursing facility
14 reimbursements based upon a nursing facility's
15 achievement of multiple favorable outcomes as
16 determined by these measurements. Any increased
17 reimbursement shall not exceed 3 percent of the
18 calculation of the modified price-based case-mix
19 reimbursement median. The increased reimbursement
20 shall be included in the calculation of nursing
21 facility modified price-based payment rates beginning
22 July 1, 2002, with the exception of Medicare-certified

23 hospital-based nursing facilities, state-operated
24 nursing facilities, and special population nursing
25 facilities.
26 b. It is the intent of the general assembly that
27 increases in payments to nursing facilities under the
28 case-mix adjusted component shall be used for the
29 provision of direct care. The department shall
30 compile and provide a detailed analysis to demonstrate
31 growth of direct care costs, increased acuity, and
32 care needs of residents. The department shall also
33 provide analysis of cost reports submitted by
34 providers and the resulting desk review and field
35 audit adjustments to reclassify and amend provider
36 cost and statistical data. The results of these
37 analyses shall be submitted to the general assembly
38 for evaluation to determine payment levels following
39 the transition funding period.
40 5. As used in this section:
41 a. "Case-mix" means a measure of the intensity of
42 care and services used by similar residents in a
43 facility.
44 b. "Case-mix adjusted costs" means specified costs
45 adjusted for acuity by the case-mix index. Costs
46 subject to adjustment are the salaries and benefits of
47 registered nurses, licensed practical nurses,
48 certified nursing assistants, rehabilitation nurses,
49 and contracted nursing services.
50 c. "Case-mix index" means a numeric score within a

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1 specific range that identifies the relative resources
2 used by similar residents and represents the average
3 resource consumption across a population or sample.
4 d. "Facilitywide average case-mix index" is a
5 simple average, carried to four decimal places, of all
6 resident case-mix indices based on the last day of
7 each calendar quarter.
8 e. "Geographic wage index" means an annual
9 calculation of the average difference between the Iowa
10 hospital-based rural wage index and Iowa hospital-
11 based standard metropolitan statistical area wage
12 indices as published by HCFA each July. The wage
13 factor shall be revised when the skilled nursing
14 facility wage indices are released by HCFA.
15 f. "HCFA" means the health care financing
16 administration of the United States department of
17 health and human services.
18 g. "HCFA/SNF index" means the HCFA total skilled
19 nursing facility market basket index published by data
20 resources, inc. The HCFA/SNF index listed in the
21 latest available quarterly publication prior to the

- 22 July 1 rate setting shall be used to determine the
23 inflation factor which shall be applied based upon the
24 midpoint of the cost report period.
- 25 h. "Median" means the median cost calculated by
26 using a weighting method based upon total patient days
27 of each nursing facility.
- 28 i. "Medicaid" or "medical assistance" means
29 medical assistance as defined in section 249A.2.
- 30 j. "Medicaid average case-mix index" means the
31 simple average, carried to four decimal places, of all
32 resident case-mix indices where Medicaid is known to
33 be the per diem payor source on the last day of the
34 calendar quarter.
- 35 k. "Medicare" means the federal Medicare program
36 established by Title XVIII of the federal Social
37 Security Act.
- 38 l. "Minimum data set" or "MDS" means the federally
39 required resident assessment tool. Information from
40 the MDS is used by the department to determine the
41 facility's case-mix index.
- 42 m. "Non-case-mix adjusted costs" means an amount
43 stated in terms of per patient day that is calculated
44 using allowable costs from the cost reports of
45 facilities, divided by the allowable patient days for
46 the cost report period, and beginning July 1, 2003,
47 patient days as modified pursuant to subsection 3,
48 paragraph "b". Non-case-mix adjusted costs include
49 all allowable costs less case-mix adjusted costs.
- 50 n. "Nursing facility" means a skilled nursing

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- 1 facility certified under both the federal Medicaid
2 program and the federal Medicare program, and a
3 nursing facility certified under the federal Medicaid
4 program.
- 5 o. "Rate ceiling" or "upper payment limit" means a
6 maximum rate amount stated in terms of per patient day
7 that is calculated as a percent of the median.
- 8 p. "Special population nursing facility" means a
9 skilled nursing facility the resident population of
10 which is either of the following:
- 11 (1) One hundred percent of the residents of the
12 nursing facility is under the age of 22 and require
13 the skilled level of care.
- 14 (2) Seventy percent of the residents served
15 require the skilled level of care for neurological
16 disorders.
- 17 6. The department of human services may adopt
18 rules under section 17A.4, subsection 2, and section
19 17A.5, subsection 2, paragraph "b", to implement this
20 section. The rules shall become effective immediately

21 upon filing, unless the effective date is delayed by
22 the administrative rules review committee,
23 notwithstanding section 17A.4, subsection 5, and
24 section 17A.8, subsection 9, or a later effective date
25 is specified in the rules. Any rules adopted in
26 accordance with this section shall not take effect
27 before the rules are reviewed by the administrative
28 rules review committee. Any rules adopted in
29 accordance with the provisions of this section shall
30 also be published as notice of intended action as
31 provided in section 17A.4.

32 Sec.____. NURSING FACILITY CONVERSION GRANTS. The
33 nursing facility conversion grants awarded on or after
34 July 1, 2000, may be used to convert all or a portion
35 of the licensed nursing facility to a certified
36 assisted-living program. All converted units of
37 assisted living shall be affordable, as defined in
38 section 249H.3, to persons with low or moderate
39 incomes. Grant recipients shall maintain a minimum
40 medical assistance client base participation rate of
41 40 percent, subject to demand for participation by
42 individuals eligible for medical assistance. The
43 department of human services shall adjust the criteria
44 for eligibility for conversion grants to allow a
45 licensed nursing facility that has been an approved
46 provider under the medical assistance program for a
47 three-year period to apply for a conversion grant
48 beginning July 1, 2001."

49 2. Title page, by striking lines 4 and 5, and
50 inserting the following: "department of human

Page 7

- 1 services."
2 3. By renumbering as necessary.

Osterhaus of Jackson offered the following amendment H-1772, to amendment H-1764, filed by him and moved its adoption:

H-1772

- 1 Amend the amendment, H-1764, to House File 740 as
2 follows:
3 1. Page 3, by striking lines 24 through 40, and
4 inserting the following:
5 "g. The department shall not apply a geographic
6 wage index adjustment in determining the modified
7 price-based case-mix reimbursement rate for nursing
8 facilities."
9 2. Page 5, by striking lines 12 through 14, and
10 inserting the following: "indices as published by
11 HCFA each July."

Amendment H-1772 was adopted.

Osterhaus of Jackson moved the adoption of amendment H-1764, as amended.

Roll call was requested by Hansen of Pottawattamie and Heaton of Henry.

On the question "Shall amendment H-1764, as amended, be adopted?" (H.F. 740)

The ayes were, 24:

Atteberry	Bukta	Connors	Dotzler
Falck	Ford	Frevert	Greimann
Jochum	Kreiman	Lensing	Mascher
Mertz	Murphy	Myers	Osterhaus
Scherrman	Schrader	Seng	Smith
Stevens	Taylor, D.	Taylor, T.	Winckler

The nays were, 71:

Alons	Arnold	Barry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Chiodo	Cohoon	Cormack	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Garman	Gipp	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Houser	Hoversten	Huseman	Huser
Jacobs	Jenkins	Johnson	Kettering
Klemme	Kuhn	Larkin	Larson
Manternach	May	Metcalf	Millage
Petersen	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Roberts	Shey	Sievers	Sukup
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wise	Witt	Mr. Speaker	
		Siegrist	

Absent or not voting, 5:

Carroll	Foege	Hatch	O'Brien
Shoultz			

Amendment H-1764 lost.

Heaton of Henry 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. 740)

The ayes were, 94:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boguess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Ford	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Myers
Petersen	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Roberts	Schrader	Seng	Shey
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, 4:

Murphy	O'Brien	Osterhaus	Scherrman
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Absent or not voting, 2:

Foege	Shoultz
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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

Rants of Woodbury asked and received unanimous consent that **House File 740** 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 May 1, 2001, adopted the conference committee report and passed Senate File 203, a bill for an act extending the regular program district cost guarantee for school districts, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENTS CONSIDERED

De Boef of Mahaska called up for consideration **Senate File 458**, a bill for an act relating to children's program and juvenile court provisions involving the department of human services in regard to the foster home insurance fund, group child care providers, juvenile delinquency and child in need of assistance dispositions, and termination of parental rights, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1754 to the House amendment:

H-1754

- 1 Amend the House amendment, S-3377, to Senate File
- 2 458, as passed by the Senate, as follows:
- 3 1. Page 2, by striking lines 42 through 49, and
- 4 inserting the following:
- 5 "Sec. ____ CLIENT FINANCIAL PARTICIPATION: The
- 6 department of human services shall work with private
- 7 providers of psychiatric medical institution for
- 8 children (PMIC) services to eliminate or substantially
- 9 reduce the requirement that PMIC providers must
- 10 collect client financial participation in the cost of
- 11 services and during fiscal year 2001-2002 shall submit
- 12 to the governor and general assembly proposals to
- 13 achieve this purpose."
- 14 2. Page 3, by striking lines 2 through 6, and
- 15 inserting the following:
- 16 "NEW SUBSECTION. 3. Except for those psychiatric
- 17 medical institutions for children which are
- 18 specialized to provide substance abuse treatment,

19 unless expressly authorized in statute, the department
 20 of human services shall not include services provided
 21 by psychiatric medical institutions for children in
 22 any managed care contract.""
 23 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1754, to the House amendment.

De Boef of Mahaska 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. 458)

The ayes were, 97:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Ford	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Rekow	Reynolds	Richardson	Roberts
Scherrman	Seng	Shey	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 3:

Foege

Schrader

Shoultz

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

Brunkhorst of Bremer called up for consideration **Senate File 532**, a bill for an act relating to matters related to the tobacco settlement including the tobacco settlement authority, the tobacco settlement trust fund, and the tobacco settlement endowment fund, 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-1800 to the House amendment:

H-1800

- 1 Amend the House amendment, S-3568, to Senate File
- 2 532, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 13 through 22.

The motion prevailed and the House concurred in the Senate amendment H-1800, to the House amendment.

Brunkhorst of Bremer 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. 532)

The ayes were, 97:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Ford	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Huser	Jacobs	Jenkins

Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Rekow	Reynolds	Richardson	Roberts
Scherrman	Seng	Shey	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 3:

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

Elgin of Linn called up for consideration **House File 579**, a bill for an act relating to the administration and management of the department of personnel, amended by the following Senate amendment H-1811:

H-1811

- 1 Amend House File 579 as follows:
- 2 1. Page 1, by inserting after line 11, the
- 3 following:
- 4 "Sec. ____ Section 19A.32, Code 2001, is amended
- 5 to read as follows:
- 6 19A.32 WORKERS' COMPENSATION CLAIMS.
- 7 The director shall employ appropriate staff to
- 8 handle and adjust claims of state employees for
- 9 workers' compensation benefits pursuant to chapters
- 10 85, 85A, 85B, and 86, or with the approval of the
- 11 executive council contract for the services or
- 12 purchase workers' compensation insurance coverage for
- 13 state employees or selected groups of state employees.
- 14 A state employee workers' compensation fund is
- 15 established to pay state employee workers'
- 16 compensation claims and administrative costs. The
- 17 department shall establish a rating formula and assess
- 18 premiums to all agencies, departments, and divisions
- 19 of the state including those which have not received

20 an appropriation for the payment of workers'
21 compensation insurance and which operate from moneys
22 other than from the general fund of the state. The
23 department shall collect the premiums and deposit them
24 into the state employee workers' compensation fund.
25 Notwithstanding section 8.33, moneys deposited in the
26 state employee workers' compensation fund shall not
27 revert to the general fund of the state at the end of
28 any fiscal year, but shall remain in the state
29 employee workers' compensation fund and be
30 continuously available to pay state employee workers'
31 compensation claims. The director ~~of revenue and~~
32 ~~finance is authorized and directed to draw warrants on~~
33 ~~this fund for the payment of state employee workers'~~
34 ~~compensation claims may, to the extent practicable,~~
35 contract with a private organization to handle the
36 processing and payment of claims and services rendered
37 under the provisions of this section."

38 2. Page 1, line 12, by striking the words and
39 figures "subsection 2, Code 2001, is" and inserting
40 the following: "subsections 2 and 3, Code 2001, are".

41 3. Page 1, line 15, by inserting after the word
42 "action" the following: "diversity, and
43 multicultural".

44 4. Page 1, line 17, by striking the word
45 "governor." and inserting the following: "governor
46 and the general assembly. The report shall include
47 information identifying funding sources and itemized
48 costs, including administrative costs, for these
49 programs."

50 5. Page 1, by inserting after line 17, the

Page 2

1 following:

2 "3. The state board of regents shall submit an
3 annual report of the affirmative action, diversity,
4 and multicultural accomplishments of the board and its
5 institutions by January 31 of each year to the
6 ~~department of management~~ general assembly. The report
7 shall include information identifying funding sources
8 and itemized costs, including administrative costs,
9 for these programs."

10 6. Title page, line 2, by inserting after the
11 word "personnel" the following: "and the state board
12 of regents".

13 7. By renumbering, relettering, or redesignating
14 and correcting internal references as necessary.

Rants of Woodbury asked and received unanimous consent that House File 579 be deferred and that the bill retain its place on the calendar.

Sievers of Scott called up for consideration **House File 713**, a bill for an act relating to the administration of county government by providing for the issuance of certain lease or lease-purchase contracts, the recording of certain property transfers, the striking of a requirement to record returns of marriage with real estate recordings, the imposition of a real estate installment contract fee, and changing the date for reporting and paying agricultural land tax credits and family farm tax credits, amended by the Senate, and moved that the House concur in the following Senate amendment H-1847:

H-1847

- 1 Amend House File 713, as passed by the House, as
- 2 follows:
- 3 1. Page 3, line 22, by striking the words
- 4 "issuance of" and inserting the following: "ordering
- 5 the parties to execute".
- 6 2. Page 3, line 22, by inserting after the word
- 7 "or" the following: "ordering".

The motion prevailed and the House concurred in the Senate amendment H-1847.

Sievers 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. 713)

The ayes were, 96:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Falck	Fallon
Finch	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman

Horbach	Houser	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Rekow
Reynolds	Richardson	Roberts	Scherrman
Seng	Shey	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Winckler	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, none.

Absent or not voting, 4:

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

Alons of Sioux called up for consideration **House File 726**, 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 office of drug control policy, and the commission of veterans affairs, providing a criminal surcharge increase, and providing an effective date, amended by the Senate amendment H-1763:

H-1763

- 1 Amend House File 726, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 12, line 30, by striking the figure
- 4 "45,538,702" and inserting the following:
- 5 "47,268,500".
- 6 2. Page 12, line 31, by striking the figure
- 7 "889.84" and inserting the following: "823.85".
- 8 3. Page 13, by inserting after line 31 the
- 9 following:
- 10 "f. In an effort to improve public understanding
- 11 of the budget of the Iowa veterans home, and to
- 12 adequately meet the needs of the residents of the Iowa
- 13 veterans home, it is the intent of the general

14 assembly that the Iowa veterans home shall submit a
15 report by December 1, 2001, to the fiscal committee of
16 the legislative council regarding the funds
17 appropriated to the Iowa veterans home in the previous
18 fiscal year, and any further information the fiscal
19 committee may request."

20 4. Page 14, line 13, by striking the words ", up
21 to" and inserting the following: "shall be used".

22 5. Page 14, line 14, by striking the words "the
23 following amount,"

24 6. Page 14, by striking lines 19 and 20, and
25 inserting the following: "preventive services, and
26 financial management services."

27 7. By renumbering, relettering, or redesignating
28 and correcting internal references as necessary.

Alons of Sioux offered the following amendment H-1885, to the Senate amendment H-1763, filed by him from the floor and moved its adoption:

H-1885

1 Amend the Senate amendment, H-1763, to House File
2 726, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, line 7, by striking the figure
5 "823.85" and inserting the following: "845.00".

Amendment H-1885 was adopted.

Smith of Marshall asked and received unanimous consent to withdraw amendment H-1833, to the Senate amendment H-1763, filed by him from the floor.

On motion by Alons of Sioux the House concurred in the Senate amendment H-1763, as amended.

Alons of Sioux 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. 726)

The ayes were, 57:

Alons
Boal

Arnold
Boddicker

Barry
Boggess

Baudler
Bradley

Brauns	Broers	Brunkhorst	Carroll
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Houser	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Sievers	Smith
Sukup	Taylor, D.	Teig	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Mr. Speaker			
Siegrist			

The nays were, 39:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Cormack	Dotzler	Falck
Fallon	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Reynolds	Richardson	Scherrman	Seng
Stevens	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise	Witt	

Absent or not voting, 4:

Connors	Foege	Schrader	Shoultz
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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

Rants of Woodbury asked and received unanimous consent that **House File 726** be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 203)

Brunkhorst of Bremer called up for consideration the report of the conference committee on Senate File 203 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 203

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 203, a bill for an act extending the regular program district cost guarantee for school districts, and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H-1745.
2. That the House amendment, S-3535, to Senate File 203, as passed by the Senate, is amended to read as follows:
 1. Page 4, line 10, by inserting after the word "twelve" the following: ", and may include a virtual academy".
 2. By striking page 6, line 13, through page 9, line 10, and inserting the following:

"Sec.____. Section 257.14, subsection 2, Code 2001, is amended by striking the subsection and inserting in lieu thereof the following:

2. For the budget years commencing July 1, 2002, and July 1, 2003, if the department of management determines that the regular program district cost of a school district for a budget year is less than the total of the regular program district cost plus any adjustment added under this section for the base year for that school district, the school district shall be eligible to receive a budget adjustment for that district for that budget year up to an amount equal to the difference. The board of directors of a school district that wishes to receive a budget adjustment pursuant to this subsection shall adopt a resolution to receive the budget adjustment and shall, by April 1, annually, notify the department of management of the adoption of the resolution and the amount of the budget adjustment to be received.

Sec.____. Section 257.14, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 3. For the budget year commencing July 1, 2004, and succeeding budget years, if the department of management determines that the regular program district cost of a school district for a budget year is less than one hundred one percent of the regular program district cost for the base year for that school district, a district shall be eligible for a budget adjustment corresponding to the following schedule:

a. For the budget year commencing July 1, 2004, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or ninety percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2004, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

b. For the budget year commencing July 1, 2005, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or eighty percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2005, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

c. For the budget year commencing July 1, 2006, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or seventy percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2006, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

d. For the budget year commencing July 1, 2007, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or sixty percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2007, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

e. For the budget year commencing July 1, 2008, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or fifty percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2008, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

f. For the budget year commencing July 1, 2009, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or forty percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2009, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

g. For the budget year commencing July 1, 2010, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or thirty percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the

budget year beginning July 1, 2010, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

h. For the budget year commencing July 1, 2011, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or twenty percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2011, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

i. For the budget year commencing July 1, 2012, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or ten percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2012, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

j. For the budget year commencing July 1, 2013, and each budget year thereafter, the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year.

For the purposes of this subsection, a school district shall be eligible to apply the eighty, seventy, sixty, fifty, forty, thirty, twenty, and ten percent provisions in paragraphs "b" through "i", only if the school district received a budget adjustment for the budget year beginning July 1, 2004, based on the ninety percent provision in paragraph "a".

The board of directors of a school district that wishes to receive a budget adjustment pursuant to this subsection shall adopt a resolution to receive the budget adjustment and shall, by April 1, annually, notify the department of management of the adoption of the resolution and the amount of the budget adjustment to be received."

3. By renumbering as necessary.

ON THE PART OF THE HOUSE:

BOB BRUNKHORST, Chair
CARMINE BOAL
BETTY GRUNDBERG
MARY MASCHER
PHIL WISE

ON THE PART OF THE SENATE:

NANCY BOETTGER, Chair
JEFF ANGELO
MICHAEL CONNOLLY
JACK KIBBIE
JOHN REDWINE

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?" (S.F. 203)

The ayes were, 82:

Atteberry	Barry	Baudler	Bell
Boal	Boggess	Bradley	Brauns
Broers	Brunkhorst	Bukta	Carroll
Chiodo	Cohoon	Cormack	Dix
Dotzler	Eddie	Eichhorn	Elgin
Falck	Finch	Ford	Frevert
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Klemme
Kuhn	Larkin	Larson	Lensing
Mascher	May	Mertz	Metcalf
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, 14:

Alons	Arnold	Boddicker	De Boef
Dolecheck	Drake	Fallon	Garman
Horbach	Houser	Kettering	Kreiman
Manternach	Millage		

Absent or not voting, 4:

Connors	Foege	Schrader	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.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that

the following bills be immediately messaged to the Senate: **House File 713 and Senate Files 203 and 458.**

MOTIONS TO RECONSIDER

(House File 718)

I move to reconsider the vote by which House File 718 passed the House on May 1, 2001.

RANTS of Woodbury

(House File 723)

I move to reconsider the vote by which House File 723 passed the House on May 1, 2001.

MILLAGE of Scott

(House File 743)

I move to reconsider the vote by which House File 743 passed the House on May 1, 2001.

MILLAGE of Scott

(Senate File 530)

I move to reconsider the vote by which Senate File 530 passed the House on May 1, 2001.

RANTS of Woodbury

(Senate File 532)

I move to reconsider the vote by which Senate File 532 passed the House on May 1, 2001.

BRUNKHORST of Bremer

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on May 1, 2001. Had I been present, I would have voted "aye" on House File 743.

BRUNKHORST of Bremer

I was necessarily absent from the House chamber on April 26 and 27, 2001. Had I been present, I would have voted "aye" on House Files 502, 564, 656, 727 and Senate Files 350, 499, 526, 528, 532, 533 and "nay" on Senate File 531.

MERTZ of Kossuth

I was necessarily absent from the House chamber on May 1, 2001. Had I been present, I would have voted "aye" on House Files 723 and 743.

SHEY of Linn

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 1st day of May, 2001: House Files 180, 354, 674, 705 and 715.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 30, 2001, he approved and transmitted to the Secretary of State the following bills:

House File 73, an act relating to the performance of honor guard services on public property by recognized military veterans organizations.

House File 707, an act establishing an interstate distribution center initiative by identifying an activity of a foreign corporation for which a return is not required for state income tax purposes and including effective and retroactive applicability date provisions.

Senate File 84, an act prohibiting the sale or distribution of purple loosestrife.

Senate File 184, an act relating to duties of the county sheriff by increasing the fees and expenses collected by the county sheriff for various services and the release of a garnishment.

Senate File 242, an act relating to the rules regarding the authentication of practitioners' medication and standing orders in hospitals and providing for a repeal.

Senate File 265, an act prohibiting the installation, distribution, or sale of nonoperative air bags and providing a penalty.

Senate File 313, an act relating to removal of county board of supervisor appointees.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|-----------|---|
| 2001\1106 | Paul Finnegan, Guthrie Center – For celebrating his 90 th birthday. |
| 2001\1107 | Marietta Holste, Bridgewater – For celebrating her 80 th birthday. |
| 2001\1108 | Cash Crawford, Winterset – For celebrating his 100 th birthday. |
| 2001\1109 | Norma and Paul Rose, Newton – For celebrating their 50 th wedding anniversary. |
| 2001\1110 | Anna Bott, Clinton – For celebrating her 90 th birthday. |
| 2001\1111 | Mulberry Elementary School, Muscatine – For their project being chosen as an exemplary project using technology in the State-Wide Showcase on Educational Technology Project and winning a \$1000 reward. |
| 2001\1112 | John J. Van Weelden, Oskaloosa – For celebrating his 85 th birthday. |
| 2001\1113 | Matthew Walker Morgan, Kalona – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |

- 2001\1114 Big Daddy, Des Moines – For contributing \$38,358 to the Food Bank of Central Iowa in the year 2000.
- 2001\1115 Lucile and Virgil Hunemuller, Waterloo – For celebrating their 50th wedding anniversary.
- 2001\1116 Harold Jarrett, Evansdale – For celebrating his 80th birthday.
- 2001\1117 Heidi Caylor, Dubuque – For receiving a I rating at the State Piano Competition.
- 2001\1118 Brian Klinge, Dubuque – For receiving a I rating and being Runner-Up at the State Piano Competition.
- 2001\1119 Rachel Munn, Dubuque – For receiving a I rating at the State Piano Competition.
- 2001\1120 Michael Bagby, Dubuque – For receiving a I rating at the State Piano Competition.
- 2001\1121 David Murray, Dubuque – For receiving a I rating at the State Piano Competition.
- 2001\1122 Tim Walker, Dubuque – For winning 3rd Place in the Wind Ensemble Young Performers Solo Competition.
- 2001\1123 Jennifer Sturm, Washington – For being the Iowa High School Journalist of the Year.
- 2001\1124 James Turner, Rockwell – For his 38 years of dedicated teaching in the Rockwell-Swaledale Community School District.
- 2001\1125 Brooke Vittetoe, Washington – For winning the DAR Good Citizen Award.

SUBCOMMITTEE ASSIGNMENT

House File 745 (Committee of the Whole)

Agriculture: Klemme, Chair; De Boef, Kuhn, Alons, Atteberry, Baudler, Boggess, Fallon, Frevert, Houser, Huseman, Johnson, Kreiman, Manternach, May, Mertz, Rayhons, Rekow, Scherrman, Schrader and Teig.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 262 Appropriations

Relating to public expenditure and regulatory matters, making and reducing appropriations, and including effective date and retroactive applicability provisions.

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.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

Senate Concurrent Resolution 2, a concurrent resolution to approve and confirm the appointment of the Citizens' Aide.

Fiscal Note is not required.

Recommended **Do Pass** May 1, 2001.

Committee Bill (Formerly House Study Bill 208), relating to an annual budget for the daily operations of the House of Representatives.

Fiscal Note is not required.

Recommended **Amend and Do Pass** May 1, 2001.

COMMITTEE ON AGRICULTURE

House File 745, a bill for an act regulating infectious and contagious diseases in animals, providing for the indemnification of owners, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1823** May 1, 2001.

COMMITTEE ON WAYS AND MEANS

Senate File 523, a bill for an act relating to the size of an estate that may be distributed by affidavit, making related inheritance tax changes, and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Do Pass** April 27, 2001.

RESOLUTIONS FILED

HCR 36, by Warnstadt and Richardson, a concurrent resolution urging Iowa's congressional delegation to support a federal appropriation to implement the Teaching America's History program.

Laid over under **Rule 25**.

HR 45, by Ford, Hansen, Metcalf, Myers, Cormack, Rants, Chiodo, Siegrist, Finch, Hatch, Brunkhorst, Huser, Bukta, and Greimann, a resolution designating June 16, 2001, as Juneteenth National Freedom Day.

Laid over under **Rule 25**.

HR 46, by Committee on Administration and Rules, a resolution relating to an annual budget for the daily operations of the House of Representatives.

Placed on the **calendar**.

SCR 18, by Connolly, a concurrent resolution honoring Brigadier General John A. Tymeson upon the occasion of his retirement.

Laid over under **Rule 25**.

SCR 27, by Connolly, a concurrent resolution urging Iowa's congressional delegation to support a federal appropriation to implement the Teaching America's History program.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1799	H.F.	714	Sukup of Franklin
H-1801	S.F.	537	Heaton of Henry
H-1802	S.F.	535	Witt of Black Hawk
H-1803	S.F.	165	Connors of Polk

H-1805	S.F.	165	Reynolds of Van Buren
H-1806	S.F.	165	Reynolds of Van Buren
H-1807	S.F.	165	Reynolds of Van Buren
H-1808	S.F.	535	Stevens of Dickinson
H-1810	H.F.	719	Senate Amendment
H-1812	H.F.	746	Millage of Scott
H-1814	S.F.	165	Fallon of Polk
			Reynolds of Van Buren
			Chiodo of Polk
H-1815	S.F.	535	Mascher of Johnson
H-1816	S.F.	535	Frevert of Palo Alto
H-1817	S.F.	535	Kuhn of Floyd
H-1821	S.F.	165	Warnstadt of Woodbury
H-1822	S.F.	165	Richardson of Warren
H-1823	H.F.	745	Committee on Agriculture
H-1824	H.F.	714	Alons of Sioux
H-1825	H.F.	714	Warnstadt of Woodbury
H-1830	S.F.	537	Seng of Scott
H-1831	S.F.	521	Warnstadt of Woodbury
H-1832	S.F.	535	Myers of Johnson
H-1834	S.F.	514	O'Brien of Boone
H-1835	S.F.	516	Richardson of Warren
H-1836	S.F.	516	Richardson of Warren
H-1838	S.F.	535	Alons of Sioux
			Eddie of Buena Vista
Broers of Cerro Gordo			Van Engelenhoven of Mahaska
Kettering of Sac			Raecker of Polk
Klemme of Plymouth			
Tyrrell of Iowa			
H-1839	S.F.	516	Jochum of Dubuque
H-1841	H.F.	714	Jochum of Dubuque
H-1842	S.F.	514	Jochum of Dubuque
H-1843	S.F.	514	Winckler of Scott
H-1844	S.F.	514	Winckler of Scott
H-1845	S.F.	516	Kreiman of Davis
H-1846	H.F.	714	Kreiman of Davis
H-1849	H.F.	747	Sievers of Scott
			Witt of Black Hawk
Cormack of Webster			Brunkhorst of Bremer
Raecker of Polk			Schrader of Marion
Garman of Story			Johnson of Osceola
Tyrrell of Iowa			

H-1850	H.F.	747	Raecker of Polk
H-1851	H.F.	747	Raecker of Polk
Brunkhorst of Bremer			Alons of Sioux
Johnson of Osceola			Boal of Polk
H-1852	H.F.	747	Cormack of Webster
Witt of Black Hawk			Sievers of Scott
Brunkhorst of Bremer			Garman of Story
Carroll of Poweshiek			Tyrrell of Iowa
Johnson of Osceola			Van Engelenhoven of Mahaska
H-1853	H.F.	747	Raecker of Polk
Witt of Black Hawk			Brunkhorst of Bremer
Garman of Story			Schrader of Marion
Tyrrell of Iowa			Kreiman of Davis
Johnson of Osceola			Van Engelenhoven of Mahaska
Boal of Polk			
H-1854	H.F.	747	Boddicker of Cedar
			Raecker of Polk
H-1855	H.F.	732	Senate Amendment
H-1856	H.F.	747	Fallon of Polk
			Witt of Black Hawk
			Raecker of Polk
H-1857	H.F.	747	Witt of Black Hawk
H-1858	H.F.	747	Fallon of Polk
H-1859	H.F.	747	Garman of Story
H-1860	H.F.	747	Brunkhorst of Bremer
			Raecker of Polk
H-1861	H.F.	747	Raecker of Polk
Witt of Black Hawk			Fallon of Polk
Sukup of Franklin			Brunkhorst of Bremer
Garman of Story			Carroll of Poweshiek
Tyrrell of Iowa			Kreiman of Davis
Johnson of Osceola			Van Engelenhoven of Mahaska
Richardson of Warren			Boal of Polk
H-1862	S.F.	514	Frevert of Palo Alto
H-1863	H.F.	719	Millage of Scott
H-1864	S.F.	521	Kreiman of Davis
H-1865	S.F.	514	Richardson of Warren
H-1866	S.F.	514	Osterhaus of Jackson
H-1867	S.F.	514	Richardson of Warren
H-1868	S.F.	514	Reynolds of Van Buren
H-1869	S.F.	514	Reynolds of Van Buren

H-1870	S.F.	514	Connors of Polk
H-1871	S.F.	514	Winckler of Scott
H-1872	S.F.	514	Osterhaus of Jackson
H-1873	H.F.	745	Klemme of Plymouth Mertz of Kossuth
H-1874	S.F.	514	Greimann of Story
H-1875	H.F.	714	Kreiman of Davis
H-1876	H.F.	719	Jenkins of Black Hawk
H-1877	H.F.	745	Kreiman of Davis
H-1878	H.F.	745	Kreiman of Davis
H-1879	H.F.	719	Jenkins of Black Hawk
H-1880	S.F.	514	Tremmel of Wapello
H-1881	S.F.	514	Greimann of Story
H-1882	S.F.	514	Bukta of Clinton
H-1883	S.F.	514	Kreiman of Davis Arnold of Lucas
H-1884	S.F.	514	Houser of Pottawattamie Hansen of Pottawattamie Drake of Pottawattamie
H-1886	S.F.	535	Tymeson of Madison
H-1887	H.F.	746	Millage of Scott

On motion by Rants of Woodbury the House adjourned at 9:37 p.m., until 8:45 a.m., Wednesday, May 2, 2001.

JOURNAL OF THE HOUSE

One Hundred Fifteenth Calendar Day - Eightieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, May 2, 2001

The House met pursuant to adjournment at 8:51 a.m., Dix of Butler in the chair.

Prayer was offered by the Honorable Scott Raecker, state representative from Polk County.

The Journal of Tuesday, May 1, 2001 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baudler of Adair, until his arrival, on request of Rants of Woodbury; Witt of Black Hawk, until his arrival, on request of Myers of Johnson.

CONSIDERATION OF BILLS Ways and Means Calendar

House File 714, a bill for an act relating to a community renewal initiative. by establishing a community development program to provide tax credits for income tax, franchise tax, premiums tax, and moneys and credits tax for businesses contributing to community development projects to aid certain neighborhoods and communities or contributing to child care benefits for employees and including effective and applicability date provisions, was taken up for consideration.

The House stood at ease at 9:00 a.m., until the fall of the gavel.

The House resumed session at 10:33 a.m., Dix of Butler 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.

The House resumed consideration of House File 714.

Connors of Polk asked and received unanimous consent that amendment H-1825 be deferred.

Kreiman of Davis offered amendment H-1875 filed by him as follows:

H-1875

1 Amend House File 714 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. There is appropriated from the general
5 fund of the state to the designated entities for the
6 fiscal year beginning July 1, 2001, and ending June
7 30, 2002, the following amounts to be used for the
8 purposes designated:

9 1. To the department of human services for use in
10 the HAWK-I program:

11 \$ 1,707,951

12 2. To the Iowa department of public health for
13 childhood immunizations:

14 \$ 160,618

15 3. To the Iowa department of public health for
16 child and adolescent wellness:

17 \$ 167,918

18 4. To the Iowa department of public health for
19 community capacity:

20 \$ 182,520

21 5. To the department of workforce development for
22 rural workforce development offices:

23 \$ 1,780,993

24 The appropriations made in this section are in
25 addition to appropriations made in other Acts for the
26 designated purposes.

27 Sec. 2. EFFECTIVE PROVISION. This Act takes
28 effect only if the revenue estimating conference
29 estimates that, as a result of the enactment of
30 federal income tax legislation prior to January 1,
31 2002, Iowa income tax receipts for the fiscal year
32 beginning July 1, 2001, will be increased by \$7.9

33 million or more over the amount of Iowa income tax
 34 receipts which would have been realized in the absence
 35 of the enactment of such federal income tax
 36 legislation."
 37 2. Title page, by striking lines 1 through 8, and
 38 inserting the following: "An Act making
 39 appropriations to the departments of human services,
 40 workforce development, and public health and including
 41 a contingent effective date provision."

Sukup of Franklin rose on a point of order that amendment H-1875 was not germane.

The Speaker ruled the point well taken and amendment H-1875 not germane.

Kreiman of Davis moved to suspend the rules to consider amendment H-1875.

Rule 75 was invoked.

Roll call was requested by Myers of Johnson and Reynolds of Van Buren.

On the question "Shall the rules be suspended to consider amendment H-1875?" (H.F. 714)

The ayes were, 40:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Fallon	Foege	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
Osterhaus	Petersen	Quirk	Reynolds
Richardson	Scherrman	Schrader	Seng
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise

The nays were, 54:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Bogges	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Garman
Gipp	Grundberg	Hahn	Hansen

Heaton	Hoffman	Horbach	Houser
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Siegrist, Spkr.	Sievers	Sukup
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Dix,		
	Presiding		

Absent or not voting, 6:

Bradley	Ford	O'Brien	Shoultz
Teig	Witt		

The motion to suspend the rules lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Shoultz of Black Hawk on request of Myers of Johnson.

Houser of Pottawattamie offered the following amendment H-1766 filed by Houser, et al., and moved its adoption:

H-1766

- 1 Amend House File 714 as follows:
- 2 1. Page 1, line 16, by inserting after the word
- 3 "counseling;" the following: "parent and early
- 4 childhood education;"
- 5 2. Page 3, by inserting after line 5 the
- 6 following:
- 7 "f. The area is designated as a community
- 8 empowerment area in accordance with chapter 28."
- 9 3. Page 3, by inserting after line 24 the
- 10 following:
- 11 "(4) A community empowerment area board created in
- 12 accordance with chapter 28."
- 13 4. Page 3, line 28, by inserting after the word
- 14 "institution." the following: "This subparagraph
- 15 shall not be interpreted to prevent a community
- 16 empowerment area board from being considered a
- 17 qualifying organization."
- 18 5. Page 7, line 10, by inserting after the word
- 19 "authority" the following: "with notification given
- 20 to the community empowerment board".

Amendment H-1766 was adopted.

Cormack of Webster asked and received unanimous consent to withdraw amendment H-1706 filed by him on April 25, 2001, placing amendment H-1824 filed by Alons of Sioux on May 1, 2001, out of order.

Sukup of Franklin offered amendment H-1753 filed by him as follows:

H-1753

- 1 Amend House File 714 as follows:
- 2 1. Page 8, line 33, by striking the word
- 3 "determine" and inserting the following:
- 4 "determined".
- 5 2. Page 12, by striking lines 30 through 33 and
- 6 inserting the following:
- 7 "Sec. ____ EFFECTIVE AND APPLICABILITY PROVISION.
- 8 This Act takes effect only if the revenue estimating
- 9 conference estimates that, as a result of the
- 10 enactment of federal income tax legislation prior to
- 11 January 1, 2002, Iowa income tax receipts for the
- 12 fiscal year beginning July 1, 2001, will be increased
- 13 by \$7.9 million or more over the amount of Iowa income
- 14 tax receipts which would have been realized in the
- 15 absence of the enactment of such federal income tax
- 16 legislation. If this Act takes effect, sections 5
- 17 through 9 of this Act apply to tax years beginning on
- 18 or after January 1, 2002."

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-1846, to amendment H-1753, filed by him on May 1, 2001.

Jochum of Dubuque offered the following amendment H-1841, to amendment H-1753, filed by her and moved its adoption:

H-1841

- 1 Amend the amendment H-1753, to House File 714, as
- 2 follows:
- 3 1. Page 1, line 10, by striking the word
- 4 "income".
- 5 2. Page 1, line 11, by striking the word
- 6 "income".
- 7 3. Page 1, line 13, by striking the word
- 8 "income".

- 9 4. Page 1, line 15, by striking the word
10 "income".

Amendment H-1841 lost.

On motion by Sukup of Franklin amendment H-1753 was adopted.

Sukup of Franklin offered the following amendment H-1799 filed by him and moved its adoption:

H-1799

1 Amend House File 714 as follows:

2 1. Page 9, by inserting after line 10, the
3 following:

4 "If the business meets the criteria for
5 eligibility, the department of economic development
6 shall issue to the business a certification of
7 entitlement for the community development tax credit
8 or child care center tax credit. The certification
9 shall contain the name of the business, address, tax
10 identification number, the amount of the credit, the
11 tax year for which the certificate applies, and any
12 other information required by the department of
13 revenue and finance."

14 2. Page 11, by inserting after line 29, the
15 following:

16 "If the community development tax credit or child
17 care center tax credit is taken on the tax return, a
18 deduction shall not be allowed for Iowa tax purposes
19 for contributions made to a community development
20 project or expenditures for providing child care
21 employee benefits which are deductible for federal tax
22 purposes."

23 3. Page 12, by inserting after line 3, the
24 following:

25 "If the community development tax credit or child
26 care center tax credit is taken on the tax return, a
27 deduction shall not be allowed for Iowa tax purposes
28 for contributions made to a community development
29 project or expenditures for providing child care
30 employee benefits which are deductible for federal tax
31 purposes."

32 4. Page 12, by inserting after line 12, the
33 following:

34 "If the community development tax credit or child
35 care center tax credit is taken on the tax return, a
36 deduction shall not be allowed for Iowa tax purposes
37 for contributions made to a community development
38 project or expenditures for providing child care

39 employee benefits which are deductible for federal tax
40 purposes."

Amendment H-1799 was adopted.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-1825, previously deferred, filed by him on May 1, 2001.

Fallon of Polk moved to defer House File 714.

A non-record roll call was requested.

The ayes were 41, nays 50.

The motion to defer lost.

Speaker Siegrist in the chair at 12:13 p.m.

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?" (H.F. 714)

The ayes were, 66:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boggess
Bradley	Brauns	Broers	Brunkhorst
Carroll	Chiodo	Cohoon	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Gipp
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Huser	Jacobs	Jenkins
Johnson	Kettering	Klemme	Larkin
Larson	Manternach	May	Mertz
Metcalf	Millage	O'Brien	Petersen
Raecker	Rants	Rayhons	Rekow
Roberts	Seng	Shey	Sievers
Sukup	Teig	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wise	Mr. Speaker		
	Siegrist		

The nays were, 33:

Boddicker	Bukta	Connors	Cormack
Dotzler	Falck	Fallon	Foege
Ford	Frevert	Garman	Greimann
Hatch	Jochum	Kreiman	Kuhn
Lensing	Mascher	Murphy	Myers
Osterhaus	Quirk	Reynolds	Richardson
Scherrman	Schrader	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Winckler
Witt			

Absent or not voting, 1:

Shoultz

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 714** be immediately messaged to the Senate.

House File 708, a bill for an act establishing a small business growth initiative by adjusting the allocation to Iowa of income earned by an S corporation for purposes of the state individual income tax and including a retroactive applicability date provision, was taken up for consideration.

Larson of Linn offered the following amendment H-1761 filed by him and moved its adoption:

H-1761

- 1 Amend House File 708 as follows:
- 2 1. Page 1, by striking lines 10 through 12 and
- 3 inserting the following:
- 4 "Sec. __. EFFECTIVE AND RETROACTIVE APPLICABILITY
- 5 PROVISION. This Act takes effect only if the revenue
- 6 estimating conference estimates that, as a result of
- 7 the enactment of federal income tax legislation prior
- 8 to January 1, 2002, Iowa income tax receipts for the
- 9 fiscal year beginning July 1, 2001, will be increased
- 10 by \$7.9 million or more over the amount of Iowa income
- 11 tax receipts which would have been realized in the
- 12 absence of the enactment of such federal income tax
- 13 legislation. If this Act takes effect, this Act

- 14 applies retroactively to January 1, 2001, for tax
15 years beginning on or after that date."
16 2. Title page, line 4, by striking the word "a"
17 and inserting the following: "an effective and".

Amendment H-1761 was adopted.

SENATE FILE 516 SUBSTITUTED FOR HOUSE FILE 708

Larson of Linn asked and received unanimous consent to substitute Senate File 516 for House File 708.

Senate File 516, a bill for an act establishing a small business growth initiative by adjusting the allocation to Iowa of income earned by an S corporation for purposes of the state individual income tax and including an effective and retroactive applicability date provision, was taken up for consideration.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-1794 filed by her on April 30, 2001.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-1845 filed by him on May 1, 2001.

Larson of Linn offered the following amendment H-1902 filed by him from the floor and moved its adoption:

H-1902

- 1 Amend Senate File 516, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 10, by striking the word
4 "RETROACTIVE".
5 2. Page 1, by striking lines 19 and 20, and
6 inserting the following: "applies to tax years
7 beginning on or after January 1, 2002."
8 3. Title page, line 4, by striking the word
9 "retroactive".

Amendment H-1902 was adopted.

Richardson of Warren asked and received unanimous consent to withdraw amendment H-1835 filed by him on May 1, 2001, placing amendment H-1836 filed by Richardson of Warren on May 1, 2001, out of order.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-1839 filed by her on May 1, 2001.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Murphy of Dubuque, until his return, on request of Rants of Woodbury.

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. 516)

The ayes were, 62:

Alons	Arnold	Atteberry	Barry
Baudler	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Carroll	Chiodo	Cormack	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Gipp
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Huser	Jacobs	Jenkins
Johnson	Kettering	Klemme	Larson
Manternach	Mertz	Metcalf	Millage
Quirk	Raecker	Rants	Rayhons
Rekow	Roberts	Shey	Sievers
Sukup	Taylor, D.	Teig	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Mr. Speaker		
	Siegrist		

The nays were, 35:

Bell	Bukta	Cohoon	Connors
Dotzler	Falck	Fallon	Foege
Ford	Frevert	Greimann	Hatch
Jochum	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Myers
O'Brien	Osterhaus	Petersen	Reynolds
Richardson	Scherrman	Schrader	Seng
Smith	Stevens	Taylor, T.	Tremmel
Winckler	Wise	Witt	

Absent or not voting, 3:

Garman

Murphy

Shoultz

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 516** be immediately messaged to the Senate.

HOUSE FILE 708 WITHDRAWN

Larson of Linn asked and received unanimous consent to withdraw House File 708 from further consideration by the House.

House File 710, a bill for an act establishing a new economy employment initiative by providing for a partial deduction under the individual income tax for the capital gain from the sale or exchange of capital stock of a corporation which was acquired by an individual on account of employment with the corporation, limiting the fiscal impact of the partial deductions, and including an effective and retroactive applicability date provision, was taken up for consideration.

Sukup of Franklin offered the following amendment H-1769 filed by him and moved its adoption:

H-1769

- 1 Amend House File 710 as follows:
- 2 1. By striking page 4, line 32 through page 5,
- 3 line 1, and inserting the following: "taxpayer is a
- 4 fiscal year filer, the claim shall be considered as a
- 5 claim for the following tax year."

Amendment H-1769 was adopted.

SENATE FILE 521 SUBSTITUTED FOR HOUSE FILE 710

Sukup of Franklin asked and received unanimous consent to substitute Senate File 521 for House File 710.

Senate File 521, a bill for an act establishing a new economy employment initiative by providing for a partial deduction under the individual income tax for the capital gain from the sale or exchange of capital stock of a corporation which was acquired by an individual on account of employment with the corporation, limiting the fiscal impact of the partial deductions, and including an effective and retroactive applicability date provision, was taken up for consideration.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-1831 filed by him on May 1, 2001.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-1864 filed by him on May 1, 2001.

Hansen of Pottawattamie in the chair at 2:12 p.m.

Speaker Siegrist in the chair at 2:16 p.m.

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. 521)

The ayes were, 61:

Alons	Arnold	Atteberry	Barry
Baudler	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Carroll	Chiodo	Cormack	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Gipp
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Houser	Huseman
Huser	Jacobs	Jenkins	Johnson
Kettering	Klemme	Larson	Manternach
Metcalf	Millage	Petersen	Quirk
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Sievers	Sukup
Teig	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wise
Mr. Speaker			
Siegrist			

The nays were, 36:

Bell	Bukta	Cohoon	Connors
Dotzler	Falck	Fallon	Foege
Ford	Frevert	Garman	Greimann
Hatch	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Mertz	Myers	O'Brien	Osterhaus
Reynolds	Richardson	Scherrman	Schrader
Seng	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Winckler	Witt

Absent or not voting, 3:

Hoversten	Murphy	Shoultz
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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 May 1, 2001, adopted the conference committee report and passed Senate File 346, a bill for an act relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for transcription and recording of testimony for certain investigations conducted by the department of corrections, and for purchases by a department or agency from Iowa state industries.

Also: That the Senate has on May 2, 2001, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 528, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the general fund of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, and discontinuing driver's license renewal by mail.

Also: That the Senate has on May 2, 2001, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 8, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol at a dinner held in conjunction with a national educational program relating to food safety and genetic engineering organized by the State Legislative Leaders Foundation and Iowa State University.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 521** be immediately messaged to the Senate.

HOUSE FILE 710 WITHDRAWN

Sukup of Franklin asked and received unanimous consent to withdraw House File 710 from further consideration by the House.

INTRODUCTION OF BILLS

House File 752, by committee on ways and means, a bill for an act exempting from sales and use taxes the purchase of coins, currency, and bullion and including an effective date.

Read first time and placed on the **ways and means calendar**.

House File 753, by committee on ways and means, a bill for an act establishing an agricultural sales tax advisory council, and providing for the elimination of the council.

Read first time and placed on the **ways and means calendar**.

House File 754, by committee on ways and means, a bill for an act relating to species of animals by classifying certain species as livestock and providing exemptions from the sales and use tax for feed used to support the species.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGE CONSIDERED

Senate Joint Resolution 8, by Iverson, Kramer, and Gronstal, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol at a dinner held in conjunction with a national educational program relating to food safety and genetic engineering organized by the State Legislative Leaders Foundation and Iowa State University.

Read first time and referred to committee on **administration and rules**.

On motion by Rants of Woodbury, the House was recessed at 2:43 p.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened at 3:49 p.m., Speaker pro tempore Sukup in the chair.

QUORUM CALL

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

Jacobs of Polk asked and received unanimous consent for the immediate consideration of House File 745.

CONSIDERATION OF BILLS

Regular Calendar

House File 745, a bill for an act regulating infectious and contagious diseases in animals, providing for the indemnification of owners, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Klemme of Plymouth offered amendment H-1823 filed by the committee on agriculture as follows:

H-1823

- 1 Amend House File 745 as follows:
- 2 1. By striking page 1, line 1, through page 5,
- 3 line 31, and inserting the following:
- 4 "FOOT AND MOUTH DISEASE
- 5 Sec. ____ NEW SECTION. 163.51 SECURITY MEASURES.
- 6 1. The department may establish security measures
- 7 in order to control outbreaks of foot and mouth
- 8 disease in this state, including by providing for the
- 9 prevention, suppression, and eradication of foot and
- 10 mouth disease. In administering and enforcing this
- 11 section, the department may adopt rules and shall
- 12 issue orders in a manner consistent with sound
- 13 veterinary principles and federal law for the control
- 14 of outbreaks of the disease. The department may

15 implement the security measures by doing any of the
16 following:

17 a. If the department determines that an animal is
18 infected with or exposed to foot and mouth disease, or
19 the department suspects that an animal is so infected
20 or exposed, the department may provide for all of the
21 following:

22 (1) The quarantine, condemnation, or destruction
23 of the animal. The department may establish
24 quarantined areas and regulate activities in the
25 quarantined areas, including movement or relocation of
26 animals or other property within, into, or from the
27 quarantined areas.

28 (2) The inspection or examination of the animal's
29 premises in order to perform an examination or test to
30 determine whether the animal is or was infected or
31 exposed or whether the premises is contaminated. The
32 department may take a blood or tissue sample of any
33 animal on the premises.

34 (3) The compelling of a person who is the owner or
35 custodian of the animal to provide information
36 regarding the movement or relocation of the animal or
37 the vaccination status of the animal or the herd where
38 the animal originates. The department may issue a
39 subpoena for relevant testimony or records as defined
40 in section 516E.1. In the case of a failure or
41 refusal of the person to provide testimony or records,
42 the district court upon application of the department
43 or the attorney general acting upon behalf of the
44 department, may order the person to show cause why the
45 person should not be held in contempt. The court may
46 order the person to provide testimony or produce the
47 record or be punished for contempt as if the person
48 refused to testify before the court or disobeyed a
49 subpoena issued by the court.

50 b. The department may provide for the cleaning and

Page 2

1 disinfection of real or personal property, if the
2 department determines that the property is
3 contaminated with foot and mouth disease or suspects
4 that the property is contaminated with foot and mouth
5 disease.

6 2. The department shall immediately notify the
7 United States department of agriculture of a suspected
8 outbreak of foot and mouth disease.

9 3. The department shall cooperate with federal
10 agencies, including the United States department of
11 agriculture, other state agencies and law enforcement
12 entities, and agencies of other states. Other state
13 agencies and law enforcement entities shall assist the

14 department.

15 4. Nothing in this section limits the department's
16 authority to regulate animals or premises under other
17 provisions of state law, including this chapter."

18 2. Title page, by striking lines 1 and 2, and
19 inserting the following: "An Act regulating foot and
20 mouth disease and providing an".

21 3. By renumbering as necessary.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-1877, to the committee amendment H-1823, filed by him on May 1, 2001.

Kreiman of Davis offered the following amendment H-1904, to the committee amendment H-1823, filed by him from the floor and moved its adoption:

H-1904

1 Amend the amendment, H-1823, to House File 745, as
2 follows:

3 1. Page 2, by striking lines 6 through 8, and
4 inserting the following:

5 "___ If the department determines that there is a
6 suspected outbreak of foot and mouth disease in this
7 state, the department shall immediately notify all of
8 the following:

9 a. The governor or a designee of the governor.

10 The notification shall contain information regarding
11 actions being implemented or recommended in order to
12 determine if the outbreak is genuine and measures to
13 control a genuine outbreak.

14 b. The administrative unit of the United States
15 department of agriculture responsible for controlling
16 outbreaks in this state."

Amendment H-1904 was adopted.

Klemme of Plymouth offered the following amendment H-1873, to the committee amendment H-1823, filed by him and Mertz of Kossuth and moved its adoption:

H-1873

1 Amend the amendment H-1823, to House File 745, as
2 follows:

3 1. Page 2, by inserting after line 14, the
4 following:

5 "___ To the extent that an animal's owner would

- 6 not otherwise be compensated, section 163.15 shall
 7 apply to the owner's loss of any animal destroyed
 8 under this section."
 9 2. By renumbering as necessary.

Amendment H-1873 was adopted.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-1878, to the committee amendment H-1823, filed by him on May 1, 2001.

On motion by Klemme of Plymouth the committee amendment H-1823, as amended, 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?" (H.F. 745)

The ayes were, 97:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falek
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Siegrist, Spkr.
Sievers	Smith	Stevens	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Witt
Sukup,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Hoversten

Murphy

Shoultz

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

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 745** be immediately messaged to the Senate.

Unfinished Business Calendar

Senate File 98, a bill for an act concerning unemployment compensation by relieving unemployment compensation charges for employees who become unemployed due to a presidentially declared disaster, with report of committee recommending passage, was taken up for consideration.

Dolecheck of Ringgold offered the following amendment H-1724 filed by him and moved its adoption:

H-1724

- 1 Amend Senate File 98, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 12, the
- 4 following:
- 5 "Sec. ____ EFFECTIVE AND RETROACTIVE APPLICABILITY
- 6 DATES. This Act, being deemed of immediate
- 7 importance, takes effect upon enactment, and applies
- 8 retroactively to January 1, 2001, to employer accounts
- 9 for benefits paid to individuals as provided in
- 10 section 1 of this Act."
- 11 2. Title page, line 3, by inserting after the
- 12 word "disaster" the following: "and providing
- 13 effective and retroactive applicability dates".
- 14 3. By renumbering as necessary.

Amendment H-1724 was adopted.

Dolecheck of Ringgold 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. 98)

The ayes were, 97:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Siegrist, Spkr.
Sievers	Smith	Stevens	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Witt
Sukup, Presiding			

The nays were, none.

Absent or not voting, 3:

Hoversten	Murphy	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.

HOUSE RECEDED

Manternach of Jones called up for consideration **Senate File 470**, a bill for an act relating to the regulation of infectious and contagious

diseases in animals, and providing for penalties, amended by the House and moved that the House recede from its amendment.

The motion prevailed and the House receded.

Manternach 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. 470)

The ayes were, 95:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Hoffman	Horbach	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Sievers	Smith
Stevens	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Winckler
Wise	Witt	Sukup,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Heaton	Hoversten	Murphy	Shoultz
Siegrist, Spkr.			

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

Senate File 339, a bill for an act relating to scheduled fines for hunting and fishing violations, with report of committee recommending passage, was taken up for consideration.

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. 339)

The ayes were, 95:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Hoffman	Horbach	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Sievers	Smith
Stevens	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Winckler
Wise	Witt	Sukup,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Heaton	Hoversten	Murphy	Shoultz
Siegrist, Spkr.			

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 416, a bill for an act updating the Iowa Code references to the Internal Revenue Code, increasing the minimum filing income requirement for dependents, lowering the threshold amount for making estimated payments for corporations and financial institutions, increasing the estimated tax payment standard for assessing a penalty for corporations and financial institutions, and providing retroactive applicability dates and an effective date, was taken up for consideration.

SENATE FILE 140 SUBSTITUTED FOR HOUSE FILE 416

Eichhorn of Hamilton asked and received unanimous consent to substitute Senate File 140 for House File 416, placing amendment H-1156 filed by Jochum of Dubuque on March 2, 2001 and amendment H-1344 filed by Alons of Sioux and Eichhorn of Hamilton on March 26, 2001, out of order.

Senate File 140, a bill for an act updating the Iowa Code references to the Internal Revenue Code, increasing the minimum filing income requirement for dependents, lowering the threshold amount for making estimated payments for corporations and financial institutions, increasing the estimated tax payment standard for assessing a penalty for corporations and financial institutions, and providing retroactive applicability dates and an effective date, was taken up for consideration.

Eichhorn of Hamilton offered the following amendment H-1909 filed by him from the floor and moved its adoption:

H-1909

- 1 Amend Senate File 140, as follows:
- 2 1. Page 1, by inserting after line 30 the
- 3 following:
- 4 "Sec. 4A. Section 422.7, Code 2001, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 36. Notwithstanding the method
- 7 for computing income from an installment sale under
- 8 section 453 of the Internal Revenue Code, as defined
- 9 in section 422.3, the method to be used in computing
- 10 income from an installment sale shall be the method

- 11 under section 453 of the Internal Revenue Code, as
12 amended up to and including January 1, 2000. A
13 taxpayer affected by this subsection shall make
14 adjustments in the adjusted gross income pursuant to
15 rules adopted by the director."
16 2. Page 4, line 20, by inserting after the word
17 "through" the following: "4A,".

Amendment H-1909 was adopted.

Alons of Sioux offered the following amendment H-1622 filed by him and Eichhorn of Hamilton and moved its adoption:

H-1622

- 1 Amend Senate File 140, as passed by the Senate, as
2 follows:
3 1. By striking page 2, line 22, through page 4,
4 line 18.
5 2. Page 4, by striking line 23 and inserting the
6 following:
7 "2. Section 6 of this Act applies".
8 3. Title page, by striking lines 3 and 4 and
9 inserting the following: "dependents".
10 4. By renumbering, redesignating, and correcting
11 internal references as necessary.

Amendment H-1622 was adopted, placing amendment H-1596 filed by Jochum of Dubuque on April 19, 2001 and amendment H-1918 filed by Alons of Sioux and Eichhorn of Hamilton from the floor, out of order.

Eichhorn 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. 140)

The ayes were, 95:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford

Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Hoffman	Horbach	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Sievers	Smith
Stevens	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Winckler
Wise	Witt	Sukup,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Heaton	Hoversten	Murphy	Shoultz
Siegrist, Spkr.			

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

HOUSE FILE 416 WITHDRAWN

Eichhorn of Hamilton asked and received unanimous consent to withdraw House File 416 from further consideration by the House.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 98, 140, 339 and 470.**

The House stood at ease at 4:50 p.m., until the fall of the gavel.

The House resumed session at 6:15 p.m., Speaker Siegrist in the chair.

Appropriations Calendar

Senate File 535, 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, with report of committee recommending amendment and passage, was taken up for consideration.

Dolecheck of Ringgold offered amendment H-1750 filed by the committee on appropriations as follows:

H-1750

- 1 Amend Senate File 535, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 8, by striking the figure "98.45"
- 4 and inserting the following: "104.45".
- 5 2. Page 8, by striking lines 33 through 35 and
- 6 inserting the following: "salaries, support,
- 7 maintenance, and miscellaneous purposes:"
- 8 3. Page 9, by striking line 2.
- 9 4. Page 9, by striking lines 25 through 34 and
- 10 inserting the following:
- 11 "b. Notwithstanding any other provision of law to
- 12 the contrary, for the fiscal year beginning July 1,
- 13 2001, the total amount available for distribution for
- 14 that fiscal year from the school ready children grants
- 15 account from the appropriation made in this
- 16 subsection, in 2001 Iowa Acts, Senate File 537, if
- 17 enacted, and in any other appropriation made to the
- 18 account for the fiscal year beginning July 1, 2001,
- 19 shall be distributed as follows:
- 20 (1) The designated community empowerment areas
- 21 that first received a school ready children grant in a
- 22 fiscal year prior to fiscal year 2000-2001 shall
- 23 receive 94 percent of the amount distributed to each
- 24 area in fiscal year 2000-2001.
- 25 (2) The designated community empowerment areas
- 26 that first received a school ready children grant in
- 27 fiscal year 2000-2001 shall receive 74.185 percent of
- 28 the amount distributed to each area in fiscal year
- 29 2000-2001, as adjusted for annualization."
- 30 5. By renumbering, relettering, or redesignating
- 31 and correcting internal references as necessary.

QUORUM CALL

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

Foege of Linn offered the following amendment H-1768, to the committee amendment H-1750, filed by him and moved its adoption:

H-1768

- 1 Amend the amendment, H-1750, to Senate File 535, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 8, the
- 5 following:
- 6 "___ Page 9, by striking line 6, and inserting
- 7 the following:
- 8 " \$ 15,600,000"
- 9 2. By renumbering as necessary.

Amendment H-1768 lost.

On motion by Dolecheck of Ringgold the committee amendment H-1750 was adopted.

Mascher of Johnson offered amendment H-1815 filed by her as follows:

H-1815

- 1 Amend Senate File 535, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 11, by striking the figure
- 4 "317,282" and inserting the following: "337,534".
- 5 2. Page 1, line 15, by striking the figure
- 6 "1,076,159" and inserting the following: "1,094,820".
- 7 3. Page 1, line 20, by striking the figure
- 8 "100,000" and inserting the following: "362,686".
- 9 4. Page 1, line 24, by striking the figure
- 10 "371,300" and inserting the following: "377,738".
- 11 5. Page 1, line 28, by striking the figure
- 12 "235,000" and inserting the following: "250,000".
- 13 6. Page 1, line 32, by striking the figure
- 14 "94,000" and inserting the following: "95,630".
- 15 7. Page 2, line 1, by striking the figure
- 16 "1,175,000" and inserting the following: "1,250,000".
- 17 8. Page 2, line 5, by striking the figure

18 "493,500" and inserting the following: "502,057".

19 9. Page 2, by striking lines 6 through 12 and

20 inserting the following:

21 " ____ FOSTER CARE GRANT PROGRAM

22 For purposes of providing postsecondary educational
23 assistance to eligible individuals:

24 \$ 62,159

25 For purposes of this subsection, "eligible

26 individual" means a resident of Iowa under the age of

27 25 who was subject to a court order under chapter 232

28 transferring the custody of the individual to the

29 department of human services as a child in need of

30 assistance or terminating the individual's parental

31 rights and who was in a foster care or other out-of-

32 home placement on the individual's eighteenth

33 birthday, when the individual graduated from high

34 school, or when the individual obtained a graduate

35 equivalency diploma. An eligible individual must have

36 graduated from high school or received the equivalent

37 of a high school diploma. An eligible individual must

38 be qualified for acceptance for enrollment in an

39 undergraduate course of study at a community college

40 as defined in section 260C.2, an institution of higher

41 learning under the control of the state board of

42 regents, or an accredited private institution as

43 defined in chapter 261.

44 ____ UNITED STATES ARMY EDUCATIONAL BENEFITS

45 For providing educational assistance to United

46 States army and army reserve recruiters and to promote

47 the web-based PAYs system in accordance with this

48 subsection:

49 \$ 50,000

50 An individual is eligible for benefits under this

Page 2

1 subsection if the individual is a resident of Iowa who

2 is a United States army or army reserve recruiter and

3 is enrolled as an undergraduate student in a community

4 college, an institution of higher learning under the

5 state board of regents, or an accredited private

6 institution. The individual shall be responsible for

7 the prompt submission of any information required by

8 the commission. Not more than 53 eligible individuals

9 shall receive educational assistance under this

10 subsection. Educational assistance paid pursuant to

11 this subsection shall not exceed 25 percent of the

12 resident tuition rate established for institutions of

13 higher learning under the control of the state board

14 of regents. Funds remaining after the educational

15 assistance expenditures shall be available to promote

16 the web-based PAYs system, which is designed to make

17 those honorably discharged from the army aware of
18 employment opportunities in Iowa."

19 10. Page 4, line 7, by striking the figure
20 "5,693,185" and inserting the following: "5,996,580".

21 11. Page 10, line 26, by striking the figure
22 "611,000" and inserting the following: "650,000".

23 12. Page 10, line 32, by striking the figure
24 "88,736" and inserting the following: "94,400".

25 13. Page 11, line 6, by striking the figure
26 "197,400" and inserting the following: "210,000".

27 14. Page 11, by inserting after line 7 the
28 following:

29 "___ IOWA EDUCATION ROUNDTABLE

30 For support of the work of the Iowa education
31 roundtable:

32\$ 90,000

33 ___ EDUCATION INNOVATION PROJECT GRANTS

34 To support innovative research-based K-12 education
35 projects:

36\$ 200,000

37 a. Funds appropriated in this subsection may be
38 used to develop a procedure for an ongoing educator
39 supply and demand study, begin the process of
40 "reinventing high schools" to help school districts
41 assess their high school curriculum, continue the
42 study of regional academies, support the teacher
43 compensation initiative, and support participation in
44 the national assessment of education progress.

45 b. Notwithstanding section 8.33, funds
46 appropriated pursuant to this subsection that remain
47 unencumbered or unobligated at the close of the fiscal
48 year shall not revert but shall remain available for
49 expenditure for the purposes designated until the
50 close of the succeeding fiscal year. .

Page 3

1 c. The department shall submit a report on the
2 status of the projects receiving grants under this
3 subsection to the senate and house standing committees
4 on education and the joint appropriations subcommittee
5 on education by December 1, 2001."

6 15. Page 23, by striking lines 31 and 32 and
7 inserting the following: "hundred ~~ninety-eight~~
8 ~~seventy-six~~ thousand ~~five~~ ~~seven~~ hundred ~~forty~~ ~~fifty-~~
9 ~~four~~ dollars for scholarships."

10 16. By striking page 23, line 35 through page 24,
11 line 1, and inserting the following: "million ~~four~~
12 ~~three~~ hundred ~~eighty-two~~ ~~seventy-three~~ thousand ~~four~~
13 ~~nine~~ hundred ~~nineteen~~ dollars for vocational-
14 technical".

- 15 17. By renumbering, redesignating, and correcting
16 internal references as necessary.

Mascher of Johnson offered the following amendment H-1895, to amendment H-1815, filed by her from the floor and moved its adoption:

H-1895

- 1 Amend the amendment, H-1815, to Senate File 535, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by inserting after line 18, the
5 following:
6 " _____. Page 3, line 2, by striking the figure
7 "238,937" and inserting the following: "254,188".
8 _____. Page 3, line 12, by striking the figure
9 "649,680" and inserting the following: "691,149".
10 _____. Page 3, line 18, by striking the figure
11 "3,159,704" and inserting the following: "3,195,387".
12 _____. Page 3, line 30, by striking the figure
13 "1,345,522" and inserting the following:
14 "1,401,406".
15 2. Page 3, by inserting after line 5, the
16 following:
17 " _____. Page 17, line 28, by striking the figure
18 "190,789,770" and inserting the following:
19 "193,108,971".

Amendment H-1895 was adopted.

On motion by Mascher of Johnson amendment H-1815 lost.

Tymeson of Madison asked and received unanimous consent to withdraw amendment H-1886 filed by her on May 1, 2001.

Schrader of Marion offered the following amendment H-1903 filed by him from the floor and moved its adoption:

H-1903

- 1 Amend Senate File 535, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 1, by striking the figure
4 "1,175,000" and inserting the following: "1,250,000".

A non-record roll call was requested.

The ayes were 40, nays 49.

Amendment H-1903 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk on request of Myers of Johnson; Hoversten of Woodbury on request of Speaker Siegrist.

Witt of Black Hawk offered the following amendment H-1802 filed by him and moved its adoption:

H-1802

- 1 Amend Senate File 535, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 22 through 26.
- 4 2. Page 24, by inserting after line 2, the
- 5 following:
- 6 "Sec. ____ Section 261.85, Code 2001, is amended
- 7 to read as follows:
- 8 261.85 APPROPRIATION.
- 9 There is appropriated from the general fund of the
- 10 state to the commission for each fiscal year the sum
- 11 of two million seven four hundred fifty eighty-six
- 12 thousand three hundred eighty dollars for the work-
- 13 study program.
- 14 From moneys appropriated in this section, one
- 15 million five three hundred fifty-six thousand two
- 16 hundred eight dollars shall be allocated to
- 17 institutions of higher education under the state board
- 18 of regents and community colleges and the remaining
- 19 dollars appropriated in this section shall be
- 20 allocated by the commission on the basis of need as
- 21 determined by the portion of the federal formula for
- 22 distribution of work-study funds that relates to the
- 23 current need of institutions."
- 24 3. By renumbering as necessary.

Roll call was requested by Witt of Black Hawk and Myers of Johnson.

On the question "Shall amendment H-1802 be adopted?" (S.F. 535)

The ayes were, 41:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Dotzler	Falck	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Myers	O'Brien
Osterhaus	Petersen	Quirk	Reynolds
Richardson	Scherrman	Schrader	Seng
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise
Witt			

The nays were, 54:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Finch	Garman	Gipp	Hahn
Hansen	Heaton	Hoffman	Horbach
Houser	Huseman	Jacobs	Jenkins
Johnson	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Sievers	Sukup	Teig
Tymeson	Tyrell	Van Engelenhoven	Van Fossen
Weidman	Mr. Speaker		
	Siegrist		

Absent or not voting, 5:

Connors	Grundberg	Hoversten	Murphy
Shoultz			

Amendment H-1802 lost.

Jochum of Dubuque offered the following amendment H-1757 filed by her and moved its adoption:

H-1757

- 1 Amend Senate File 535, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, line 1, by striking the figure
- 4 "4,698,441" and inserting the following: "4,733,265".
- 5 2. By renumbering as necessary.

Amendment H-1757 lost.

Atteberry of Delaware offered the following amendment H-1756 filed by her and moved its adoption:

H-1756

- 1 Amend Senate File 535, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, line 5, by striking the figure
- 4 "1,710,439" and inserting the following: "1,771,939".
- 5 2. Page 6, by inserting after line 6 the
- 6 following:
- 7 "Reimbursement paid to the institutions of higher
- 8 learning under the state board of regents for
- 9 participation in the access plus program during the
- 10 fiscal year beginning July 1, 2001, and ending June
- 11 30, 2002, shall not exceed the total amount of
- 12 reimbursement paid to the regents institutions of
- 13 higher learning for participation in the access plus
- 14 program during the fiscal year beginning July 1, 2000,
- 15 and ending June 30, 2001."
- 16 3. Page 6, line 8, by striking the figure
- 17 "1,880,000" and inserting the following: "2,000,000".

Amendment H-1756 lost.

Stevens of Dickinson offered the following amendment H-1808 filed by him and moved its adoption:

H-1808

- 1 Amend Senate File 535, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, line 16, by striking the figure
- 4 "7,529,579" and inserting the following: "7,690,659".
- 5 2. By renumbering as necessary.

Amendment H-1808 lost.

Wise of Lee offered the following amendment H-1759 filed by him and moved its adoption:

H-1759

- 1 Amend Senate File 535, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by inserting after line 7 the

4 following:

5 "14. JOBS FOR AMERICA'S GRADUATES

6 For school districts to provide direct services to
7 the most at-risk senior high school students enrolled
8 in school districts through direct intervention by a
9 "jobs for America's graduates" specialist:

10 \$ 314,348

11 15. AMERICORPS AFTER-SCHOOL INITIATIVE

12 For purposes of the americorps after-school
13 initiative:

14 \$ 208,621"

Carroll of Poweshiek in the chair at 8:12 p.m.

Amendment H-1759 lost.

Winckler of Scott offered the following amendment H-1777 filed by her and moved its adoption:

H-1777

1 Amend Senate File 535, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 11, by inserting after line 7 the
4 following:

5 "101. BEGINNING TEACHER INDUCTION PROGRAM

6 For purposes of the beginning teacher induction
7 program as provided in section 256E.2:

8 \$ 2,400,000

9 Notwithstanding section 8.33, moneys appropriated
10 in this subsection that remain unencumbered or
11 unobligated at the close of the fiscal year shall not
12 revert but shall remain available for expenditure for
13 the purposes designated until the close of the
14 succeeding fiscal year.

15 102. NATIONAL BOARD CERTIFICATION

16 For the issuance of national board certification
17 awards in accordance with section 256.44:

18 \$ 1,900,000

19 Notwithstanding section 8.33, funds appropriated
20 for purposes of this subsection which remain
21 unencumbered or unobligated at the close of the fiscal
22 year, shall not revert but shall be available for
23 expenditure for purposes of issuing national board
24 certification awards during the succeeding fiscal
25 year."

26 2. Page 27, by inserting after line 4 the
27 following:

28 "Sec. ____ CONTINGENT EFFECTIVE DATE. Section 6,
29 subsections 101 and 102 of this Act, relating to the

30 beginning teacher induction program and to national
 31 board certification awards, take effect only if the
 32 Seventy-ninth General Assembly during its 2001 regular
 33 session does not otherwise appropriate funds for those
 34 purposes."
 35 3. Title page, line 4, by inserting after the
 36 word "regents" the following: ", and providing a
 37 contingent effective date".

Amendment H-1777 lost.

Frevert of Palo Alto offered the following amendment H-1816 filed
 by her and moved its adoption:

H-1816

1 Amend Senate File 535, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 11, by inserting after line 7 the
 4 following:
 5 "___ ENGLISH AS A SECOND LANGUAGE
 6 For purposes of awarding competitive grants to
 7 community colleges located in areas with the highest
 8 demonstrated need, which offer new programs to teach
 9 the English language to limited English proficient
 10 adults:
 11\$ 225,000"
 12 2. Page 11, by striking lines 14 through 31, and
 13 inserting the following:
 14 ".....\$150,077,403
 15 The funds appropriated in this subsection shall be
 16 allocated as follows:
 17 a. Merged Area I\$ 7,202,305
 18 b. Merged Area II\$ 8,460,077
 19 c. Merged Area III\$ 7,859,218
 20 d. Merged Area IV\$ 3,841,420
 21 e. Merged Area V\$ 8,036,723
 22 f. Merged Area VI\$ 7,445,871
 23 g. Merged Area VII\$ 10,743,403
 24 h. Merged Area IX\$ 13,213,608
 25 i. Merged Area X\$ 20,737,098
 26 j. Merged Area XI\$ 22,009,520
 27 k. Merged Area XII\$ 8,671,108
 28 l. Merged Area XIII\$ 8,916,516
 29 m. Merged Area XIV\$ 3,887,223
 30 n. Merged Area XV\$ 12,231,726
 31 o. Merged Area XVI\$ 6,821,587
 32 Sec. ___. DISTRIBUTION OF FUNDS APPROPRIATED. For
 33 the fiscal year beginning July 1, 2001, and ending
 34 June 30, 2002, moneys appropriated by the general
 35 assembly from the general fund of the state to the

36 department of education for community colleges for a
37 fiscal year shall be allocated to each community
38 college by the department of education in the
39 following manner:

40 1. BASE FUNDING. The base funding for a fiscal
41 year shall be equal to the amount each community
42 college received as an allocation from appropriations
43 made from the general fund of the state in the most
44 recent fiscal year.
45 2. DISTRIBUTION FOR INFLATION. First priority
46 shall be to give each college an increase based upon
47 inflation. The inflation increase shall be not less
48 than 2 percent. However, the inflation increase shall
49 be equal to the national inflation rate, if it exceeds
50 2 percent, if the amount of state aid appropriated is

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1 equal to or greater than the national inflation rate.
2 3. DISTRIBUTION BASED ON PROPORTIONAL SHARE OF
3 ENROLLMENT. The balance of the growth in state aid
4 appropriations, once the inflation increase has been
5 satisfied, shall be distributed based on each
6 college's proportional share of enrollment. However,
7 a minimum of one percent of the total growth shall be
8 distributed in this manner.
9 4. If the total appropriation made by the general
10 assembly is less than 2 percent growth, the entire
11 increase shall be distributed as inflation."
12 3. By renumbering as necessary.

Roll call was requested by Frevert of Palo Alto and Osterhaus of Jackson.

On the question "Shall amendment H-1816 be adopted?" (S.F. 535)

The ayes were, 40:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Dotzler	Falck	Foege
Ford	Frevert	Greimann	Hatch
Huser	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Mertz	Myers	O'Brien	Osterhaus
Petersen	Quirk	Reynolds	Richardson
Scherrman	Schrader	Seng	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	Witt

The nays were, 55:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Brunkhorst	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Houser	Huseman	Jacobs	Jenkins
Johnson	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Siegrist, Spkr.	Sievers	Sukup
Teig	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Carroll,	
		Presiding	

Absent or not voting, 5:

Connors	Fallon	Hoversten	Murphy
Shultz			

Amendment H-1816 lost.

Mascher of Johnson offered amendment H-1896 filed by her from the floor as follows:

H-1896

- 1 Amend Senate File 535, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by inserting after line 7 the
- 4 following:
- 5 "___ STUDENT ACHIEVEMENT AND TEACHER QUALITY
- 6 SAVINGS ACCOUNT FUND
- 7 For deposit in the student achievement and teacher
- 8 quality savings account fund created in section 12.90:
- 9 \$ 40,000,000"
- 10 2. Page 23, by inserting after line 4 the
- 11 following:
- 12 "Sec. ___. NEW SECTION. 12.90 STUDENT
- 13 ACHIEVEMENT AND TEACHER QUALITY SAVINGS ACCOUNT FUND.
- 14 1. A student achievement and teacher quality
- 15 savings account is created as a separate and distinct
- 16 fund in the state treasury under the control of the
- 17 department of education. Moneys in the fund are
- 18 subject to appropriation by the general assembly for
- 19 student achievement and teacher quality activities as
- 20 enacted by the Seventy-ninth General Assembly, First
- 21 Session, or by future general assemblies.

22 2. Revenue for the student achievement and teacher
23 quality savings account fund shall be deposited with
24 the treasurer of state and credited to the fund and
25 shall include, but is not limited to, moneys in the
26 form of a devise, gift, bequest, donation, federal or
27 other grant, reimbursement, repayment, judgment,
28 transfer, payment, or appropriation from any source
29 intended to be used for the purposes of the fund."

Millage of Scott rose on a point of order that amendment H-1896 was not germane.

The Speaker ruled the point well taken and amendment H-1896 not germane.

Mascher of Johnson moved to suspend the rules to consider amendment H-1896.

A non-record roll call was requested.

The ayes were 39, nays 53.

The motion to suspend the rules lost.

Speaker pro tempore Sukup in the chair at 9:18 p.m.

Alons of Sioux asked and received unanimous consent to withdraw amendment H-1838 filed by Alons, et al., on May 1, 2001.

Mascher of Johnson asked and received unanimous consent that amendment H-1773 be deferred.

Finch of Story offered amendment H-1774 filed by Finch, et al., as follows:

H-1774

- 1 Amend Senate File 535, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 13, by inserting after line 28, the
- 4 following:
- 5 "Funds appropriated in this lettered paragraph
- 6 shall not be available for expenditure for medically
- 7 induced termination of a pregnancy, including but not
- 8 limited to usage of mifepristone or RU-486, offered or

- 9 administered by the student health center."
 10 2. Page 18, by inserting after line 14, the
 11 following:
 12 "Funds appropriated in this lettered paragraph
 13 shall not be available for expenditure for medically
 14 induced termination of a pregnancy, including but not
 15 limited to usage of mifepristone or RU-486, offered or
 16 administered by the student health center."
 17 3. Page 19, by inserting after line 18, the
 18 following:
 19 "Funds appropriated in this lettered paragraph
 20 shall not be available for expenditure for medically
 21 induced termination of a pregnancy, including but not
 22 limited to usage of mifepristone or RU-486, offered or
 23 administered by the student health center."

Finch of Story asked and received unanimous consent to withdraw amendment H-1894, to amendment H-1774, filed by her, Mertz of Kossuth, Garman of Story, Tremmel of Wapello, De Boef of Mahaska and Reynolds of Van Buren from the floor.

Finch of Story moved the adoption of amendment H-1774.

Roll call was requested by Finch of Story and Brunkhorst of Bremer.

On the question "Shall amendment H-1774 be adopted?" (S.F. 535)

The ayes were, 52:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Bradley	Brauns
Broers	Brunkhorst	Carroll	Chiodo
De Boef	Drake	Eddie	Eichhorn
Finch	Garman	Hahn	Hansen
Heaton	Hoffman	Horbach	Houser
Huseman	Jacobs	Jenkins	Johnson
Klemme	Larson	Manternach	Mertz
Millage	O'Brien	Quirk	Raecker
Rants	Rayhons	Rekow	Reynolds
Roberts	Seng	Siegrist, Spkr.	Sievers
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Sukup,
			Presiding

The nays were, 43:

Atteberry	Bell	Boggess	Bukta
Cohoon	Cormack	Dix	Dolecheck

Dotzler	Elgin	Falck	Fallon
Foege	Ford	Frevert	Gipp
Greimann	Grundberg	Hatch	Huser
Jochum	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Metcalf
Myers	Osterhaus	Petersen	Richardson
Scherrman	Schrader	Shey	Smith
Stevens	Taylor, D.	Taylor, T.	Warnstadt
Winckler	Wise	Witt	

Absent or not voting, 5:

Connors	Hoversten	Kettering	Murphy
Shoultz			

Amendment H-1774 was adopted.

Kuhn of Floyd offered amendment H-1817 filed by him as follows:

H-1817

- 1 Amend Senate File 535, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 17, by inserting after line 22 the
- 4 following:
- 5 "n. Agricultural health and safety programs
- 6 For agricultural health and safety programs:
- 7\$ 267,385"
- 8 2. Page 19, line 3, by striking the figure
- 9 "262,987" and inserting the following: "279,773".
- 10 3. By renumbering as necessary.

The House stood at ease at 10:02 p.m., until the fall of the gavel.
(Amendment H-1817 pending)

The House resumed session and consideration of Senate File 535 and amendment H-1817 at 10:33 p.m., Speaker Siegrist in the chair.

Kuhn of Floyd moved the adoption of amendment H-1817.

Roll call was requested by Myers of Johnson and Foege of Linn.

On the question "Shall amendment H-1817 be adopted?" (S.F. 535)

The ayes were, 41:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Dotzler	Falck	Fallon

Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Myers	O'Brien
Osterhaus	Petersen	Quirk	Reynolds
Richardson	Scherrman	Schrader	Seng
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise
Witt			

The nays were, 53:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Finch	Garman	Gipp	Hahn
Hansen	Heaton	Hoffman	Horbach
Houser	Huseman	Jacobs	Jenkins
Johnson	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Sievers	Sukup	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Mr. Speaker			
Siegrist			

Absent or not voting, 6:

Connors	Grundberg	Hoversten	Murphy
Shoultz	Teig		

Amendment H-1817 lost.

Myers of Johnson asked and received unanimous consent to withdraw amendment H-1832 filed by him on May 1, 2001.

Hansen of Pottawattamie asked and received unanimous consent to withdraw amendment H-1905 filed by him from the floor.

Scherrman of Dubuque offered the following amendment H-1758 filed by him and moved its adoption:

H-1758

- 1 Amend Senate File 535, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 23, by striking lines 26 and 27, and

- 4 inserting the following: "~~eight~~ forty-seven million
 5 ~~eight~~ seven hundred ~~thirty~~ forty-eight thousand
 6 ~~seventy-five~~ one hundred thirty-one dollars for".

Roll call was requested by Scherrman of Dubuque and Warnstadt of Woodbury.

On the question "Shall amendment H-1758 be adopted?" (S.F. 535)

The ayes were, 42:

Alons	Atteberry	Bell	Bukta
Chiodo	Cohoon	Dotzler	Falck
Fallon	Foege	Ford	Frevert
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Myers
O'Brien	Osterhaus	Petersen	Quirk
Reynolds	Richardson	Scherrman	Schrader
Seng	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

The nays were, 53:

Arnold	Barry	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Hahn	Hansen
Heaton	Hoffman	Horbach	Houser
Huseman	Jacobs	Jenkins	Johnson
Kettering	Klemme	Larson	Manternach
Metcalf	Millage	Raecker	Rants
Rayhons	Rekow	Roberts	Shey
Sievers	Sukup	Teig	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Mr. Speaker			
Siegrist			

Absent or not voting, 5:

Connors	Grundberg	Hoversten	Murphy
Shoultz			

Amendment H-1758 lost.

Finch of Story asked and received unanimous consent to withdraw amendment H-1751 filed by her on April 27, 2001.

Foege of Linn asked and received unanimous consent to withdraw amendment H-1911 filed by him from the floor.

Wise of Lee offered the following amendment H-1773, previously deferred, filed by him and moved its adoption:

H-1773

- 1 Amend Senate File 535, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 12, by inserting after line 9 the
- 4 following:
- 5 "___ SUSPENSION OF FY 2001-2002 DEPARTMENTAL
- 6 RESPONSIBILITIES. For the fiscal year beginning July
- 7 1, 2001, and ending June 30, 2002, notwithstanding any
- 8 other provision of the Code to the contrary, the state
- 9 board of education may suspend the department of
- 10 education's administration, regulation, oversight, and
- 11 enforcement duties relating to state-funded programs."
- 12 2. By renumbering as necessary.

Amendment H-1773 lost.

Dolecheck of Ringgold 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. 535)

The ayes were, 54:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Finch	Garman	Gipp	Hahn
Hansen	Heaton	Hoffman	Horbach
Houser	Huseman	Jacobs	Jenkins
Johnson	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Sievers	Sukup	Teig
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Mr. Speaker		
	Siegrist		

The nays were, 41:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Dotzler	Falck	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Myers	O'Brien
Osterhaus	Petersen	Quirk	Reynolds
Richardson	Scherrman	Schrader	Seng
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise
Witt			

Absent or not voting, 5:

Connors	Grundberg	Hoversten	Murphy
Shultz			

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 May 2, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 349, a bill for an act relating to the enterprise zone program and providing a retroactive applicability date.

Also: That the Senate has on May 2, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 670, a bill for an act relating to nontraditional practitioner preparation instruction programs, including the licensure of individuals who are participating in or have successfully completed a program.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Jenkins of Black Hawk called up for consideration **House File 719**, 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 support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing an effective date, amended by the Senate amendment H-1810 as follows:

H-1810

- 1 Amend House File 719, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 12, by striking the figure
- 4 "1,526,808" and inserting the following: "2,026,808".
- 5 2. Page 2, line 14, by striking the figure
- 6 "322,156" and inserting the following: "427,656".
- 7 3. Page 2, line 24, by striking the figure
- 8 "1,204,652" and inserting the following: "1,599,152".
- 9 4. Page 3, by striking lines 26 through 28, and
- 10 inserting the following: "pooled technology account
- 11 for allocation for the technology programs identified
- 12 for funding pursuant to section 5 of this Act. The
- 13 department of management shall annually report".
- 14 5. Page 4, by striking lines 11 through 13 and
- 15 inserting the following: "department of education for
- 16 transfer to the community college vocational-technical
- 17 technology improvement program authorized in chapter
- 18 260A."
- 19 6. Page 4, by striking lines 18 through 35 and
- 20 inserting the following: "the department of education
- 21 in continuing this initiative. Of the funds allocated
- 22 pursuant to this paragraph, \$250,000 shall be
- 23 transferred to the legislative council to establish an
- 24 office of distance learning. The objective of the
- 25 office of distance learning shall be to establish the
- 26 state of Iowa as a distance learning center. The
- 27 legislative council shall be authorized to hire
- 28 individuals for office staffing positions, which
- 29 positions shall report to the legislative oversight
- 30 committee. The office of distance learning may
- 31 receive and utilize grants and other funds in addition
- 32 to amounts appropriated pursuant to this paragraph.
- 33 The office of distance learning shall identify and
- 34 facilitate distance learning technology and
- 35 applications between all interested agencies and
- 36 entities involved or potentially involved in distance
- 37 learning activities including, but not limited to, K-
- 38 12 schools, area education agencies, institutions of
- 39 higher learning, Iowa public television, the
- 40 department of education, the Iowa communications
- 41 network, the information technology department, and
- 42 military and private sector institutions or agencies.

43 Amounts which remain unallocated or unexpended at the
44 close of the fiscal year shall revert to the pooled
45 technology account for the support of technology
46 programs in the succeeding fiscal year."
47 7. Page 5, by inserting before line 1 the
48 following: "The office of distance learning is
49 authorized to purchase a statewide site license for
50 web-based educational training and testing programs of

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1 online assessments, lessons, and activities related to
2 academic performance and may provide access to such
3 programs for educational purposes."
4 8. Page 5, by striking lines 8 through 14.
5 9. By striking page 5, line 15, and inserting the
6 following:
7 "f. The remaining amount in the pooled technology
8 account shall be allocated to the".
9 10. Page 5, line 22, by inserting after the word
10 "contract." the following: "This subsection shall not
11 apply to a technology purchase, lease, or contract
12 made or entered into by or on behalf of a community
13 college, the university of northern Iowa in developing
14 a twenty-first century learning initiative, or an
15 accredited nonpublic school pursuant to subsection 1,
16 paragraphs "a" through "c"."
17 11. Page 6, line 9, by inserting after the word
18 "account." the following: "Of the funds appropriated
19 to the pooled technology account pursuant to this
20 subsection which remain after the deposit to the
21 general fund of the state specified in unnumbered
22 paragraph 2, \$624,000 shall be allocated to the
23 information technology department. Of this amount,
24 \$564,000 shall be utilized for lease-purchase costs
25 related to the justice data warehouse technology
26 project, and \$60,000 shall be transferred to the
27 division of criminal and juvenile justice planning of
28 the department of human rights for 1.00 FTE to provide
29 support for the justice data warehouse technology
30 project."
31 12. Page 6, by inserting after line 33 the
32 following:
33 "Sec. _____. Section 14B.105, subsection 2,
34 paragraph f, Code 2001, is amended to read as follows:
35 f. Review the recommendations of the IowaAccess
36 advisory council regarding rates to be charged for
37 access to and for value-added services performed
38 through IowaAccess, and make recommendations to the
39 general assembly regarding such rates. A rate shall
40 not be approved or charged unless approved by act of
41 the general assembly. The information technology

42 council shall report the establishment of a new rate
43 or change in the level of an existing rate to the
44 department of management, and the department of
45 management shall notify the legislative fiscal bureau
46 regarding the rate establishment or change."
47 13. Page 7, line 6, by inserting after the word
48 "locations." the following: "All revenue derived from
49 a pilot project implemented pursuant to this
50 subsection shall be deposited into the pooled

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1 technology account."
2 14. Page 7, by inserting after line 6 the
3 following:
4 "Sec. ____ Section 260A.1, subsection 1, Code
5 2001, is amended by striking the subsection and
6 inserting in lieu thereof the following:
7 1. Appropriations from the pooled technology
8 account may be used for the purposes authorized in the
9 community college vocational-technical technology
10 improvement program.
11 Sec. ____ Section 260A.2, Code 2001, is amended to
12 read as follows:
13 260A.2 COMMUNITY COLLEGE VOCATIONAL-TECHNICAL
14 TECHNOLOGY IMPROVEMENT PLANS.
15 Prior to receiving moneys under this chapter, the
16 board of directors of a community college shall adopt
17 a technology plan that supports community college
18 vocational-technical technology improvement efforts,
19 authorizes a needs assessment of business and industry
20 in the district, and includes an evaluation component,
21 and shall provide to the department of education
22 adequate assurance that funds received under this
23 chapter will be used in accordance with the technology
24 plan. The plan shall be developed by licensed
25 professional staff of the community college, including
26 both faculty members and school administrators, the
27 private sector, trade and professional organizations,
28 and other interested parties, and shall, at a minimum,
29 focus on the attainment of the vocational-technical
30 skills and achievement goals of the student. The plan
31 shall consider the community college's
32 interconnectivity with the Iowa communications
33 network, and shall demonstrate how, ~~over a four-year~~
34 ~~period,~~ the board will utilize technology to improve
35 vocational-technical student achievement. The
36 technology plan shall be kept on file at the community
37 college. Progress made under the plan shall be
38 reported annually to the department of education in a
39 manner prescribed by the department of education."
40 15. Page 7, line 11, by striking the word

- 41 "documents" and inserting the following:
42 "newsletters".
43 16. Page 7, line 12, by striking the word
44 "document" and inserting the following: "newsletter".
45 17. Page 7, line 16, by striking the word
46 "document" and inserting the following: "newsletter".
47 18. Page 7, line 19, by striking the word
48 "documents" and inserting the following:
49 "newsletters".
50 19. Page 7, line 23, by striking the word

Page 4

- 1 "documents" and inserting the following:
2 "newsletters".
3 20. Page 8, line 18, by striking the figure
4 "295.4" and inserting the following: "256D.8".
5 21. Page 9, by striking lines 26 through 31.
6 22. Page 9, by inserting after line 31 the
7 following:
8 "Sec. ____ Section 260A.4, Code 2001, is
9 repealed."
10 23. Page 9, by striking line 32 and inserting the
11 following:
12 "Sec. ____ EFFECTIVE DATES. Section 5, subsection
13 4; and sections 9, 10, and 12 of this".
14 24. By renumbering, relettering, or redesignating
15 and correcting internal references as necessary.

Jenkins of Black Hawk offered the following amendment H-1876, to the Senate amendment H-1810, filed by him and moved its adoption:

H-1876

- 1 Amend the Senate amendment, H-1810, to House File
2 719, as amended, passed, and reprinted by the House,
3 as follows:
4 1. By striking page 1, line 19 through page 2,
5 line 3, and inserting the following:
6 "____. Page 4, by striking lines 18 through 35 and
7 inserting the following: "the department of education
8 in continuing this initiative.""
9 2. By renumbering as necessary.

Amendment H-1876 was adopted.

Millage of Scott offered the following amendment H-1863, to the Senate amendment H-1810, filed by him and moved its adoption:

H-1863

- 1 Amend the Senate amendment, H-1810, to House File
- 2 719, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 2, line 4, by inserting after the figure
- 5 "14" the following: "and inserting the following:
- 6 "e. The next \$312,000 shall be allocated to the
- 7 information technology department. Of this amount,
- 8 \$252,000 shall be utilized for lease-purchase costs
- 9 related to the justice data warehouse technology
- 10 project, and \$60,000 shall be transferred to the
- 11 division of criminal and juvenile justice planning of
- 12 the department of human rights for 1.00 FTE to provide
- 13 support for the justice data warehouse technology
- 14 project.""
- 15 2. Page 2, by striking lines 17 through 30 and
- 16 inserting the following:
- 17 "___ Page 6, line 9, by inserting after the word
- 18 "account." the following: "Of the funds appropriated
- 19 to the pooled technology account pursuant to this
- 20 subsection which remain after the deposit to the
- 21 general fund of the state specified in unnumbered
- 22 paragraph 2, \$312,000 shall be allocated to the
- 23 information technology department for lease-purchase
- 24 costs related to the justice data warehouse technology
- 25 project."
- 26 3. By renumbering as necessary.

Amendment H-1863 was adopted.

Jenkins of Black Hawk asked and received unanimous consent to withdraw amendment H-1879, to the Senate amendment H-1810, filed by him on May 1, 2001.

Jenkins of Black Hawk offered amendment H-1898, to the Senate amendment H-1810, filed by him from the floor as follows:

H-1898

- 1 Amend the Senate amendment, H-1810, to House File
- 2 719, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 2, by striking lines 5 through 8 and
- 5 inserting the following:
- 6 "___ Page 5, by striking lines 15 through 17 and
- 7 inserting the following:
- 8 "___ The next \$1,000,000 shall be allocated to
- 9 the information technology department for
- 10 implementation of an enterprise data warehouse.

11 _____. The next \$500,000 shall be allocated to the
12 secretary of state's office to replace the secretary
13 of state's voter registration system.
14 _____. The next \$1,000,000 shall be allocated to the
15 Iowa department of workforce development for
16 automation of the unemployment system.
17 _____. The next \$250,000 shall be allocated to the
18 department of agriculture and land stewardship for the
19 e-commerce electronic licensing project.
20 _____. The remaining amount in the pooled technology
21 account shall be allocated to implement the
22 recommendations of the information technology council.
23 However, none of these funds may be utilized for
24 asynchronous transfer mode technology conversion, the
25 enterprise resource planning project, or digital
26 broadcast conversion, or for lease-purchase payments
27 in connection therewith. Amounts allocated pursuant to
28 this paragraph shall include any reversions in excess
29 of those necessary to fund the justice data warehouse
30 project."

Falck of Fayette offered the following amendment H-1932, to amendment H-1898, to the Senate amendment H-1810 filed by him from the floor and moved its adoption:

H-1932

1 Amend the amendment, H-1898, to the Senate
2 amendment, H-1810, to House File 719, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 1, by striking lines 22 through 30, and
5 inserting the following: "recommendations of the
6 information technology council."

Amendment H-1932 lost.

On motion by Jenkins of Black Hawk amendment H-1898, to the Senate amendment H-1810 was adopted.

Jenkins of Black Hawk offered the following amendment H-1899, to the Senate amendment H-1810, filed by him from the floor and moved its adoption:

H-1899

1 Amend the Senate amendment, H-1810, to House File
2 719, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 4, by striking line 5 and inserting the

5 following:

6 "___ Page 9, line 29, by inserting after the
 7 word "issues." the following: "The objective of the
 8 study shall be to evaluate the viability of
 9 establishing the state of Iowa as a distance learning
 10 center. The study shall identify distance learning
 11 technology opportunities between interested agencies
 12 and entities involved in or potentially involved in
 13 distance learning activities, including but not
 14 limited to K-12 schools, area education agencies,
 15 institutions of higher learning, the public
 16 broadcasting division of the department of education,
 17 the department of education, the Iowa communications
 18 network, the information technology department, and
 19 military and private sector institutions or
 20 agencies.""

Amendment H-1899 was adopted.

On motion by Jenkins of Black Hawk the House concurred in the Senate amendment H-1810, as amended.

Jenkins of Black Hawk 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. 719)

The ayes were, 52:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Carroll
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Hahn	Hansen
Heaton	Hoffman	Horbach	Houser
Huseman	Jacobs	Jenkins	Johnson
Kettering	Klemme	Larson	Manternach
Metcalf	Millage	Raecker	Rants
Rayhons	Rekow	Roberts	Shey
Sievers	Sukup	Teig	Tymeson
Tyrrell	Van Engelenhoven	Weidman	Mr. Speaker
			Siegrist

The nays were, 42:

Atteberry	Bell	Bukta	Chiodo
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Cohoon	Cormack	Dotzler	Falck
Fallon	Foege	Ford	Frevert
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Myers
Osterhaus	Petersen	Quirk	Reynolds
Richardson	Scherrman	Schrader	Seng
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Van Fossen	Warnstadt	Winckler
Wise	Witt		

Absent or not voting, 6:

Connors	Grundberg	Hoversten	Murphy
O'Brien	Shoultz		

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 719** be immediately messaged to the Senate.

MOTION TO RECONSIDER WITHDRAWN (Senate File 532)

Brunkhorst of Bremer asked and received unanimous consent to withdraw the motion to reconsider **Senate File 532**, a bill for an act relating to matters related to the tobacco settlement including the tobacco settlement authority, the tobacco settlement trust fund, and the tobacco settlement endowment fund, and providing an effective date, filed by him on May 1, 2001.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 532** be immediately messaged to the Senate.

INTRODUCTION OF BILLS

House File 755, by committee on appropriations, a bill for an act relating to public expenditure and regulatory matters, making and reducing appropriations, and including effective date and retroactive applicability provisions.

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

House File 756, by Rants and Myers, a bill for an act making changes to criminal sentences by permitting an aggravated misdemeanor charge for certain burglary in the third degree criminal offenses, by creating a sentence of a determinate term of confinement and an additional indeterminate term of years for certain class "D" felonies, by extending the length of time for reconsideration of certain felony sentences, and providing penalties.

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

MOTION TO RECONSIDER
(Senate File 535)

I move to reconsider the vote by which Senate File 535 passed the House on May 1, 2001.

RANTS of Woodbury

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on May 2, 2001. Had I been present, I would have voted "aye" on House File 731, Senate Files 98, 339 and 140 and "nay" on amendment H-1820 to House File 742.

HEATON of Henry

I was necessarily absent from the House chamber on May 2, 2001. Had I been present, I would have voted "aye" on amendment H-1774 to Senate File 535.

KETTERING of Sac

I was necessarily absent from the House chamber on April 30, 2001. Had I been present, I would have voted "aye" on House File 698 and "nay" on House File 737.

KUHN of Floyd

I was necessarily absent from the House chamber on May 1, 2001. Had I been present, I would have voted "nay" on Senate File 530.

O'BRIEN of Boone

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 2, 2001, he approved and transmitted to the Secretary of State the following bills:

House File 229, an act relating to judicial district departments of correctional services by providing for the establishment of a reserve peace officer force.

House File 560, an act relating to child foster care regulatory requirements and providing an effective date.

House File 662, an act relating to Iowa's community empowerment initiative and providing an effective date.

House File 706, an act relating to energy conservation including making appropriations of petroleum overcharge funds.

House File 711, an act relating to the levy of tax assessments for drainage or levee districts.

Senate File 57, an act relating to approval of city ordinances granting certain utility franchises.

Senate File 141, an act relating to the allocation of program job credits to program costs under the accelerated career education program and providing effective and retroactive applicability dates.

Senate File 185, an act relating to the definition of factory-built structures, the relocation of factory-built structures, the certification of installers of manufactured homes, and providing a fee, an appropriation, and a civil penalty.

Senate File 209, an act providing for livestock, including the control of paratuberculosis, and providing for penalties.

Senate File 323, an act relating to the standard for investment of retirement funds by municipal utilities.

Senate File 336, an act relating to the authority of the state board of educational examiners to develop a code of professional rights and responsibilities, practices, and ethics for practitioners.

Senate File 533, an act relating to and making appropriations to the tobacco settlement trust fund and providing a contingent effective date.

PRESENTATION OF VISITORS

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

Thirty-five sixth grade students from Riceville, accompanied by Carol Anderson. By Kuhn of Floyd.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|-----------|---|
| 2001\1126 | Barry Gackle, Waterloo – For being named a member of the Academic All-State Team. |
| 2001\1127 | Emma Pirie, Mason City – For celebrating her 101 st birthday. |
| 2001\1128 | Margaret and Leonard Floyd, Des Moines – For celebrating their 70 th wedding anniversary. |
| 2001\1129 | Jessica Krogmeier, Donnellson – For winning the 2001 Lee County Soil and Water Conservation District Scholarship Award. |

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.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 262), relating to public expenditure and regulatory matters, making and reducing appropriations, and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended Amend and Do Pass May 2, 2001.

COMMITTEE ON WAYS AND MEANS

House File 751, a bill for an act providing tax credits for investments in qualifying businesses and allowing the transfer of investment tax credits.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1906** February 1, 2001.

Senate File 524, a bill for an act providing assistance regarding the development of grapes and wine and providing for tax revenue and an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** May 1, 2001.

Senate File 529, a bill for an act relating to mandates imposed on political subdivisions by the state.

Fiscal Note is not required.

Recommended **Do Pass** May 1, 2001.

Committee Bill (Formerly House File 448), exempting from sales and use taxes the purchase of coins, currency, and bullion.

Fiscal Note is required.

Recommended **Amend and Do Pass** May 1, 2001.

Committee Bill (Formerly House File 704), establishing an agricultural sales tax advisory council, and providing for the elimination of the council.

Fiscal Note is not required.

Recommended **Do Pass** May 1, 2001.

Committee Bill (Formerly House Study Bill 256), relating to species of animals by classifying certain species as livestock and providing exemptions from the sales and use tax for feed used to support the species.

Fiscal Note is not required.

Recommended **Do Pass** May 1, 2001.

AMENDMENTS FILED

H-1888	H.F.	746	Murphy of Dubuque
H-1889	H.F.	747	Raecker of Polk
Witt of Black Hawk			Fallon of Polk

Sukup of Franklin			Brunkhorst of Bremer
Garman of Story			Carroll of Poweshiek
Tyrrell of Iowa			Van Engelenhoven of Mahaska
Kreiman of Davis			Johnson of Osceola
Richardson of Warren			Boal of Polk
H-1890	H.F.	747	Raecker of Polk
			Witt of Black Hawk
H-1891	H.F.	747	Raecker of Polk
H-1892	H.F.	747	Raecker of Polk
H-1893	H.F.	747	Raecker of Polk
H-1897	S.F.	514	Houser of Pottawattamie
			Van Engelenhoven of Mahaska
H-1900	S.F.	514	O'Brien of Boone
H-1901	H.F.	672	Connors of Polk
H-1906	H.F.	751	Committee on Ways and Means
H-1907	H.F.	746	Millage of Scott
H-1908	H.F.	743	Teig of Hamilton
H-1910	H.F.	736	Eichhorn of Hamilton
H-1912	H.F.	579	Ford of Polk
H-1913	H.F.	579	Ford of Polk
H-1914	S.F.	514	Kreiman of Davis
			Arnold of Lucas
H-1915	H.F.	752	Fallon of Polk
H-1916	S.F.	524	Brunkhorst of Bremer
H-1917	H.C.R.	35	Brauns of Muscatine
H-1919	H.F.	751	Teig of Hamilton
H-1920	H.F.	739	Richardson of Warren
H-1921	H.F.	751	Fallon of Polk
H-1922	H.F.	751	Fallon of Polk
H-1923	H.F.	751	Fallon of Polk
H-1924	H.F.	751	Fallon of Polk
H-1925	H.F.	751	Fallon of Polk
H-1926	S.F.	514	Houser of Pottawattamie
H-1927	S.F.	514	Van Engelenhoven of Mahaska
			Houser of Pottawattamie
H-1928	S.F.	514	T. Taylor of Linn
			D. Taylor of Linn
H-1929	S.F.	514	Petersen of Polk
H-1930	H.F.	746	T. Taylor of Linn
H-1931	H.F.	753	Teig of Hamilton
			Frevort of Palo Alto

H-1933	H.F.	751	Jenkins of Black Hawk Hansen of Pottawattamie Kettering of Sac Hoffman of Crawford Johnson of Osceola
H-1934	H.F.	732	Heaton of Henry
H-1935	H.F.	349	Senate Amendment
H-1936	H.F.	751	Chiodo of Polk
H-1937	H.F.	670	Senate Amendment
H-1938	S.F.	165	Warnstadt of Woodbury

On motion by Rants of Woodbury the House adjourned at 12:08 a.m., until 8:45 a.m., Thursday, May 3, 2001.

JOURNAL OF THE HOUSE

One Hundred Sixteenth Calendar Day - Eighty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, May 3, 2001

The House met pursuant to adjournment at 9:00 a.m., Carroll of Poweshiek in the chair.

Prayer was offered by the Honorable Minority Leader of the House, Richard Myers of Johnson County.

The Journal of Wednesday, May 2, 2001 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hoversten of Woodbury on request of Rants of Woodbury.

CONSIDERATION OF BILLS Appropriations Calendar

House File 746, 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.

Falck of Fayette asked and received unanimous consent to withdraw amendment H-1797 filed by him on April 30, 2001.

Gipp of Winneshiek in the chair at 9:09 a.m.

Falck of Fayette offered amendment H-1888 filed by Murphy of Dubuque as follows:

H-1888

- 1 Amend House File 746 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. STATE COURTS - JUSTICES, JUDGES, AND
- 5 MAGISTRATES.
- 6 1. The salary rates specified in subsection 2 are

7 for the fiscal year beginning July 1, 2001, effective
8 for the pay period beginning June 22, 2001, and for
9 subsequent fiscal years until otherwise provided by
10 the general assembly. The salaries provided for in
11 this section shall be paid from funds appropriated to
12 the judicial branch from the salary adjustment fund or
13 if the appropriation is not sufficient, from the funds
14 appropriated to the judicial branch pursuant to any
15 Act of the general assembly.

16 2. The following annual salary rates shall be paid
17 to the persons holding the judicial positions
18 indicated during the fiscal year beginning July 1,
19 2001, effective with the pay period beginning June 22,
20 2001, and for subsequent pay periods.

21 a. Chief justice of the supreme court:

22 \$ 120,920

23 b. Each justice of the supreme court:

24 \$ 116,600

25 c. Chief judge of the court of appeals:

26 \$ 116,490

27 d. Each associate judge of the court of appeals:

28 \$ 112,170

29 e. Each chief judge of a judicial district:

30 \$ 111,140

31 f. Each district judge except the chief judge of a
32 judicial district:

33 \$ 106,610

34 g. Each district associate judge:

35 \$ 92,910

36 h. Each associate juvenile judge:

37 \$ 92,910

38 i. Each associate probate judge:

39 \$ 92,910

40 j. Each judicial magistrate:

41 \$ 26,990

42 k. Each senior judge:

43 \$ 6,180

44 Sec. 2. SALARY RATE LIMITS. Persons receiving the
45 salary rates established under section 1 of this Act
46 shall not receive any additional salary adjustments
47 provided by this Act.

48 Sec. 3. APPOINTED STATE OFFICERS. The governor
49 shall establish a salary for appointed nonelected
50 persons in the executive branch of state government

Page 2

1 holding a position enumerated in section 4 of this Act
2 within the range provided, by considering, among other
3 items, the experience of the individual in the
4 position, changes in the duties of the position, the
5 incumbent's performance of assigned duties, and

6 subordinates' salaries. However, the attorney general
7 shall establish the salary for the consumer advocate,
8 the chief justice of the supreme court shall establish
9 the salary for the state court administrator, the
10 ethics and campaign disclosure board shall establish
11 the salary of the executive director, and the state
12 fair board shall establish the salary of the secretary
13 of the state fair board, each within the salary range
14 provided in section 4 of this Act.

15 The governor, in establishing salaries as provided
16 in section 4 of this Act, shall take into
17 consideration other employee benefits which may be
18 provided for an individual including, but not limited
19 to, housing.

20 A person whose salary is established pursuant to
21 section 4 of this Act and who is a full-time, year-
22 round employee of the state shall not receive any
23 other remuneration from the state or from any other
24 source for the performance of that person's duties
25 unless the additional remuneration is first approved
26 by the governor or authorized by law. However, this
27 provision does not exclude the reimbursement for
28 necessary travel and expenses incurred in the
29 performance of duties or fringe benefits normally
30 provided to employees of the state.

31 Sec. 4. STATE OFFICERS – SALARY RATES AND RANGES.

32 The following annual salary ranges are effective for
33 the positions specified in this section for the fiscal
34 year beginning July 1, 2001, and for subsequent fiscal
35 years until otherwise provided by the general
36 assembly. The governor or other person designated in
37 section 3 of this Act shall determine the salary to be
38 paid to the person indicated at a rate within the
39 salary ranges indicated from funds appropriated by the
40 general assembly for that purpose.

41 1. The following are salary ranges 1 through 5 for
42 the fiscal year beginning July 1, 2001, effective with
43 the pay period beginning June 22, 2001:

44 SALARY RANGES	<u>Minimum</u>	<u>Maximum</u>
45 a. Range 1	\$ 8,800	\$29,870
46 b. Range 2	\$32,200	\$60,255
47 c. Range 3	\$44,100	\$70,246
48 d. Range 4	\$53,100	\$80,340
49 e. Range 5	\$62,400	\$90,434

50 2. The following are range 1 positions: There are

Page 3

1 no range 1 positions for the fiscal year beginning
2 July 1, 2001.

3 3. The following are range 2 positions:
4 administrator of the arts division of the department

5 of cultural affairs, administrators of the division of
 6 persons with disabilities, the division on the status
 7 of women, the division on the status of African-
 8 Americans, the division of deaf services, and the
 9 division of Latino affairs of the department of human
 10 rights, and administrator of the division of
 11 professional licensing and regulation of the
 12 department of commerce.

13 4. The following are range 3 positions:
 14 administrator of the division of emergency management
 15 of the department of public defense, administrator of
 16 the division of criminal and juvenile justice planning
 17 of the department of human rights, administrator of
 18 the division of community action agencies of the
 19 department of human rights, executive director of the
 20 commission of veterans affairs, and chairperson and
 21 members of the employment appeal board of the
 22 department of inspections and appeals.

23 5. The following are range 4 positions:
 24 superintendent of banking, superintendent of credit
 25 unions, and chairperson, vice chairperson, and members
 26 of the board of parole.

27 6. The following are range 5 positions: consumer
 28 advocate, state public defender, drug policy
 29 coordinator, labor commissioner, workers' compensation
 30 commissioner, administrator of the alcohol beverages
 31 division of the department of commerce, and
 32 administrator of the historical division of the
 33 department of cultural affairs.

34 7. The following are salary ranges 6 through 9 for
 35 the fiscal year beginning July 1, 2001, effective with
 36 the pay period beginning June 22, 2001:

37 SALARY RANGES	<u>Minimum</u>	<u>Maximum</u>
38 a. Range 6	\$ 48,200	\$ 80,340
39 b. Range 7	\$ 66,000	\$ 91,155
40 c. Range 8	\$ 70,800	\$105,781
41 d. Range 9	\$ 79,000	\$126,175

42 8. The following are range 6 positions: director
 43 of the department of human rights, director of the
 44 Iowa state civil rights commission, executive director
 45 of the college student aid commission, director of the
 46 department for the blind, and executive director of
 47 the ethics and campaign disclosure board.

48 9. The following are range 7 positions: director
 49 of the department of cultural affairs, director of the
 50 department of elder affairs, and director of the law

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1 enforcement academy.

2 10. The following are range 8 positions: the
 3 administrator of the state racing and gaming

4 commission of the department of inspections and
 5 appeals, director of the department of inspections and
 6 appeals, commandant of the veterans home, director of
 7 the department of general services, director of the
 8 department of personnel, administrator of the public
 9 broadcasting division of the department of education,
 10 commissioner of public safety, commissioner of
 11 insurance, executive director of the Iowa finance
 12 authority, director of the department of natural
 13 resources, director of the department of corrections,
 14 and chairperson of the utilities board. The other
 15 members of the utilities board shall receive an annual
 16 salary within a range of not less than 90 percent but
 17 not more than 95 percent of the annual salary of the
 18 chairperson of the utilities board.

19 11. The following are range 9 positions: director
 20 of the department of education, director of human
 21 services, director of the department of economic
 22 development, director of the information technology
 23 department, executive director of the Iowa
 24 communications and technology commission, executive
 25 director of the state board of regents, director of
 26 the state department of transportation, director of
 27 the department of workforce development, director of
 28 revenue and finance, lottery commissioner, director of
 29 public health, the state court administrator,
 30 secretary of the state fair board, and the director of
 31 the department of management.

32 Sec. 5. PUBLIC EMPLOYMENT RELATIONS BOARD.

33 1. The salary rates specified in this section are
 34 effective for the fiscal year beginning July 1, 2001,
 35 with the pay period beginning June 22, 2001, and for
 36 subsequent fiscal years until otherwise provided by
 37 the general assembly. The salaries provided for in
 38 this section shall be paid from funds appropriated to
 39 the public employment relations board from the salary
 40 adjustment fund, or if the appropriation is not
 41 sufficient from funds appropriated to the public
 42 employment relations board pursuant to any other Act
 43 of the general assembly.

44 2. The following annual salary rates shall be paid
 45 to the persons holding the positions indicated:

46 a. Chairperson of the public employment relations
 47 board:

48 \$ 70,761

49 b. Two members of the public employment relations
 50 board:

Page 5

1 \$ 65,920

2 Sec. 6. COLLECTIVE BARGAINING AGREEMENTS FUNDED -

3 GENERAL FUND. There is appropriated from the general
4 fund of the state to the salary adjustment fund for
5 distribution by the department of management to the
6 various state departments, boards, commissions,
7 councils, and agencies, including the state board of
8 regents, for the fiscal year beginning July 1, 2001,
9 and ending June 30, 2002, the amount of \$91,000,000,
10 or so much thereof as may be necessary, to fully fund
11 the following annual pay adjustments, expense
12 reimbursements, and related benefits:

- 13 1. The collective bargaining agreement negotiated
14 pursuant to chapter 20 for employees in the blue
15 collar bargaining unit.
- 16 2. The collective bargaining agreement negotiated
17 pursuant to chapter 20 for employees in the public
18 safety bargaining unit.
- 19 3. The collective bargaining agreement negotiated
20 pursuant to chapter 20 for employees in the security
21 bargaining unit.
- 22 4. The collective bargaining agreement negotiated
23 pursuant to chapter 20 for employees in the technical
24 bargaining unit.
- 25 5. The collective bargaining agreement negotiated
26 pursuant to chapter 20 for employees in the
27 professional fiscal and staff bargaining unit.
- 28 6. The collective bargaining agreement negotiated
29 pursuant to chapter 20 for employees in the university
30 of northern Iowa faculty bargaining unit.
- 31 7. The collective bargaining agreement negotiated
32 pursuant to chapter 20 for employees in the clerical
33 bargaining unit.
- 34 8. The collective bargaining agreement negotiated
35 pursuant to chapter 20 for employees in the
36 professional social services bargaining unit.
- 37 9. The collective bargaining agreement negotiated
38 pursuant to chapter 20 for employees in the community-
39 based corrections bargaining unit.
- 40 10. The collective bargaining agreement negotiated
41 pursuant to chapter 20 for employees in the judicial
42 branch of government bargaining unit.
- 43 11. The collective bargaining agreement negotiated
44 pursuant to chapter 20 for employees in the patient
45 care bargaining unit.
- 46 12. The collective bargaining agreement negotiated
47 pursuant to chapter 20 for employees in the science
48 bargaining unit.
- 49 13. The collective bargaining agreement negotiated
50 pursuant to chapter 20 for employees in the state

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1 university of Iowa graduate student bargaining unit.

14. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the state university of Iowa hospital and clinics tertiary health care bargaining unit.

15. The annual pay adjustments, related benefits, and expense reimbursements referred to in sections 7 and 8 of this Act for employees not covered by a collective bargaining agreement.

Sec. 7. NONCONTRACT STATE EMPLOYEES – GENERAL.

1. a. For the fiscal year beginning July 1, 2001, the maximum salary levels of all pay plans provided for in section 19A.9, subsection 2, as they exist for the fiscal year ending June 30, 2001, shall be increased by 3 percent for the pay period beginning June 22, 2001, and any additional changes in the pay plans shall be approved by the governor.

b. For the fiscal year beginning July 1, 2001, employees may receive a step increase or the equivalent of a step increase.

2. The pay plans for state employees who are exempt from chapter 19A and who are included in the department of revenue and finance's centralized payroll system shall be increased in the same manner as provided in subsection 1, and any additional changes in any executive branch pay plans shall be approved by the governor.

3. This section does not apply to members of the general assembly, board members, commission members, salaries of persons set by the general assembly pursuant to this Act, or set by the governor, other persons designated in section 3 of this Act, employees designated under section 19A.3, subsection 5, and employees covered by 581 IAC 4.6(3).

4. The pay plans for the bargaining eligible employees of the state shall be increased in the same manner as provided in subsection 1, and any additional changes in such executive branch pay plans shall be approved by the governor. As used in this section, "bargaining eligible employee" means an employee who is eligible to organize under chapter 20, but has not done so.

5. The policies for implementation of this section shall be approved by the governor.

Sec. 8. STATE EMPLOYEES – STATE BOARD OF REGENTS.

Funds from the appropriation in section 6 of this Act shall be allocated to the state board of regents for the purposes of providing increases for state board of regents employees covered by section 6 of this Act and for employees not covered by a collective bargaining

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1 agreement as follows:

2 1. For regents merit system employees and merit
3 supervisory employees to fund for the fiscal year,
4 increases comparable to those provided for similar
5 contract-covered employees in this Act.

6 2. For faculty members and professional and
7 scientific employees to fund for the fiscal year,
8 percentage increases comparable to those provided for
9 contract-covered employees in section 6, subsection 6,
10 of this Act.

11 Sec. 9. APPROPRIATIONS FROM ROAD FUNDS.

12 1. There is appropriated from the road use tax
13 fund to the salary adjustment fund for the fiscal year
14 beginning July 1, 2001, and ending June 30, 2002, the
15 following amount, or so much thereof as may be
16 necessary, to be used for the purpose designated:

17 To supplement other funds appropriated by the
18 general assembly:

19 \$ 3,500,000

20 2. There is appropriated from the primary road
21 fund to the salary adjustment fund, for the fiscal
22 year beginning July 1, 2001, and ending June 30, 2002,
23 the following amount, or so much thereof as may be
24 necessary, to be used for the purpose designated:

25 To supplement other funds appropriated by the
26 general assembly:

27 \$ 13,000,000

28 3. Except as otherwise provided in this Act, the
29 amounts appropriated in subsections 1 and 2 shall be
30 used to fund the annual pay adjustments, expense
31 reimbursements, and related benefits for public
32 employees as provided in this Act.

33 Sec. 10. SPECIAL FUNDS - AUTHORIZATION. To

34 departmental revolving, trust, or special funds,
35 except for the primary road fund or the road use tax
36 fund, for which the general assembly has established
37 an operating budget, a supplemental expenditure
38 authorization is provided, unless otherwise provided,
39 in an amount necessary to fund salary adjustments as
40 otherwise provided in this Act.

41 Sec. 11. GENERAL FUND SALARY MONEYS. Funds

42 appropriated from the general fund of the state in
43 this Act relate only to salaries supported from
44 general fund appropriations of the state except for
45 employees of the state board of regents. The funds
46 appropriated from the general fund of the state for
47 employees of the state board of regents shall exclude
48 general university indirect costs and general
49 university federal funds.

50 Sec. 12. FEDERAL FUNDS APPROPRIATED. All federal

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1 grants to and the federal receipts of the agencies
2 affected by this Act which are received and may be
3 expended for purposes of this Act are appropriated for
4 those purposes and as set forth in the federal grants
5 or receipts.

6 Sec. 13. STATE TROOPER MEAL ALLOWANCE. The sworn
7 peace officers in the department of public safety who
8 are not covered by a collective bargaining agreement
9 negotiated pursuant to chapter 20 shall receive the
10 same per diem meal allowance as the sworn peace
11 officers in the department of public safety who are
12 covered by a collective bargaining agreement
13 negotiated pursuant to chapter 20.

14 Sec. 14. SALARY MODEL COORDINATOR. Of the funds
15 appropriated by section 6 of this Act, \$133,800 for
16 the fiscal year beginning July 1, 2001, is allocated
17 to the department of management for salary and support
18 of the salary model coordinator who shall work in
19 conjunction with the legislative fiscal bureau to
20 maintain the state's salary model used for analyzing,
21 comparing, and projecting state employee salary and
22 benefit information, including information relating to
23 employees of the state board of regents. The
24 department of revenue and finance, the department of
25 personnel, the five institutions under the
26 jurisdiction of the state board of regents, the eight
27 judicial district departments of correctional
28 services, and the state department of transportation
29 shall provide salary data to the department of
30 management and the legislative fiscal bureau to
31 operate the state's salary model. The format and
32 frequency of provision of the salary data shall be
33 determined by the department of management and the
34 legislative fiscal bureau. The information shall be
35 used in collective bargaining processes under chapter
36 20 and in calculating the funding needs contained
37 within the annual salary adjustment legislation. A
38 state employee organization as defined in section
39 20.3, subsection 4, may request information produced
40 by the model, but the information provided shall not
41 contain information attributable to individual
42 employees.

43 Sec. 15. STATE HEALTH INSURANCE SURCHARGE -
44 TERMINAL LIABILITY AND ADMINISTRATION COSTS.

45 1. For the fiscal year beginning July 1, 2001, and
46 ending June 30, 2002, the executive council shall
47 cause the department of personnel to include in the
48 rates for Wellmark Blue Cross/Blue Shield Program 3
49 Plus, Wellmark Blue Cross/Blue Shield Program 3 plus
50 with a comprehensive major medical overlay, and Iowa

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1 Select Preferred Provider Organization health
2 insurance plans a surcharge, as determined by the
3 department of management, on only the employer's share
4 of the health insurance premium cost to fund the
5 state's share of the terminal liability of the
6 existing Wellmark health insurance contract. The
7 department of revenue and finance shall collect the
8 surcharge from state agencies, the state fair board,
9 board of regents, and the eight judicial district
10 departments of correctional services. The health
11 insurance plans provided to state employees covered by
12 the state police officers council collective
13 bargaining agreement are exempt from the surcharge
14 provided for in this section.

15 2. For the fiscal year beginning July 1, 2001, and
16 ending June 30, 2002, the department of personnel
17 shall also include in the premium rates for all health
18 insurance plans administered by the department an
19 administration fee of \$2.28 per contract which shall
20 be assessed only to the employer's share of the
21 insurance premium. The department of revenue and
22 finance shall remit the proceeds of the administration
23 fee monthly to the department of personnel to pay the
24 administrative costs of state employee benefit
25 programs.

26 Sec. 16. PATIENT CARE BARGAINING UNIT – OVERTIME.

27 1. Of the funds appropriated in section 6 of this
28 Act, the following amount, or so much thereof as is
29 necessary, shall be allocated to the department of
30 revenue and finance for the fiscal year beginning July
31 1, 2001, and ending June 30, 2002, to be used for the
32 purpose designated:

33 To reimburse state agencies for expenditures
34 related to the payment of overtime to state employees
35 covered under the patient care bargaining unit:

36 \$ 768,000

37 2. The department of revenue and finance shall
38 provide guidelines and forms for documentation that a
39 state agency shall submit for the overtime
40 reimbursement provided for in subsection 1. The
41 reimbursement shall be restricted to the amount of
42 moneys appropriated from the general fund of the state
43 that is used to pay overtime of state employees
44 covered under the patient care bargaining unit for the
45 fiscal year beginning July 1, 2001, and ending June
46 30, 2002.

47 Sec. 17. HEALTH INSURANCE INCENTIVE PROGRAMS. For
48 the fiscal year beginning July 1, 2001, and ending
49 June 30, 2002, the department of revenue and finance
50 shall administer the health insurance incentive

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1 programs as contained in the collective bargaining
2 agreements. The incentive payment shall be
3 distributed in the paycheck of an eligible state
4 employee if the employee is employed by a central
5 state agency. The department of revenue and finance
6 shall provide monthly each judicial district
7 department of correctional services and the state
8 board of regents a list of their employee counts by
9 benefit plan that qualify for the incentive and the
10 amount of the incentive due. The judicial district
11 department of correctional services and the state
12 board of regents shall include the amount of the
13 incentive payment to their eligible employees'
14 paychecks as soon as the payment is administratively
15 practical.

16 Sec. 18. REGIONAL LIBRARIES. Of the funds
17 appropriated in section 6 of this Act, the following
18 amount, or so much thereof as is necessary, shall be
19 allocated to the department of management for the
20 fiscal year beginning July 1, 2001, and ending June
21 30, 2002, to be used as follows:

22 To supplement other funds for salary adjustments
23 for employees of regional libraries:

24 \$ 29,000

25 Sec. 19. Section 19A.32, Code 2001, is amended to
26 read as follows:

27 19A.32 WORKERS' COMPENSATION CLAIMS.

28 The director shall employ appropriate staff to
29 handle and adjust claims of state employees for
30 workers' compensation benefits pursuant to chapters
31 85, 85A, 85B, and 86, or with the approval of the
32 executive council contract for the services or
33 purchase workers' compensation insurance coverage for
34 state employees or selected groups of state employees.
35 A state employee workers' compensation fund is
36 established to pay state employee workers'
37 compensation claims and administrative costs. The
38 department shall establish a rating formula and assess
39 premiums to all agencies, departments, and divisions
40 of the state including those which have not received
41 an appropriation for the payment of workers'
42 compensation insurance and which operate from moneys
43 other than from the general fund of the state. The
44 department shall collect the premiums and deposit them
45 into the state employee workers' compensation fund.
46 Notwithstanding section 8.33, moneys deposited in the
47 state employee workers' compensation fund shall not
48 revert to the general fund of the state at the end of
49 any fiscal year, but shall remain in the state
50 employee workers' compensation fund and be

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1 continuously available to pay state employee workers'
2 compensation claims. The director of revenue and
3 finance is authorized and directed to draw warrants on
4 this fund for the payment of state employee workers'
5 compensation claims may, to the extent possible,
6 contract with a private organization to process and
7 pay claims for services rendered under provisions of
8 this section.

9 Sec. 20. Section 80.8, unnumbered paragraphs 1
10 through 3, Code 2001, are amended to read as follows:

11 The commissioner of public safety, with the
12 approval of the governor, shall appoint such deputies,
13 inspectors, officers, clerical workers and other
14 employees as may be required to properly discharge the
15 duties of this department.

16 The commissioner may delegate to the ~~members of the~~
17 ~~Iowa state patrol~~ peace officers of the department
18 such additional duties in the enforcement of this
19 chapter as the commissioner may deem proper and
20 incidental to the duties now imposed upon them by law.

21 The salaries of all members and employees of the
22 department and the expenses of the department shall be
23 provided for by the legislative appropriation
24 therefor. The compensation of the ~~members of the Iowa~~
25 ~~state patrol~~ peace officers of the department shall be
26 fixed according to grades as to rank and length of
27 service by the commissioner with the approval of the
28 governor. The ~~members of the Iowa state patrol~~ peace
29 officers shall be paid additional compensation in
30 accordance with the following formula: When ~~members~~
31 ~~of the Iowa state patrol~~ peace officers have served
32 for a period of five years their compensation then
33 being paid shall be increased by the sum of twenty-
34 five dollars per month beginning with the month
35 succeeding the foregoing described five-year period;
36 when ~~members thereof~~ peace officers have served for a
37 period of ten years their compensation then being paid
38 shall be increased by the sum of twenty-five dollars
39 per month beginning with the month succeeding the
40 foregoing described ten-year period, such sums being
41 in addition to the increase provided herein to be paid
42 after five years of service; when ~~members thereof~~
43 peace officers have served for a period of fifteen
44 years their compensation then being paid shall be
45 increased by the sum of twenty-five dollars per month
46 beginning with the month succeeding the foregoing
47 described fifteen-year period, such sums being in
48 addition to the increases previously provided for
49 herein; when ~~members thereof~~ peace officers have
50 served for a period of twenty years their compensation

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1 then being paid shall be increased by the sum of
2 twenty-five dollars per month beginning with the month
3 succeeding the foregoing described twenty-year period,
4 such sums being in addition to the increases
5 previously provided for herein. While on active duty
6 each member peace officer shall also receive a flat
7 daily sum as fixed by the commissioner with the
8 approval of the governor for meals ~~while away from the~~
9 ~~office to which the member has been assigned and~~
10 ~~within the member's district."~~

Petersen of Polk asked unanimous consent to defer House File 746.

Objection was raised.

Petersen of Polk moved to defer House File 746.

A non-record roll call was requested.

The ayes were 42, nays 50.

The motion to defer House File 746 lost.

T. Taylor of Linn moved the adoption of amendment H-1888.

Amendment H-1888 lost.

Millage of Scott asked and received unanimous consent to withdraw amendment H-1887 filed by him on May 1, 2001.

Millage of Scott offered the following amendment H-1907 filed by him and moved its adoption:

H-1907

1 Amend House File 746 as follows:
2 1. By striking page 3, line 2, through page 5,
3 line 21, and inserting the following:
4 "Sec. ____ STATE OFFICERS - SALARY RATES AND
5 RANGES. The following annual salary ranges are
6 effective for the positions specified in this section
7 for the fiscal year beginning July 1, 2001, and for
8 subsequent fiscal years until otherwise provided by
9 the general assembly. The governor or other person
10 designated in section 3 of this Act shall determine

11 the salary to be paid to the person indicated at a
 12 rate within the salary ranges indicated from funds
 13 appropriated by the general assembly for that purpose.

14 1. The following are salary ranges 1 through 5 for
 15 the fiscal year beginning July 1, 2001, effective with
 16 the pay period beginning June 22, 2001:

17 SALARY RANGES	<u>Minimum</u>	<u>Maximum</u>
18 a. Range 1	\$ 8,800	\$29,870
19 b. Range 2	\$32,200	\$60,255
20 c. Range 3	\$44,100	\$70,246
21 d. Range 4	\$53,100	\$80,340
22 e. Range 5	\$62,400	\$90,434

23 2. The following are range 1 positions: There are
 24 no range 1 positions for the fiscal year beginning
 25 July 1, 2001.

26 3. The following are range 2 positions:
 27 administrator of the arts division of the department
 28 of cultural affairs, administrators of the division of
 29 persons with disabilities, the division on the status
 30 of women, the division on the status of African-
 31 Americans, the division of deaf services, and the
 32 division of Latino affairs of the department of human
 33 rights, and administrator of the division of
 34 professional licensing and regulation of the
 35 department of commerce.

36 4. The following are range 3 positions:
 37 administrator of the division of emergency management
 38 of the department of public defense, administrator of
 39 the division of criminal and juvenile justice planning
 40 of the department of human rights, administrator of
 41 the division of community action agencies of the
 42 department of human rights, executive director of the
 43 commission of veterans affairs, and chairperson and
 44 members of the employment appeal board of the
 45 department of inspections and appeals.

46 5. The following are range 4 positions:
 47 superintendent of banking, superintendent of credit
 48 unions, and chairperson, vice chairperson, and members
 49 of the board of parole.

50 6. The following are range 5 positions: consumer

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1 advocate, state public defender, drug policy
 2 coordinator, labor commissioner, workers' compensation
 3 commissioner, administrator of the alcohol beverages
 4 division of the department of commerce, and
 5 administrator of the historical division of the
 6 department of cultural affairs.

7 7. The following are salary ranges 6 through 9 for
 8 the fiscal year beginning July 1, 2001, effective with
 9 the pay period beginning June 22, 2001:

10	SALARY RANGES	<u>Minimum</u>	<u>Maximum</u>
11	a. Range 6	\$ 48,200	\$ 80,340
12	b. Range 7	\$ 66,000	\$ 91,155
13	c. Range 8	\$ 70,800	\$105,781
14	d. Range 9	\$ 79,000	\$126,175
15	8. The following are range 6 positions: director		
16	of the department of human rights, director of the		
17	Iowa state civil rights commission, executive director		
18	of the college student aid commission, director of the		
19	department for the blind, and executive director of		
20	the ethics and campaign disclosure board.		
21	9. The following are range 7 positions: director		
22	of the department of cultural affairs, director of the		
23	department of elder affairs, and director of the law		
24	enforcement academy.		
25	10. The following are range 8 positions: the		
26	administrator of the state racing and gaming		
27	commission of the department of inspections and		
28	appeals, director of the department of inspections and		
29	appeals, commandant of the veterans home, director of		
30	the department of general services, director of the		
31	department of personnel, administrator of the public		
32	broadcasting division of the department of education,		
33	commissioner of public safety, commissioner of		
34	insurance, executive director of the Iowa finance		
35	authority, director of the department of natural		
36	resources, director of the department of corrections,		
37	and chairperson of the utilities board. The other		
38	members of the utilities board shall receive an annual		
39	salary within a range of not less than 90 percent but		
40	not more than 95 percent of the annual salary of the		
41	chairperson of the utilities board.		
42	11. The following are range 9 positions: director		
43	of the department of education, director of human		
44	services, director of the department of economic		
45	development, director of the information technology		
46	department, executive director of the Iowa		
47	communications and technology commission, executive		
48	director of the state board of regents, director of		
49	the state department of transportation, director of		
50	the department of workforce development, director of		

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- 1 revenue and finance, lottery commissioner, director of
- 2 public health, the state court administrator,
- 3 secretary of the state fair board, and the director of
- 4 the department of management.
- 5 Sec. ____ PUBLIC EMPLOYMENT RELATIONS BOARD.
- 6 1. The salary rates specified in this section are
- 7 effective for the fiscal year beginning July 1, 2001,
- 8 with the pay period beginning June 22, 2001, and for

9 subsequent fiscal years until otherwise provided by
10 the general assembly. The salaries provided for in
11 this section shall be paid from funds appropriated to
12 the public employment relations board from the salary
13 adjustment fund, or if the appropriation is not
14 sufficient from funds appropriated to the public
15 employment relations board pursuant to any other Act
16 of the general assembly.

17 2. The following annual salary rates shall be paid
18 to the persons holding the positions indicated:

19 a. Chairperson of the public employment relations
20 board:

21 \$ 70,761

22 b. Two members of the public employment relations
23 board:

24 \$ 65,920"

25 2. By striking page 12, line 30, through page 13,
26 line 3, and inserting the following:

27 "NEW SUBSECTION. 6. There is appropriated from
28 the unassigned revenue fund administered by the Iowa
29 comprehensive underground storage tank fund board to
30 the following funds for the fiscal year beginning July
31 1, 2001, and ending June 30, 2002, the following
32 amounts as specified:

33 a. To the terminal liability health insurance fund
34 created in section 421.46:

35 \$ 9,000,000

36 b. To the salary adjustment fund provided for in
37 section 5 of this Act:

38 \$ 9,000,000"

39 3. By renumbering as necessary.

Amendment H-1907 was adopted.

Falck of Fayette asked and received unanimous consent to withdraw amendment H-1796 filed by Murphy of Dubuque on April 30, 2001.

Millage of Scott asked and received unanimous consent to withdraw amendment H-1812 filed by him on May 1, 2001.

T. Taylor of Linn offered amendment H-1930 filed by him as follows:

H-1930

1 Amend House File 746 as follows:

2 1. Page 12, by inserting after line 5, the
3 following:

4 "Sec. __. Section 19A.32, Code 2001, is amended
5 to read as follows:
6 19A.32 WORKERS' COMPENSATION CLAIMS.
7 The director shall employ appropriate staff to
8 handle and adjust claims of state employees for
9 workers' compensation benefits pursuant to chapters
10 85, 85A, 85B, and 86, or with the approval of the
11 executive council contract for the services or
12 purchase workers' compensation insurance coverage for
13 state employees or selected groups of state employees.
14 A state employee workers' compensation fund is
15 established to pay state employee workers'
16 compensation claims and administrative costs. The
17 department shall establish a rating formula and assess
18 premiums to all agencies, departments, and divisions
19 of the state including those which have not received
20 an appropriation for the payment of workers'
21 compensation insurance and which operate from moneys
22 other than from the general fund of the state. The
23 department shall collect the premiums and deposit them
24 into the state employee workers' compensation fund.
25 Notwithstanding section 8.33, moneys deposited in the
26 state employee workers' compensation fund shall not
27 revert to the general fund of the state at the end of
28 any fiscal year, but shall remain in the state
29 employee workers' compensation fund and be
30 continuously available to pay state employee workers'
31 compensation claims. The director of revenue and
32 finance is authorized and directed to draw warrants on
33 this fund for the payment of state employee workers'
34 compensation claims may, to the extent practicable,
35 contract with a private organization to handle the
36 processing and payment of claims and services rendered
37 under this section."
38 2. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-1930 was not germane.

The Speaker ruled the point well taken and amendment H-1930 not germane.

Hansen of Pottawattamie in the chair at 10:14 a.m.

Millage 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. 746)

The ayes were, 52:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Finch	Garman	Gipp	Hahn
Heaton	Hoffman	Horbach	Huseman
Jacobs	Jenkins	Johnson	Kettering
Klemme	Larson	Manternach	Metcalf
Millage	Raecker	Rants	Rayhons
Rekow	Roberts	Shey	Siegrist, Spkr.
Sievers	Teig	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Hansen, Presiding

The nays were, 44:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Fallon	Foege	Ford	Frevert
Greimann	Hatch	Houser	Huser
Jochum	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Mertz
O'Brien	Osterhaus	Petersen	Quirk
Reynolds	Richardson	Scherrman	Schrader
Seng	Shoultz	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	Witt

Absent or not voting, 4:

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Murphy of Dubuque on request of Huser of Polk.

Ways and Means Calendar

House File 739, a bill for an act relating to the application of sales and services tax receipts by a political subdivision to the payment of principal and interest of certain bonds, was taken up for consideration.

Eichhorn of Hamilton offered the following amendment H-1752 filed by him and moved its adoption:

H-1752

- 1 Amend House File 739 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "reduced." the following: "This section shall not
- 4 restrict the authority of a political subdivision to
- 5 apply sales and services tax receipts collected
- 6 pursuant to chapter 422B for such purpose."

Amendment H-1752 was adopted.

Richardson of Warren offered amendment H-1920 filed by him as follows:

H-1920

- 1 Amend House File 739 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "collected" the following: "prior to the effective
- 4 date of this Act".
- 5 2. Page 1, line 13, by inserting after the word
- 6 "section." the following: "A school district may also
- 7 apply amounts received from the school district sales
- 8 and use tax fund established in section 293.1 for the
- 9 purposes of this section."
- 10 3. Page 1, by inserting after line 13, the
- 11 following:
- 12 "Sec. ____ NEW SECTION. 293.1 SCHOOL DISTRICT
- 13 SALES AND USE TAX FUND.
- 14 1. A school district sales and use tax fund is
- 15 created as a separate and distinct fund in the state
- 16 treasury under the control of the department of
- 17 revenue and finance. Moneys in the fund include
- 18 revenues credited to the fund pursuant to section
- 19 422.69, subsection 2, and section 423.24,
- 20 appropriations made to the fund and other moneys
- 21 deposited into the fund. The moneys credited in a
- 22 fiscal year to the fund shall be distributed as

23 follows:

24 a. A school district located in whole or in part
25 in a county that had in effect on March 31, 2001, the
26 local sales and services tax for school infrastructure
27 purposes under chapter 422E shall receive an amount
28 equal to its guaranteed school infrastructure amount
29 as calculated under subsection 2 if the board of
30 directors notifies the director of revenue and finance
31 that the school district wants to receive its
32 guaranteed school infrastructure amount. The
33 notification shall be provided by July 1, 2001. If
34 notification is not received by July 1, 2001, the
35 school district shall receive moneys pursuant to
36 paragraph "b". Nothing in this chapter shall prevent
37 a school district from using its guaranteed school
38 infrastructure amount to pay principle and interest on
39 obligations issued pursuant to section 422E.4.
40 A school district receiving moneys pursuant to this
41 paragraph shall cease to receive its guaranteed school
42 infrastructure amount and shall receive moneys
43 pursuant to paragraph "b" starting with the fiscal
44 year immediately following the fiscal year in which
45 occurs the end of the original ten-year period or the
46 date listed on the original ballot proposition,
47 whichever is the earlier, as provided in chapter 422E.
48 A school district may adopt a plan, as provided in
49 section 293.2, subsection 2, to anticipate moneys it
50 will receive pursuant to paragraph "b". A school

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1 district receiving moneys pursuant to this paragraph
2 may elect to receive moneys pursuant to paragraph "b"
3 by providing notification to receive moneys pursuant
4 to paragraph "b" to the director of revenue and
5 finance and the director of the department of
6 management by February 15 preceding the fiscal year
7 for which the election will apply. Once a school
8 district makes this election it is irrevocable.
9 b. Moneys remaining after computations made
10 pursuant to paragraph "a" shall be distributed to
11 school districts not receiving moneys under paragraph
12 "a" on a per student basis calculated by the director
13 of revenue and finance by dividing the moneys
14 available during the fiscal year by the combined
15 actual enrollment for all school districts receiving
16 distributions under this paragraph.
17 The combined actual enrollment for school
18 districts, for purposes of this paragraph, shall be
19 calculated by adding together the actual enrollment
20 for each school district receiving distributions under
21 this paragraph as determined by the department of

22 management based on the actual enrollment figures
23 reported by October 1 to the department of management
24 by the department of education pursuant to section
25 257.6, subsection 1. The combined actual enrollment
26 count shall be forwarded to the director of revenue
27 and finance by March 1, annually, for purposes of
28 supplying estimated tax payment figures and making
29 estimated tax payments pursuant to subsection 3 for
30 the following fiscal year.

31 2. a. For purposes of distributions under
32 subsection 1, paragraph "a", the school district's
33 guaranteed school infrastructure amount shall be
34 calculated according to the following formula:
35 The district's guaranteed school infrastructure
36 amount equals the product of the county guaranteed
37 school infrastructure amount times the district's
38 county actual enrollment divided by the county
39 combined actual enrollment.

40 b. For purposes of the formula in paragraph "a":

41 (1) "Base year" means the fiscal year beginning
42 July 1, 2000.

43 (2) "Base year county taxable sales percentage"
44 means the percentage that the taxable sales in the
45 county during the base year is of the total state
46 taxable sales during the base year.

47 (3) "County combined actual enrollment" means the
48 actual enrollment figures determined by the department
49 of management for the county based on the actual
50 enrollment figures reported by October 1 to the

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1 department of management by the department of
2 education pursuant to section 257.6, subsection 1.

3 (4) "County guaranteed school infrastructure
4 amount" means an amount equal to the product of the
5 county's chapter 422E proportionate share times the
6 amount deposited in the school district sales and use
7 tax fund for the current year times the current year
8 county taxable sales percentage divided by the base
9 year county taxable sales percentage.

10 (5) "County's chapter 422E proportionate share"
11 means the percentage that the annualized revenues
12 received in the county under chapter 422E for the base
13 year is of one-fifth of the total state sales and use
14 tax revenues collected for deposit into the general
15 fund of the state for the base year.

16 (6) "Current year" means the fiscal year for which
17 distributions under this section are being made.

18 (7) "Current year county taxable sales percentage"
19 means the percentage that the taxable sales in the
20 county during the current fiscal year is of the total

21 state taxable sales during the current fiscal year.
22 (8) "District's county actual enrollment" means the
23 actual enrollment of the school district that attends
24 school in the county for which the county combined
25 actual enrollment is determined.
26 (9) "Taxable sales" means sales subject to the
27 state sales and services tax under chapter 422,
28 division IV.
29 3. a. The director of revenue and finance within
30 fifteen days of the beginning of each fiscal year
31 shall send to each school district an estimate of the
32 amount of tax moneys each school district will receive
33 for the year and for each quarter of the year. At the
34 end of each quarter, the director may revise the
35 estimates for the year and remaining quarters.
36 b. The director shall remit ninety-five percent of
37 the estimated tax receipts for the school district to
38 the school district on or before September 30 of the
39 fiscal year and on or before the last day of each
40 following quarter.
41 c. The director shall remit a final payment of the
42 remainder of tax moneys due for the fiscal year before
43 November 10 of the next fiscal year. If an
44 overpayment has resulted during the previous fiscal
45 year, the November payment shall be adjusted to
46 reflect any overpayment.
47 d. If the distributions are to school districts
48 described in subsection 1, paragraph "a", the payments
49 to these school districts shall be done on a monthly
50 basis beginning with the month of August.

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1 Sec. __. NEW SECTION. 293.2 USE OF SCHOOL
2 DISTRICT SALES AND USE TAX FUND MONEYS.
3 1. A school district receiving moneys from the
4 school district sales and use tax fund under section
5 293.1, subsection 1, paragraph "a", shall use the
6 moneys as provided on the original ballot proposition
7 pursuant to chapter 422E, for the payment of principal
8 and interest on general obligation bonds issued
9 pursuant to chapter 296, or section 298.20 or loan
10 agreements under section 297.36, for payments made
11 pursuant to lease or lease-purchase agreements, or for
12 payment of principal and interest on bonds issued
13 under sections 293.3 and 422E.4.
14 2. a. Moneys received by a school district from
15 the school district sales and use tax fund under
16 section 293.1, subsection 1, paragraph "b", shall be
17 spent for infrastructure purposes only according to a
18 plan developed by the board of directors. The plan
19 may apply to more than one fiscal year. Prior to

20 adoption of the plan, the board of directors shall
21 hold a public hearing on the question of approval of
22 the proposed plan. The board shall set forth its
23 proposal and shall publish the notice of the time and
24 place of a public hearing on the proposed plan.
25 Notice of the time and place of the public hearing
26 shall be published not less than ten nor more than
27 twenty days before the public hearing in a newspaper
28 which is a newspaper of general circulation in the
29 school district. At the hearing, or no later than
30 thirty days after the date of the hearing, the board
31 shall take action to adopt the proposed plan.
32 b. If the board adopts the plan, moneys received
33 shall be used according to the plan unless within
34 twenty-eight days following the action of the board,
35 the secretary of the board receives a petition
36 containing signatures of registered voters equal in
37 number to five percent of the voters in the school
38 district who voted at the last general election,
39 asking that an election be called to approve or
40 disapprove the action of the board. The board shall
41 either rescind its action or direct the county
42 commissioner of elections to submit the question to
43 the registered voters of the school district at the
44 next following regular school election or a special
45 election. If a majority of those voting on the
46 question at the election favors disapproval of the
47 action of the board, the district shall use the moneys
48 received as provided in paragraph "c" for the fiscal
49 year.
50 At the expiration of the twenty-eight day period,

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1 if no petition is filed, the board shall use the
2 moneys received according to the plan for the duration
3 of the plan. However, the board may, at anytime,
4 expend a greater share of moneys received for property
5 tax relief than otherwise specified in the plan.
6 c. If an election is held and the plan is
7 disapproved, as provided in paragraph "b", or if a
8 plan is not approved by the board, moneys received by
9 a school district shall be used for the fiscal year to
10 reduce the following levies in the following order:
11 (1) Bond levies under sections 298.18 and 298.18A
12 and other debt levies until the moneys received or the
13 levies are reduced to zero.
14 (2) The physical plant and equipment levy under
15 section 298.2, until the moneys received or the levy
16 is reduced to zero.
17 (3) The public educational and recreational
18 activities levy under section 300.2, until the moneys

19 received or the levy is reduced to zero.

20 (4) The schoolhouse tax levy under section 278.1,
21 subsection 7, Code 1989, until the moneys received or
22 the levy is reduced to zero.

23 Any money remaining after the reduction of the
24 levies specified in this paragraph may be used for any
25 lawful infrastructure purpose of the school district.

26 d. For purposes of this subsection,
27 "infrastructure purposes" means those purposes for
28 which a school district is authorized to contract
29 indebtedness and issue general obligation bonds under
30 chapter 296 or to expend tax revenues under section
31 298.3, the payment of principal and interest on
32 general obligation bonds issued under chapter 296 or
33 section 298.20 or loan agreements under section
34 297.36, payments made pursuant to a lease or lease-
35 purchase agreement, or the payment of principal and
36 interest on bonds issued under section 293.3 or
37 422E.4.

38 Sec. NEW SECTION. 293.3 BONDING.

39 A school district may issue bonds as provided in
40 this section if it complies with all of the following
41 procedures:

42 1. A school district may institute proceedings for
43 the issuance of bonds by causing a notice of the
44 proposal to issue the bonds, including a statement of
45 the amount and purpose of the bonds, and the right of
46 voters to petition for an election, to be published at
47 least once in a newspaper of general circulation
48 within the school district at least ten days prior to
49 the meeting at which it is proposed to take action for
50 the issuance of the bonds.

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1 If at any time before the date fixed for taking
2 action for the issuance of the bonds, a petition is
3 filed signed by five percent of the registered voters
4 of the school district, asking that the question of
5 issuing the bonds be submitted to the registered
6 voters, the board of directors shall either by
7 resolution declare the proposal to issue the bonds to
8 be abandoned or shall direct the county commissioner
9 of elections to call a special election upon the
10 question of issuing the bonds. The proposition of
11 issuing bonds under this section is not approved
12 unless the vote in favor of the proposition is equal
13 to at least sixty percent of the vote cast. If a
14 petition is not filed, or if a petition is filed and
15 the proposition of issuing the bonds is approved at an
16 election, the board of directors may proceed with the
17 authorization and issuance of the bonds. Bonds may be

18 issued for the purpose of refunding outstanding and
19 previously issued bonds under this section without
20 otherwise complying with the provisions of this
21 section.

22 2. The provisions of chapter 76 apply to the bonds
23 payable as provided in this subsection, except that
24 the mandatory levy to be assessed pursuant to section
25 76.2 shall be at a rate to generate an amount which
26 together with the receipts from the pledged designated
27 portion of the school district's amount received from
28 the school district sales and use tax fund under
29 section 293.1 is sufficient to pay the interest and
30 principal on the bonds. All amounts collected as a
31 result of the levy assessed pursuant to section 76.2
32 and paid out for bond principal and interest shall be
33 repaid to the school district from the first available
34 designated portion of the school district's amount
35 received from the school district sales and use tax
36 fund under section 293.1 received in excess of the
37 requirement for the payment of the principal and
38 interest of the bonds and when repaid shall be applied
39 in reduction of property taxes. The amount of bonds
40 which may be issued under section 76.3 shall be the
41 amount which could be retired from the actual
42 collections of the designated portions of the school
43 district's amount received from the school district
44 sales and use tax fund under section 293.1 for the
45 last four calendar quarters, as certified by the
46 director of revenue and finance. The amount of tax
47 revenues pledged jointly by other cities or counties
48 may be considered for the purpose of determining the
49 amount of bonds which may be issued.

50 3. The provisions of this section constitute

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1 separate authorization for the issuance of bonds and
2 shall prevail in the event of conflict with any other
3 provisions of state law limiting the amount of bonds
4 which may be issued or the source of payment of the
5 bonds. Bonds issued under this section shall not
6 limit or restrict the authority of the school district
7 to issue bonds under other provisions of state law.

8 Sec. __. NEW SECTION. 293.4 REPEAL.

9 This chapter is repealed July 1, 2021, for fiscal
10 years beginning on or after that date.

11 Sec. __. Section 298.18, unnumbered paragraph 4,
12 Code 2001, is amended by striking the unnumbered
13 paragraph and inserting in lieu thereof the following:

14 If the school corporation's amount received from
15 the school district sales and use tax fund under
16 section 293.1 does not equal or exceed the amount

17 which would be produced by a levy of one dollar
18 thirty-five cents per thousand dollars of the assessed
19 value of the taxable property of the school
20 corporation, the amount estimated and certified to
21 apply on principal and interest for any one year may
22 exceed two dollars and seventy cents per thousand
23 dollars of assessed value by the amount approved by
24 the voters of the school corporation, but not
25 exceeding four dollars and five cents per thousand of
26 the assessed value of the taxable property within any
27 school corporation, provided that the qualified voters
28 of such school corporation have first approved such
29 increased amount at a special election, which may be
30 held at the same time as the regular school election,
31 and provided further that the school corporation's
32 amount received from the school district sales and use
33 tax fund under section 293.1 shall be used to abate an
34 additional levy amount authorized after July 1, 2001.
35 A levy approved prior to July 1, 2001, shall continue
36 to be authorized. The proposition submitted to the
37 voters at such special election shall be in
38 substantially the following form:
39 Sec. __. Section 298.18, unnumbered paragraph 5,
40 Code 2001, is amended to read as follows:
41 Shall the board of directors of the (insert
42 name of school corporation) in the County of,
43 State of Iowa, be authorized to levy annually a tax
44 exceeding two dollars and seventy cents per thousand
45 dollars, but not exceeding .. dollars and ... cents
46 per thousand dollars of the assessed value of the
47 taxable property within said school corporation to pay
48 the principal of and interest on bonded indebtedness
49 of said school corporation, it being understood that
50 the approval of this proposition shall not limit the

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1 source of payment of the bonds and interest but shall
2 only operate to restrict the amount of bonds which may
3 be issued and that the additional levy shall be
4 reduced and abated in any year by the amount of money
5 received from the school district sales and use tax
6 fund under section 293.1?

7 Sec. __. Section 422.43, subsections 1, 2, 4, 5,
8 6, 7, 10, and 12, Code 2001, are amended to read as
9 follows:

10 1. There is imposed a tax of ~~five~~ six percent upon
11 the gross receipts from all sales of tangible personal
12 property, consisting of goods, wares, or merchandise,
13 except as otherwise provided in this division, sold at
14 retail in the state to consumers or users; a like rate
15 of tax upon the gross receipts from the sales,

16 furnishing, or service of gas, electricity, water,
17 heat, pay television service, and communication
18 service, including the gross receipts from such sales
19 by any municipal corporation or joint water utility
20 furnishing gas, electricity, water, heat, pay
21 television service, and communication service to the
22 public in its proprietary capacity, except as
23 otherwise provided in this division, when sold at
24 retail in the state to consumers or users; a like rate
25 of tax upon the gross receipts from all sales of
26 tickets or admissions to places of amusement, fairs,
27 and athletic events except those of elementary and
28 secondary educational institutions; a like rate of tax
29 on the gross receipts from an entry fee or like charge
30 imposed solely for the privilege of participating in
31 an activity at a place of amusement, fair, or athletic
32 event unless the gross receipts from the sales of
33 tickets or admissions charges for observing the same
34 activity are taxable under this division; and a like
35 rate of tax upon that part of private club membership
36 fees or charges paid for the privilege of
37 participating in any athletic sports provided club
38 members.

39 2. There is imposed a tax of ~~five~~ six percent upon
40 the gross receipts derived from the operation of all
41 forms of amusement devices and games of skill, games
42 of chance, raffles, and bingo games as defined in
43 chapter 99B, operated or conducted within the state,
44 the tax to be collected from the operator in the same
45 manner as for the collection of taxes upon the gross
46 receipts of tickets or admission as provided in this
47 section. The tax shall also be imposed upon the gross
48 receipts derived from the sale of lottery tickets or
49 shares pursuant to chapter 99E. The tax on the
50 lottery tickets or shares shall be included in the

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1 sales price and distributed to the general fund as
2 provided in section 99E.10.

3 4. There is imposed a tax of ~~five~~ six percent upon
4 the gross receipts from the sales of engraving,
5 photography, retouching, printing, and binding
6 services. For the purpose of this division, the sales
7 of engraving, photography, retouching, printing, and
8 binding services are sales of tangible property.

9 5. There is imposed a tax of ~~five~~ six percent upon
10 the gross receipts from the sales of vulcanizing,
11 recapping, and retreading services. For the purpose
12 of this division, the sales of vulcanizing, recapping,
13 and retreading services are sales of tangible
14 property.

15 6. There is imposed a tax of five six percent upon
16 the gross receipts from the sales of optional service
17 or warranty contracts, except residential service
18 contracts regulated under chapter 523C, which provide
19 for the furnishing of labor and materials and require
20 the furnishing of any taxable service enumerated under
21 this section. The gross receipts are subject to tax
22 even if some of the services furnished are not
23 enumerated under this section. For the purpose of
24 this division, the sale of an optional service or
25 warranty contract, other than a residential service
26 contract regulated under chapter 523C, is a sale of
27 tangible personal property. Additional sales,
28 services, or use taxes shall not be levied on
29 services, parts, or labor provided under optional
30 service or warranty contracts which are subject to tax
31 under this section.

32 If the optional service or warranty contract is a
33 computer software maintenance or support service
34 contract and there is no separately stated fee for the
35 taxable personal property or for the nontaxable
36 service, the tax of five six percent imposed by this
37 subsection shall be imposed on fifty percent of the
38 gross receipts from the sale of such contract. If the
39 contract provides for technical support services only,
40 no tax shall be imposed under this subsection. The
41 provisions of this subsection also apply to the tax
42 imposed by chapter 423.

43 7. There is imposed a tax of five six percent upon
44 the gross receipts from the renting of rooms,
45 apartments, or sleeping quarters in a hotel, motel,
46 inn, public lodging house, rooming house, mobile home
47 which is tangible personal property, or tourist court,
48 or in any place where sleeping accommodations are
49 furnished to transient guests for rent, whether with
50 or without meals. "Renting" and "rent" include any

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1 kind of direct or indirect charge for such rooms,
2 apartments, or sleeping quarters, or their use. For
3 the purposes of this division, such renting is
4 regarded as a sale of tangible personal property at
5 retail. However, this tax does not apply to the gross
6 receipts from the renting of a room, apartment, or
7 sleeping quarters while rented by the same person for
8 a period of more than thirty-one consecutive days.

9 10. There is imposed a tax of five six percent
10 upon the gross receipts from the rendering,
11 furnishing, or performing of services as defined in
12 section 422.42.

13 12. A tax of five six percent is imposed upon the

14 gross receipts from the sales of prepaid telephone
15 calling cards and prepaid authorization numbers. For
16 the purpose of this division, the sales of prepaid
17 telephone calling cards and prepaid authorization
18 numbers are sales of tangible personal property.

19 Sec.____. Section 422.43, subsection 13, paragraph
20 a, unnumbered paragraph 1, Code 2001, is amended to
21 read as follows:

22 A tax of ~~five~~ six percent is imposed upon the gross
23 receipts from the sales, furnishing, or service of
24 solid waste collection and disposal service.

25 Sec.____. Section 422.43, Code 2001, is amended by
26 adding the following new subsection:

27 **NEW SUBSECTION.** 16. The sales tax rate of six
28 percent is reduced to five percent on July 1, 2021.

29 Sec.____. Section 422.47, subsection 2, Code 2001,
30 is amended to read as follows:

31 2. Construction contractors may make application
32 to the department for a refund of the additional one
33 percent tax paid under this division or the additional
34 one percent tax paid under chapter 423 by reason of
35 the increase in the tax from ~~four to five~~ to six
36 percent for taxes paid on goods, wares, or merchandise
37 under the following conditions:

38 a. The goods, wares, or merchandise are
39 incorporated into an improvement to real estate in
40 fulfillment of a written contract fully executed prior
41 to July 1, ~~1992~~ 2001. The refund shall not apply to
42 equipment transferred in fulfillment of a mixed
43 construction contract.

44 b. The contractor has paid to the department or to
45 a retailer the full ~~five~~ six percent tax.

46 c. The claim is filed on forms provided by the
47 department and is filed within one year of the date
48 the tax is paid.

49 A contractor who makes an erroneous application for
50 refund shall be liable for payment of the excess

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1 refund paid plus interest at the rate in effect under
2 section 421.7. In addition, a contractor who
3 willfully makes a false application for refund is
4 guilty of a simple misdemeanor and is liable for a
5 penalty equal to fifty percent of the excess refund
6 claimed. Excess refunds, penalties, and interest due
7 under this subsection may be enforced and collected in
8 the same manner as the tax imposed by this division.

9 Sec.____. Section 422.69, subsection 2, Code 2001,
10 is amended to read as follows:

11 2. a. Unless Except as provided in paragraph "b",
12 or as otherwise provided, the fees, taxes, interest

13 and penalties collected under this chapter shall be
14 credited to the general fund.

15 b. One-sixth of the fees, taxes, interest, and
16 penalties collected pursuant to division IV shall be
17 credited to the school district sales and use tax fund
18 created in section 293.1. This paragraph is stricken
19 July 1, 2021.

20 Sec. ___. Section 422E.1, Code 2001, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 4. a. This chapter does not
23 apply to any county for the period beginning after the
24 effective date of this Act and ending January 1, 2021.

25 b. In the case of a county that has in effect on
26 March 31, 2001, a local sales and services tax for
27 school infrastructure purposes, the increase in the
28 state sales and services tax under chapter 422,
29 division IV, from five percent to six percent shall
30 replace the county's local sales and services tax for
31 school infrastructure purposes and to this extent the
32 local sales and services tax for school infrastructure
33 purposes is repealed.

34 Sec. ___. Section 423.2, Code 2001, is amended to
35 read as follows:

36 **423.2 IMPOSITION OF TAX.**

37 An excise tax is imposed on the use in this state
38 of tangible personal property, including aircraft
39 subject to registration under section 328.20,
40 purchased for use in this state, at the rate of five
41 six percent of the purchase price of the property. An
42 excise tax is imposed on the use of manufactured
43 housing in this state at the rate of five six percent
44 of the purchase price if the manufactured housing is
45 sold in the form of tangible personal property and at
46 the rate of five six percent of the installed purchase
47 price if the manufactured housing is sold in the form
48 of realty. An excise tax is imposed on the use in
49 this state of vehicles subject to registration or
50 subject only to the issuance of a certificate of title

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1 at the rate of five percent. An excise tax is imposed
2 on the use of leased vehicles at the rate of five
3 percent of the amount otherwise subject to tax as
4 calculated pursuant to section 423.7A. The excise tax
5 is imposed upon every person using the property within
6 this state until the tax has been paid directly to the
7 county treasurer or the state department of
8 transportation, to a retailer, or to the department.
9 An excise tax is imposed on the use in this state of
10 services enumerated in section 422.43 at the rate of
11 five six percent. This tax is applicable where

12 services are rendered, furnished, or performed in this
13 state or where the product or result of the service is
14 used in this state. This tax is imposed on every
15 person using the services or the product of the
16 services in this state until the user has paid the tax
17 either to an Iowa use tax permit holder or to the
18 department. The rate of use tax of six percent shall
19 be reduced to five percent beginning July 1, 2021.

20 Sec. ____ Section 423.24, Code 2001, is amended by
21 adding the following new subsection:

22 **NEW SUBSECTION.** 2A. One-sixth of all other
23 revenue arising under the operation of this chapter
24 shall be credited to the school district sales and use
25 tax fund created in section 293.1. This subsection is
26 stricken July 1, 2021.

27 Sec. ____ Section 423.24, subsection 3, Code 2001,
28 is amended to read as follows:

29 3. All other revenue arising under the operation
30 of this chapter not credited as specified in
31 subsections 1, 2, and 2A shall be credited to the
32 general fund of the state.

33 Sec. ____ **APPLICABILITY.** This section applies in
34 regard to the increase in the state sales and use
35 taxes from five to six percent. The six percent rate
36 applies to all sales of taxable personal property,
37 consisting of goods, wares, or merchandise if delivery
38 occurs on or after July 1, 2001. The six percent use
39 tax rate applies to the use of property when the first
40 taxable use in this state occurs on or after July 1,
41 2001. The six percent rate applies to the gross
42 receipts from the sale, furnishing, or service of gas,
43 electricity, water, heat, pay television service, and
44 communication service if the date of billing the
45 customer is on or after July 1, 2001. In the case of
46 a service contract entered into prior to July 1, 2001,
47 which contract calls for periodic payments, the six
48 percent rate applies to those payments made or due on
49 or after July 1, 2001. This periodic payment applies,
50 but is not limited to, tickets or admissions, private

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1 club membership fees, sources of amusement, equipment
2 rental, dry cleaning, reducing salons, dance schools,
3 and all other services subject to tax, except the
4 aforementioned utility services which are subject to a
5 special transitional rule. Unlike periodic payments
6 under service contracts, installment sales of goods,
7 wares, and merchandise are subject to the full amount
8 of sales or use tax when the sales contract is entered
9 into or the property is first used in Iowa.
10 ____ The sections of this Act enacting new Code

11 sections 293.1 and 293.2, being deemed of immediate
12 importance, take effect upon enactment.

13 Sec. __. This Act is repealed July 1, 2021, for
14 sales and use tax transactions occurring or, in the
15 case of utilities, being billed on or after that
16 date."

17 4. Title page, by striking lines 1 through 3 and
18 inserting the following: "An Act relating to the
19 imposition and application of sales and services tax
20 by a political subdivision, including the payment of
21 principal and interest of certain bonds, and providing
22 an effective date."

Eichhorn of Hamilton rose on a point of order that amendment H-1920 was not germane.

The Speaker ruled the point well taken and amendment H-1920 not germane.

Eichhorn 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?" (H.F. 739)

The ayes were, 93:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Hahn	Hatch	Hoffman	Horbach
Houser	Huseman	Huser	Jacobs
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt

Weidman
Hansen,
Presiding

Winckler

Wise

Witt

The nays were, none.

Absent or not voting, 7:

Grundberg
Murphy

Heaton
Myers

Hoversten
Tymeson

Jenkins

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

Metcalf of Polk in the chair at 10:50 a.m.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 346)

Baudler of Adair called up for consideration the report of the conference committee on Senate File 346 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 346

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 346, a bill for an act relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for transcription and recording of testimony for certain investigations conducted by the department of corrections, and for purchases by a department or agency from Iowa state industries, respectfully make the following report:

1. That the House recedes from its amendment, S-3376.
2. That Senate File 346, as passed by the Senate, is amended to read as follows:
 1. Page 1, by inserting before line 1, the following:

"Section 1. Section 232.68, subsection 2, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. The commission of bestiality in the presence of a minor under section 717C.1 by a person who resides in a home with a child, as a result of the acts or omissions of a person responsible for the care of the child."

2. Page 1, line 12, by striking the words "may shall" and inserting the following: "may".

3. Page 1, by inserting after line 15, the following:

"Sec. ____ NEW SECTION. 717C.1 BESTIALITY.

1. For purposes of this section:

a. "Animal" means any nonhuman vertebrate, either dead or alive.

b. "Sex act" means any sexual contact between a person and an animal by penetration of the penis into the vagina or anus, contact between the mouth and genitalia, or by contact between the genitalia of one and the genitalia or anus of the other.

2. A person who performs a sex act with an animal, is guilty of an aggravated misdemeanor.

3. Upon a conviction for a violation of this section, and in addition to any sentence authorized by law, the court shall require the person to submit to a psychological evaluation and treatment at the person's expense."

4. Page 2, by inserting after line 27, the following:

"Sec. ____ Section 904.310, Code 2001, is amended to read as follows:

904.310 CANTEENS.

The director may maintain a canteen at an institution under the director's jurisdiction for the sale to persons confined in the institution of items such as toilet articles, candy, tobacco products, notions, and other sundries, and may provide the necessary facilities, equipment, personnel, and merchandise for the canteen. The director shall specify the items to be sold in the canteen. The department may establish and maintain a permanent operating fund for each canteen. The fund shall consist of the receipts from the sale of commodities at the canteen and donations designated by inmates for reimbursement of victims' travel expenses. Any money in the fund over the amount needed to do normal business transactions, and to reimburse any accounts which have subsidized the canteen fund, and to reimburse victims' travel expenses, shall be considered profit. This money may remain in the canteen fund and be used for any purchase which the superintendent approves that will directly and collectively benefit the inmates of the institution or to reimburse victims' travel expenses."

5. Page 3, line 8, by inserting after the word "later." the following: "However, a recording of testimony involving any employee of the department shall continue to be filed and maintained until the employee no longer is employed by the department."

6. By striking page 3, line 9, through page 4, line 4.

7. Title page, line 2, by inserting after the word "officers," the following: "for the creation of a new criminal offense with a correctional impact,".

8. Title page, line 5, by inserting after the word "department," the following: "for inmate donations for victims' travel expenses, and".

9. Title page, by striking lines 7 and 8, and inserting the following: "corrections."

10. By renumbering as necessary.

ON THE PART OF THE HOUSE:

CLEL BAUDLER, Chair
GEORGE EICHHORN
KEITH KREIMAN
CHUCK LARSON
MARK TREMMEL

ON THE PART OF THE SENATE:

ANDY MCKEAN, Chair
JEFF ANGELO
JOHNIE HAMMOND
JACK HOLVECK
STEVE KING

The motion prevailed and the conference committee report was adopted.

Baudler of Adair 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. 346)

The ayes were, 95:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Finch	Foege	Ford	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Millage	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Rekow	Reynolds	Richardson	Roberts

Scherrman	Schrader	Seng	Shey
Shoultz	Siegrist, Spkr.	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Teig	Tremmel	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Winckler
Wise	Witt	Metcalf, Presiding	

The nays were, 1:

Fallon

Absent or not voting, 4:

Hoversten

Murphy

Myers

Tymeson

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 739, 746 and Senate File 346.**

SENATE AMENDMENT CONSIDERED

Jenkins of Black Hawk called up for consideration **House File 349**, a bill for an act relating to the enterprise zone program and providing a retroactive applicability date, amended by the Senate, and moved that the House concur in the following Senate amendment H-1935:

H-1935

- 1 Amend House File 349, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 11 and 12, and
- 4 inserting the following: "company, or estate or
- 5 trust".
- 6 2. Page 1, by striking lines 18 and 19, and
- 7 inserting the following: "or estate or trust. For".
- 8 3. Page 2, by striking lines 30 and 31 and
- 9 inserting the following: "limited liability company,
- 10 or".
- 11 4. Page 3, by striking lines 2 and 3 and
- 12 inserting the following: "or estate or trust."

- 13 5. Page 3, by inserting after line 3, the
 14 following:
 15 "Sec. 500. Section 15E.193B, subsection 6,
 16 paragraph b, Code 2001, is amended to read as follows:
 17 b. Sales, services, and use tax refund for taxes
 18 paid by an eligible business including an eligible
 19 business acting as a contractor or subcontractor, as
 20 provided in section 15.331A."
 21 6. Page 5, by striking lines 16 and 17, and
 22 inserting the following: "or estate or trust".
 23 7. Page 5, by striking lines 22 through 24, and
 24 inserting the following: "corporation, limited
 25 liability company, or estate or trust."
 26 8. Page 7, by striking lines 8 through 29.
 27 9. Page 12, by striking line 5, and inserting the
 28 following:
 29 "Sec. ____ RETROACTIVE APPLICABILITY.
 30 1. Section 500 of this Act, being deemed of
 31 immediate importance, takes effect upon enactment and
 32 is retroactively applicable to July 1, 1998.
 33 2. With the exception of section 500 of this Act,
 34 this Act is".
 35 10. Title page, lines 1 and 2, by striking the
 36 words "a retroactive applicability date" and inserting
 37 the following: "effective date and retroactive
 38 applicability date provisions".
 39 11. By renumbering, relettering, or redesignating
 40 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1935.

Jenkins of Black Hawk 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. 349)

The ayes were, 94:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dotzler	Drake	Eddie
Eichhorn	Elgin	Falck	Fallon
Finch	Foege	Ford	Frevert

Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Millage	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Siegrist, Spkr.	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Tremmel	Tyrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Witt	Metcalfe		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Dolecheck	Hoversten	Murphy	Myers
Teig	Tymeson		

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 May 3, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 695, a bill for an act relating to the school-to-career program.

Also: That the Senate has on May 3, 2001, 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 726, 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 office of drug control policy, and the commission of veterans affairs, providing a criminal surcharge increase, and providing an effective date.

Also: That the Senate has on May 3, 2001, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 140, a bill for an act updating the Iowa Code references to the Internal Revenue Code, increasing the minimum filing income requirement for dependents, lowering the threshold amount for making estimated payments for corporations and financial institutions, increasing the estimated tax payment standard for assessing a penalty for corporations and financial institutions, and providing retroactive applicability dates and an effective date.

Also: That the Senate has on May 3, 2001, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 499, a bill for an act making changes to and reorganizing scheduled fines.

Also: That the Senate has on May 3, 2001, passed the following bill in which the concurrence of the House is asked:

Senate File 543, a bill for an act making changes to criminal sentences by permitting an aggravated misdemeanor charge for certain burglary in the third degree criminal offenses, by creating a sentence of a determinate term of confinement and an additional indeterminate term of years for certain class "D" felonies, by extending the length of time for reconsideration of certain felony sentences, and providing penalties.

MICHAEL E. MARSHALL, Secretary

Regular Calendar

Senate File 515, a bill for an act providing for the crossing of railroad rights-of-way by public utilities, and providing applicability dates, with report of committee recommending amendment and passage, was taken up for consideration.

Hansen of Pottawattamie offered the following amendment H-1742 filed by the committee on commerce and regulation and moved its adoption:

H-1742

- 1 Amend Senate File 515, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 4, by inserting after the word
- 4 "board" the following: ", in consultation with the
- 5 state department of transportation,".
- 6 2. Page 4, line 1, by inserting after the word
- 7 "fee" the following: ", if applicable,".
- 8 3. Page 4, line 10, by inserting after the word
- 9 "right-of-way" the following: "for a crossing, other
- 10 than a crossing along the public roads of the state
- 11 pursuant to chapter 477,".
- 12 4. By renumbering, redesignating, and correcting
- 13 internal references as necessary.

The committee amendment H-1742 was adopted.

T. Taylor of Linn asked and received unanimous consent to withdraw amendments H-1748 and H-1749 filed by him on April 27, 2001.

Hansen 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. 515)

The ayes were, 97:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Houser
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Millage	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Witt
Metcalf,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Hoversten

Murphy

Tymeson

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 211)

Hansen of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider **Senate File 211**, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship, filed by him on April 24, 2001.

Rants of Woodbury asked and received unanimous consent for the immediate consideration of Senate Files 480 and 524.

Unfinished Business Calendar

Senate File 480, a bill for an act directing the department of education to establish a task force to conduct a comprehensive review of the licensing of community college faculty, with report of committee recommending amendment and passage, was taken up for consideration.

Broers of Cerro Gordo offered the following amendment H-1426 filed by the committee on education and moved its adoption:

H-1426

- 1 Amend Senate File 480, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 30 the
- 4 following:
- 5 "____. One member who shall be employed by a
- 6 community college as an instructor in vocational
- 7 education and who shall be appointed by the director
- 8 of the department of education; and one member who
- 9 shall be employed by a community college as an
- 10 instructor in arts and science courses who shall be
- 11 appointed by the director of the department of
- 12 education. In making these appointments, the director
- 13 shall give consideration to enrollment, subject area,
- 14 and representation of different geographic regions."
- 15 2. By renumbering as necessary.

The committee amendment H-1426 was adopted.

Broers 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. 480)

The ayes were, 96:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Houser
Huseman	Huser	Jacobs	Jenkins
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Millage	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Winckler	Wise	Witt	Metcalf,
			Presiding

The nays were, none.

Absent or not voting, 4:

Hoversten	Jochum	Murphy	Tymeson
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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 524, a bill for an act providing assistance regarding the development of grapes and wine and providing for tax revenue

and an appropriation, with report of committee recommending passage, was taken up for consideration.

Brunkhorst of Bremer asked and received unanimous consent to withdraw amendment H-1916 filed by him on May 2, 2001.

Broers 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. 524)

The ayes were, 92:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Chiodo	Cphoon
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Falck	Fallon	Finch
Foege	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Houser	Huseman	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	May	Mertz
Millage	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Winckler	Wise	Witt	Metcalf, Presiding

The nays were, 3:

Ford	Huser	Mascher
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Absent or not voting, 5:

Carroll	Connors	Hoversten	Murphy
Tymeson			

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

SENATE MESSAGE CONSIDERED

Senate File 543, by Iverson and Gronstal, a bill for an act making changes to criminal sentences by permitting an aggravated misdemeanor charge for certain burglary in the third degree criminal offenses, by creating a sentence of a determinate term of confinement and an additional indeterminate term of years for certain class "D" felonies, by extending the length of time for reconsideration of certain felony sentences, and providing penalties.

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

MOTION TO RECONSIDER WITHDRAWN (Senate File 535)

Rants of Woodbury asked and received unanimous consent to withdraw the motion to reconsider **Senate File 535**, 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, filed by him on May 2, 2001.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 349** and **Senate Files 211, 480, 515, 524 and 535**.

On motion by Rants of Woodbury, the House was recessed at 11:51 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:07 p.m., Gipp of Winneshiek in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-six members present, twenty-four absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Falck of Fayette on request of Dotzler of Black Hawk.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 736, 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 sales and use, real estate transfer, environmental protection charge on petroleum diminution, property, motor fuel, special fuel, and inheritance taxes, authorizing tax agreements with Indian tribes, and including effective and applicability date provisions, was taken up for consideration.

Eichhorn of Hamilton asked and received unanimous consent that amendment H-1729 be deferred.

Eichhorn of Hamilton offered the following amendment H-1910 filed by him and moved its adoption:

H-1910

- 1 Amend House File 736 as follows:
- 2 1. Page 1, by striking lines 1 through 16.
- 3 2. Title page, line 6, by striking the words
- 4 "authorizing tax agreements with Indian tribes,".

Amendment H-1910 was adopted, placing amendment H-1729, previously deferred, out of order.

Eichhorn 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?" (H.F. 736)

The ayes were, 93:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Fallon
Finch	Foege	Frevert	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Rekow
Reynolds	Richardson	Roberts	Scherrman
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Witt
Gipp, Presiding			

The nays were, none.

Absent or not voting, 7:

Falck	Ford	Houser	Hoversten
Murphy	Schrader	Tymeson	

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 736** be immediately messaged to the Senate.

The House stood at ease at 1:27 p.m., until the fall of the gavel.

The House resumed session at 6:37 p.m., Gipp of Winneshiek 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 May 3, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 637, a bill for an act relating to the responsibilities and duties of the department of education, area education agencies, and the commission of libraries, including the renaming of the regional library system, the appointment of trustees for the library service area, and development of a biennial unified plan of service and service delivery in consultation with library service areas and area education agency media centers.

Also: That the Senate has on May 3, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 740, a bill for an act relating to the senior living program including provisions relating to and making appropriations from the senior living trust fund to the department of elder affairs and the department of human services, and including effective date and retroactive applicability provisions.

Also: That the Senate has on May 3, 2001, passed the following bill in which the concurrence of the House is asked:

Senate File 476, a bill for an act relating to the establishment of a student achievement and teacher quality program.

Also: That the Senate has on May 3, 2001, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 28, a concurrent resolution reminding Iowa's congressional delegation to fund the federal financial commitment to states, localities, and children with disabilities under the federal Individuals With Disabilities Education Act.

MICHAEL E. MARSHALL, Secretary

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.

SENATE AMENDMENT CONSIDERED

Heaton of Henry called up for consideration **House File 740**, a bill for an act relating to the senior living program including provisions relating to and making appropriations from the senior living trust fund to the department of elder affairs and the department of human services, and including effective date and retroactive applicability provisions, amended by the Senate, and moved that the House concur in the following Senate amendment H-1979:

H-1979

- 1 Amend House File 740 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, line 20, by inserting after the word
- 4 "costs." the following: "Any excess payment allowance
- 5 realized from the direct care cost component of the
- 6 modified price-based case-mix reimbursement shall be
- 7 expended to increase the compensation of direct care
- 8 workers or to increase the ratio of direct care
- 9 workers to residents."
- 10 2. Page 6, line 20, by inserting after the word
- 11 "costs." the following: "The department of human
- 12 services shall implement a new monitoring and
- 13 reporting system to assess compliance with the
- 14 provisions of this paragraph."
- 15 3. Page 6, line 31, by inserting after the word
- 16 "costs." the following: "Any excess payment allowance
- 17 realized from the nondirect care cost component of the
- 18 modified price-based case-mix reimbursement shall be
- 19 used to fund quality of life improvements."
- 20 4. Page 6, line 31, by inserting after the word
- 21 "costs." the following: "The department of human
- 22 services shall implement a new monitoring and
- 23 reporting system to assess compliance with the
- 24 provisions of this paragraph."
- 25 5. Page 11, line 2, by striking the figure "2000"
- 26 and inserting the following: "2001".
- 27 6. Page 12, by striking lines 21 through 25.
- 28 7. Title page, by striking lines 4 and 5, and
- 29 inserting the following: "department of human
- 30 services."
- 31 8. By renumbering, relettering, or redesignating
- 32 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1979.

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. 740)

The ayes were, 86:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevort	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Myers
Petersen	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Roberts
Seng	Shey	Siegrist, Spkr.	Sievers
Smith	Stevens	Sukup	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Winckler
Wise	Gipp,		
	Presiding		

The nays were, 7:

O'Brien	Osterhaus	Scherrman	Schrader
Shoultz	Taylor, D.	Taylor, T.	

Absent or not voting, 7:

Connors	Falck	Houser	Hoversten
Murphy	Richardson	Witt	

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 740** be immediately messaged to the Senate.

Appropriations Calendar

Senate File 537, a bill for an act relating to and making appropriations from the tobacco settlement endowment fund and the healthy Iowans tobacco trust, establishing certain uses for the appropriations, and providing effective dates, with report of committee recommending passage, was taken up for consideration.

Seng of Scott offered the following amendment H-1830 filed by him and moved its adoption:

H-1830

- 1 Amend Senate File 537, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 5, by striking the figure
- 4 "11,825,000" and inserting the following:
- 5 "11,900,000".
- 6 2. Page 5, by striking lines 17 through 25.
- 7 3. By renumbering as necessary.

Amendment H-1830 was adopted.

Heaton of Henry offered the following amendment H-1801 filed by him and moved its adoption:

H-1801

- 1 Amend Senate File 537 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by striking lines 1 through 11, and
- 4 inserting the following:
- 5 "The moneys appropriated in this subsection shall
- 6 be used along with other appropriations made to the
- 7 Iowa empowerment fund and shall be distributed as
- 8 provided in 2001 Iowa Acts, Senate File 535, if
- 9 enacted by the Seventy-ninth General Assembly, 2001
- 10 session."
- 11 2. Page 8, line 10, by striking the word
- 12 "appropriated" and inserting the following:
- 13 "transferred".

- 14 3. Page 8, line 13, by inserting after the word
 15 "and" the following: "appropriated or transferred".

Amendment H-1801 was adopted.

Heaton of Henry 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. 537)

The ayes were, 93:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Rekow
Reynolds	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Gipp,			
Presiding			

The nays were, none.

Absent or not voting, 7:

Connors	Falck	Houser	Hoversten
Murphy	Richardson	Witt	

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 537** be immediately messaged to the Senate.

The House stood at ease at 7:19 p.m., until the fall of the gavel.

The House resumed session at 7:25 p.m., Speaker pro tempore Sukup in the chair.

SENATE AMENDMENT CONSIDERED

Grundberg of Polk called up for consideration **House File 670**, a bill for an act relating to practitioner preparation programs by providing for the establishment of nontraditional practitioner preparation and licensure and by providing for a study of practitioner preparation programs, amended by the Senate amendment H-1937 as follows:

H-1937

- 1 Amend House File 670, 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. Section 272.28 as enacted by 2001 Iowa
- 6 Acts, Senate File 476, or House File 672, is amended
- 7 by adding the following new subsection:
- 8 3. A teacher licensed pursuant to section 272.2,
- 9 subsection 13, paragraph "b", who meets the
- 10 requirements of section 272.2, subsection 13,
- 11 paragraph "c", is exempt from the requirement of
- 12 subsection 1.
- 13 Sec. 2. Section 284.7, as enacted by 2001 Iowa
- 14 Acts, Senate File 476, or House File 672, is amended
- 15 by adding the following new subsection:
- 16 **NEW SUBSECTION. 6.** The school district shall pay
- 17 an individual who is participating in a nontraditional
- 18 practitioner preparation internship program in
- 19 accordance with section 256.16, subsection 3, and who
- 20 is employed by the district as a teacher, a minimum
- 21 salary of not less than sixty percent of the salary
- 22 paid to a first-year beginning teacher, and shall
- 23 provide the individual with the same health or medical
- 24 insurance coverage offered to all full-time teachers
- 25 employed by the district.
- 26 Sec. 3. Section 256.7, Code 2001, is amended by

27 adding the following new subsection:

28 NEW SUBSECTION. 25. Prescribe standards and
29 procedures for the approval of nontraditional
30 practitioner preparation internship programs to be
31 offered by practitioner preparation institutions in
32 this state in accordance with section 272.2,
33 subsection 13.

34 Sec. 4. Section 256.16, Code 2001, is amended by
35 adding the following new subsection:

36 NEW SUBSECTION. 3. a. The state board shall
37 adopt rules requiring that all higher education
38 institutions providing a nontraditional practitioner
39 preparation internship program, at a minimum, meet the
40 standards and comply with the standards established
41 pursuant to section 256.7, subsection 25. A
42 nontraditional practitioner preparation internship
43 program is exempt from the student teaching or field
44 experience requirements of section 272.25. A
45 nontraditional practitioner preparation internship
46 program shall include coursework in education theory,
47 instructional methods, classroom management, and
48 practice teaching. The program shall consist of two
49 twelve-semester-hour, or the trimester or quarter
50 equivalent, courses of study.

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1 b. The institution providing the nontraditional
2 practitioner preparation internship program shall
3 enter into a written agreement with a school district,
4 under terms and conditions as agreed upon by the
5 contracting parties, providing that the school
6 district will provide interns seeking a nontraditional
7 conditional teaching license with a one-year classroom
8 teaching experience in which the intern team teaches
9 with a practitioner, who is licensed in accordance
10 with chapter 272, and who shall be responsible for the
11 management of the classroom until the intern receives
12 a nontraditional conditional teaching license.
13 Interns teaching in a school district under the terms
14 of such a contract are entitled to the same protection
15 under section 670.8, as is afforded by that section to
16 officers and other employees of the school district,
17 during the time they are so assigned.

18 c. An individual must successfully complete the
19 first course of study prior to receiving a
20 nontraditional conditional license pursuant to section
21 272.2, subsection 13, paragraphs "a" and "b".
22 However, an intern shall not be issued a
23 nontraditional conditional license to teach until the
24 intern successfully completes the one-year classroom
25 teaching experience, except as provided in paragraph

26 "d".

27 d. Except as provided in section 272.6, if the
28 institution providing the approved internship program
29 and the school district employing an intern submit to
30 the board of educational examiners a recommendation
31 for licensure of the intern, and the intern has
32 completed at least six weeks of the classroom teaching
33 experience, the intern shall be issued a
34 nontraditional conditional teaching license by the
35 board of educational examiners.

36 e. Prior to licensure as an administrator or a
37 provisional teacher, unless the requirement is waived
38 in accordance with this subsection for interns seeking
39 licensure under section 272.2, subsection 13,
40 paragraph "b", an individual shall successfully
41 complete the second twelve-semester-hour, or the
42 trimester or quarter equivalent, course of study in
43 accordance with section 272.2, subsection 13. The
44 institution providing the approved practitioner
45 preparation internship program may waive all or part
46 of the second course of an intern's study based upon
47 the institution's comprehensive evaluation of the
48 intern.

49 f. The institution that delivers the coursework to
50 a practitioner pursuant to this subsection shall,

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1 along with the school district that employs the
2 conditional practitioner, supervise the conditional
3 practitioner during the practitioner's year of
4 employment under a nontraditional conditional license,
5 and shall, in consultation with the practitioner's
6 evaluator at the school district of employment, submit
7 to the board of educational examiners a comprehensive
8 evaluation of the practitioner's performance by July 1
9 following the practitioner's year of employment under
10 a nontraditional conditional license. If the
11 comprehensive evaluation establishes that the
12 conditional practitioner's performance fails to meet
13 the standards of the approved nontraditional
14 practitioner preparation internship program, the
15 individual shall not be admitted to a second course of
16 study offered by an approved nontraditional
17 practitioner preparation internship program.
18 g. The tuition charged by an institution for
19 participation in an approved nontraditional
20 practitioner preparation internship program shall not
21 exceed the resident tuition rate for one full-time
22 semester of study established for institutions of
23 higher learning under the control of the state board
24 of regents.

25 Sec. 5. Section 272.1, Code 2001, is amended by
26 adding the following new subsection:

27 **NEW SUBSECTION. 5A.** "Nontraditional conditional
28 license" means the authority that is given to allow a
29 person to legally serve as a practitioner on a
30 temporary basis while the person completes a
31 nontraditional practitioner preparation internship
32 program.

33 Sec. 6. Section 272.2, subsection 13, Code 2001,
34 is amended to read as follows:

35 13. Adopt rules to provide for nontraditional
36 preparation and licensing options for licensing
37 persons who hold, at a minimum, a bachelor's degree
38 from an accredited college or university, but who do
39 not meet other requirements for licensure. At a
40 minimum, the rules shall provide for the following:

41 a. An individual who possesses at least a master's
42 degree in business administration, public
43 administration, or a comparable degree, or who
44 possesses at least a bachelor's degree from an
45 accredited postsecondary institution and life
46 experience equivalent to a master's degree in a
47 management field as determined by rule, and who has
48 been employed for at least ten of the last fifteen
49 years in a management position, may be issued a one-
50 year, nonrenewable, nontraditional conditional

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1 administrator's license if the individual successfully
2 completes a nontraditional practitioner preparation
3 internship program in accordance with section 256.16,
4 subsection 3. An individual may be issued an
5 administrator's license if the individual successfully
6 completes one year of employment as an administrator
7 under a nontraditional conditional license and
8 successfully completes the second course of study set
9 forth in section 256.16, subsection 3. However, an
10 individual licensed pursuant to this paragraph shall
11 be licensed only to serve as an administrator in a
12 school district with an actual enrollment of five
13 thousand five hundred or more pupils.

14 b. An individual who possesses at least a
15 bachelor's degree from an accredited postsecondary
16 institution, who has been employed for at least five
17 consecutive years in an area requiring knowledge and
18 practical application of the individual's
19 postsecondary academic background, who can document,
20 to the satisfaction of the state board of educational
21 examiners, successful experience working with
22 children, may be issued a one-year, nonrenewable
23 nontraditional conditional license to teach students

24 in grades nine through twelve in the area of the
25 individual's academic background and employment
26 experience if the individual meets the requirements of
27 section 256.16, subsection 3. In addition to these
28 requirements, an individual seeking a nontraditional
29 conditional license to teach special education
30 students in grades nine through twelve shall document,
31 to the satisfaction of the state board of educational
32 examiners, five years of successful experience working
33 with children requiring special education. An
34 individual may be issued a provisional license to
35 teach students in grades nine through twelve in the
36 area of the individual's academic background and
37 employment experience if the individual successfully
38 completes one year of teaching under a nontraditional
39 conditional license and successfully completes the
40 second course of study set forth in section 256.16,
41 subsection 3.
42 c. A person issued a nontraditional conditional or
43 provisional teaching license pursuant to paragraph "b"
44 shall successfully complete, at a minimum, a one-year
45 beginning teacher mentoring and induction program.
46 However, a school district may offer the individual a
47 second year of participation in the program if, after
48 conducting a comprehensive evaluation, the school
49 district determines that the individual is likely to
50 successfully complete the mentoring and induction

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1 program by the end of the second year.
2 d. An approved nontraditional practitioner
3 preparation internship program, and the school
4 district or accredited nonpublic school with which the
5 institution administering the program has a written
6 agreement in accordance with section 256.16,
7 subsection 3, shall provide information to the board
8 and any documentation regarding the student's
9 participation in the program that the board may
10 reasonably request.
11 Sec. 7. Section 272.2, Code 2001, is amended by
12 adding the following new subsection:
13 **NEW SUBSECTION. 16. a. Administer the Praxis II**
14 **examination for knowledge of pedagogies and for not**
15 **more than one content area to each individual who is**
16 **applying for a nontraditional conditional license in**
17 **accordance with subsection 13, paragraph "b".**
18 **b. Examination fees for the examination required**
19 **under this subsection shall be paid by the board.**
20 **Costs incurred for additional content area**
21 **examinations shall be paid by the applicant.**
22 **c. The results of the examinations administered**

23 pursuant to paragraph "a" shall be separately
24 maintained from the results of any examinations
25 administered to traditionally prepared students.
26 d. This subsection is repealed effective June 30,
27 2003.
28 Sec. 8. DEPARTMENTAL STUDIES. The department of
29 education shall do the following:
30 1. Compile and report, in consultation with the
31 board of educational examiners, information relating
32 to nontraditional practitioner preparation internship
33 programs, including the number of programs available
34 and geographic areas in which they are available, the
35 number of individuals who apply for a nontraditional
36 conditional license, the number of individuals
37 possessing a nontraditional conditional license who
38 apply for a provisional license, the subject areas in
39 which persons who possess nontraditional conditional
40 licenses are teaching and where they are teaching.
41 The department shall submit its findings and
42 recommendations in a report to the senate and house of
43 representatives standing committees on education by
44 December 1, 2002.
45 2. Analyze and compare, in consultation with the
46 board of educational examiners, the requirements for
47 practitioner licensure or endorsement that require a
48 master's degree and the master's degree requirements
49 established by approved practitioner preparation
50 graduate programs. The institutions offering approved

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1 practitioner preparation programs shall submit
2 information to the department as requested by the
3 department. The department shall submit its findings
4 and recommendations in a report to the senate and
5 house of representatives standing committees on
6 education by December 1, 2001."
7 2. By renumbering as necessary.

Rants of Woodbury asked and received unanimous consent that House File 670 be temporarily deferred and retain its place on the calendar.

SENATE MESSAGE CONSIDERED

Senate File 476, by committee on education, a bill for an act relating to the establishment of a student achievement and teacher quality program.

Read first time and passed on file.

SENATE AMENDMENTS CONSIDERED

Heaton of Henry called up for consideration **House File 732**, a bill for an act relating to appropriations for the department of human services and including other provisions and appropriations involving human services and health care, and providing effective dates, amended by the Senate amendment H-1855 as follows:

H-1855

1 Amend House File 732, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, line 32, by inserting after the word
4 "outcomes," the following: "Grants shall comply with
5 the requirements provided in 1997 Iowa Acts, chapter
6 208, section 14, subsections 1 and 2, including the
7 requirement that grant programs must emphasize sexual
8 abstinence."

9 2. Page 6, lines 5 and 6, by striking the words
10 "leaders of faith-based organizations to utilize" and
11 inserting the following: "individuals who are
12 authorized to solemnize a marriage under section
13 595.10 in utilizing".

14 3. Page 6, lines 7 and 8, by striking the words
15 "the respective faith-based organization" and
16 inserting the following: "such individuals".

17 4. Page 6, by inserting after line 26, the
18 following:

19 "18. The department shall report on or before
20 December 15, 2001, to the governor and to the persons
21 designated by this Act to receive reports providing a
22 detailed analysis as to how federal temporary
23 assistance for needy families block grant funding was
24 expended during the previous fiscal year to achieve
25 the four purposes for the funding as outlined in 42
26 U.S.C. § 601(a). For each category of expenditure,
27 the analysis shall identify which of the four purposes
28 was addressed and the amount expended."

29 5. Page 12, by inserting after line 15, the
30 following:

31 "d. For the food stamp employment and training
32 program:

33 \$ 150,000"

34 6. Page 23, line 28, by striking the word
35 "(NSAIDS)".

36 7. Page 25, by inserting after line 32 the
37 following:

38 "In any managed care contract for mental health or
39 substance abuse services entered into or extended by
40 the department on or after July 1, 2001, the request

41 for proposals shall provide for coverage of dual
42 diagnosis mental health and substance abuse treatment
43 provided at the state mental health institute at Mount
44 Pleasant. To the extent possible, the department
45 shall also amend any such contract existing on July 1,
46 2001, to provide for such coverage."
47 8. Page 29, by striking lines 10 through 12.
48 9. Page 36, by inserting after line 30, the
49 following:
50 "___ Of the funds appropriated in this section,

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1 the department shall use \$700,000 for day treatment
2 and aftercare services for juvenile females with
3 provider selection made through a request for
4 proposals process. The goal of providing the services
5 is to ensure permanency, safety, and self-sufficiency
6 for juvenile females."
7 10. Page 38, by striking lines 5 and 6 and
8 inserting the following:
9 "Sec. 17. COMMUNITY-BASED PROGRAMS.
10 There is appropriated from the general fund of".
11 11. Page 58, by inserting after line 24 the
12 following:
13 "___ The department of human services shall
14 review the disparity between the compensation provided
15 to public employees who provide child welfare services
16 relative to employees of private providers who have
17 qualifications or job responsibilities that are
18 comparable to the public employees. The department
19 shall submit to the governor and to those persons
20 designated by this Act to be provided with reports, a
21 report of its review, including findings and a plan
22 for reducing the disparity."
23 12. Page 62, by striking lines 11 through 18, and
24 inserting the following:
25 "b. The department of inspections and appeals may
26 provide access to the single contact repository
27 established under section 135C.33, subsection 6, for
28 criminal and abuse history checks made by those
29 employers, agencies, and other persons that are
30 authorized access to child abuse information under
31 section 235A.15 and are required by law to perform
32 such checks."
33 13. Page 63, by inserting after line 35 the
34 following:
35 "Sec. ___. Section 426B.2, subsection 3, Code
36 2001, is amended to read as follows:
37 3. The director of human services shall draw
38 warrants on the property tax relief fund, payable to
39 the county treasurer in the amount due to a county in

40 accordance with subsection 1 and mail the warrants to
 41 the county auditors in September July and March
 42 January of each year."

43 14. Page 64, by striking lines 20 through 28 and
 44 inserting the following:

45 "Sec. 101. 2000 Iowa Acts, chapter 1232, section
 46 1, is amended to read as follows:

47 SECTION 1. COUNTY MENTAL HEALTH, MENTAL
 48 RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED
 49 GROWTH FACTOR ADJUSTMENT AND ALLOCATIONS. There is
 50 appropriated from the general fund of the state to the

Page 3

1 department of human services for the fiscal year
 2 beginning July 1, 2001, and ending June 30, 2002, the
 3 following amount, or so much thereof as is necessary,
 4 to be used for the purpose designated:

5 For distribution to counties of the county mental
 6 health, mental retardation, and developmental
 7 disabilities allowed growth factor adjustment, ~~in~~
 8 ~~accordance with section 331.438, subsection 2, and~~
 9 ~~section 331.439, subsection 3, and chapter 426B in~~
 10 ~~accordance with law:~~

11 \$ 26,492,712
 12 24,887,428

13 The funding appropriated in this section is the
 14 allowed growth factor adjustment for fiscal year 2001-
 15 2002, and is allocated as follows:

16 1. For distribution to counties for fiscal year
 17 2001-2002 in accordance with the formula in section
 18 331.438, subsection 2, paragraph "b":
 19 \$ 12,000,000

20 2. For deposit in the per capita expenditure
 21 target pool created in the property tax relief fund
 22 pursuant to section 426B.5, subsection 1:

23 \$ 10,492,712
 24 12,492,712

25 ~~In addition to the requirement of section 426B.5,~~
 26 ~~subsection 1, paragraph "c", limiting eligibility for~~
 27 ~~moneys appropriated in this paragraph to counties~~
 28 ~~levying the maximum amount allowed, both of the~~
 29 ~~following eligibility requirements are applicable:~~

30 ~~a. In the fiscal year beginning July 1, 2000, the~~
 31 ~~county's services fund ending balance under generally~~
 32 ~~accepted accounting principles was equal to or less~~
 33 ~~than 35 percent of the county's projected expenditures~~
 34 ~~for that fiscal year.~~

35 ~~b. The county is in compliance with the filing~~
 36 ~~date requirements under section 331.403.~~

37 ~~3. For deposit in the incentive and efficiency~~
 38 ~~pool created in the property tax relief fund pursuant~~

39 to section 426B.5, subsection 2:

40\$ 2,000,000

41 4. 3. For deposit in the risk pool created in the
42 property tax relief fund pursuant to section 426B.5,
43 subsection 3:

44\$ 2,000,000

45 394,716

46 Sec. ____ COUNTY MENTAL HEALTH, MENTAL
47 RETARDATION, AND DEVELOPMENTAL DISABILITIES (MH/MR/DD)
48 ALLOWED GROWTH FACTOR ADJUSTMENT AND ALLOCATIONS -
49 REVISED ALLOCATIONS FOR FY 2001-2002.

50 1. Notwithstanding any contrary provisions of

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1 sections 225C.7, 331.438, subsection 2, 331.439,
2 subsection 3, and 426B.5, and 2000 Iowa Acts, chapter
3 1232, section 1, as amended by this Act, the moneys
4 appropriated in this Act, for distribution to counties
5 in the fiscal year beginning July 1, 2001, for
6 purposes of the mental health and developmental
7 disabilities (MH/DD) community services fund under
8 section 225C.7, and for the allowed growth factor
9 adjustment for services paid under a county's section
10 331.424A mental health, mental retardation, and
11 developmental disabilities services fund shall be
12 subject to withholding as provided in this section.

13 2. After applying the applicable statutory
14 distribution formulas to the amounts specified in the
15 appropriations made in this Act for the MH/DD
16 community services fund and for allowed growth in
17 section 101, as amended by this Act, the department of
18 human services shall apply a withholding factor to
19 adjust the actual amount of the funding to be
20 distributed to an eligible individual county. An
21 ending balance percentage for each county shall be
22 determined by calculating the county's ending balance
23 on a modified accrual basis under generally accepted
24 accounting principles for the fiscal year beginning
25 July 1, 2000, in the county's mental health, mental
26 retardation, and developmental disabilities services
27 fund created under section 331.424A, as a percentage
28 of the county's gross expenditures from that fund for
29 the fiscal year. The withholding factor for a county
30 shall be the following applicable percent:

- 31 a. For an ending balance percentage of less than
- 32 15 percent, a withholding factor of 0 percent.
- 33 b. For an ending balance percentage of 15 through
- 34 24 percent, a withholding factor of 12.8 percent.
- 35 c. For an ending balance percentage of 25 through
- 36 34 percent, a withholding factor of 35 percent.
- 37 d. For an ending balance percentage of 35 through

38 44 percent, a withholding factor of 67.25 percent.
39 e. For an ending balance percentage of 45 percent
40 or more, a withholding factor of 100 percent.
41 3. The total withholding amounts applied pursuant
42 to subsection 2 shall be equal to a withholding target
43 amount of \$15,554,307 and the appropriations made in
44 this Act for the MH/DD community services fund and for
45 MH/MR/DD allowed growth as amended in section 101 of
46 this Act, shall each be reduced by 50 percent of the
47 withholding target amount. If the department of human
48 services determines that the amount to be withheld in
49 accordance with subsection 2 is not equal to the
50 target withholding amount, the department shall adjust

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1 the ending balance percentage ranges listed in
2 subsection 2, as necessary to achieve the withholding
3 target amount.
4 4. Only those counties that are in compliance with
5 the December 1, 2001, filing deadline for the county
6 annual financial report in accordance with section
7 331.403 are eligible to receive a funding distribution
8 under this section. The amount that would otherwise
9 be available for distribution to a county that fails
10 to so comply shall be proportionately distributed
11 among the eligible counties.
12 5. The department of human services shall
13 authorize the issuance of warrants payable to the
14 county treasurer for the distribution amounts due to
15 the counties eligible under this section and
16 notwithstanding prior practice for the MH/DD community
17 services fund, the warrants shall be issued in January
18 2002."
19 15. Page 65, by inserting after line 30 the
20 following:
21 "2. Upon submission to the persons designated by
22 this Act for receiving reports of a report describing
23 the transfers being made, the department may transfer
24 up to \$2,500,000 to the appropriation in this Act for
25 general administration from moneys that are budgeted
26 for purchase of equipment in other appropriations made
27 to the department in this Act."
28 16. By striking page 66, line 31 through page 67,
29 line 1.
30 17. By renumbering, relettering, or redesignating
31 and correcting internal references as necessary.

Heaton of Henry offered the following amendment H-1934, to the Senate amendment H-1855, filed by him and moved its adoption:

H-1934

- 1 Amend the Senate amendment, H-1855, to House File
- 2 732, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 2, by inserting after line 10, the
- 5 following:
- 6 "____. Page 50, by striking lines 31 through 35,
- 7 and inserting the following: "assistance for state
- 8 child protection staff and for services and activities
- 9 currently funded with juvenile court services, county,
- 10 or community moneys and state moneys used in
- 11 combination with such moneys."
- 12 "____. Page 51, lines 9 and 10, by striking the
- 13 words "child protection".
- 14 2. Page 2, by inserting after line 22, the
- 15 following:
- 16 "____. Page 58, line 33, by inserting after the
- 17 word "funding" the following: "or to implement, in
- 18 accordance with this Act, targeted case management for
- 19 child protection and for activities currently funded
- 20 with juvenile court services, county, or community
- 21 moneys and state moneys used in combination with such
- 22 moneys".
- 23 3. By renumbering as necessary.

Amendment H-1934 was adopted.

Carroll of Poweshiek offered the following amendment H-1982, to the Senate amendment H-1855, filed by him from the floor and moved its adoption:

H-1982

- 1 Amend the Senate amendment, H-1855, to House File
- 2 732, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 4, by striking lines 46 and 47, and
- 5 inserting the following: "this Act, shall be reduced
- 6 by the amounts necessary to attain the withholding
- 7 target amount. If the department of human".
- 8 2. Page 5, by striking lines 1 through 3, and
- 9 inserting the following: "the withholding factors
- 10 listed in subsection 2 as necessary to achieve the
- 11 withholding target amount. However, in making such
- 12 adjustments to the withholding factors the department
- 13 shall strive to minimize changes to the withholding
- 14 factors for those ending balance percentage ranges
- 15 that are lower than others and shall not adjust the
- 16 zero withholding factor specified in subsection 2,
- 17 paragraph "a".

Amendment H-1982 was adopted.

On motion by Heaton of Henry the House concurred in the Senate amendment H-1855, as amended.

Heaton of Henry 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. 732)

The ayes were, 55:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Finch	Garman	Gipp	Grundberg
Hahn	Hansen	Heaton	Hoffman
Horbach	Houser	Huseman	Jacobs
Jenkins	Johnson	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Siegrist, Spkr.	Sievers
Teig	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Sukup,	
		Presiding	

The nays were, 41:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Dotzler	Fallon	Foege
Ford	Frevrt	Greimann	Hatch
Huser	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Mertz	Myers	O'Brien	Osterhaus
Petersen	Quirk	Reynolds	Richardson
Scherrman	Schrader	Seng	Shoultz
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise
Witt			

Absent or not voting, 4:

Connors	Falck	Hoversten	Murphy
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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

Rants of Woodbury asked and received unanimous consent that **House File 732** be immediately messaged to the Senate.

Dotzler of Black Hawk called up for consideration **House File 695**, a bill for an act relating to the school-to-career program, amended by the Senate, and moved that the House concur in the following Senate amendment H-1958:

H-1958

- 1 Amend House File 695, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 24, by inserting after the word
- 4 "subsection" the following: "if tuition is included
- 5 as part of a stipend paid by the employer to a
- 6 participant and can be identified as such".
- 7 2. Page 1, line 33, by striking the word
- 8 "nonpaid".
- 9 3. Page 2, line 3, by striking the word
- 10 "nonpaid".

The motion prevailed and the House concurred in the Senate amendment H-1958.

Dotzler of Black Hawk 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. 695)

The ayes were, 95:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman

Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Houser	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Siegrist, Spkr.	Sievers	Smith
Stevens	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Winckler
Wise	Witt	Sukup, Presiding	

The nays were, none.

Absent or not voting, 5:

Connors	Falck	Hoversten	Murphy
Myers			

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 695** be immediately messaged to the Senate.

The House resumed consideration of **House File 670**, a bill for an act relating to practitioner preparation programs by providing for the establishment of nontraditional practitioner preparation and licensure and by providing for a study of practitioner preparation programs, amended by the Senate amendment H-1937, previously deferred and found on pages 1827 through 1832 of the House Journal.

Grundberg of Polk offered the following amendment H-1987, to the Senate amendment H-1937, filed by her from the floor and moved its adoption:

H-1987

1 Amend the Senate amendment, H-1937, to House File
2 670, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 1, line 13 through page 5,
5 line 8, and inserting the following:

6 "Sec. ____ Section 256.7, Code 2001, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 25. Prescribe standards and
9 procedures for the approval by the state board of
10 nontraditional practitioner and administrator
11 preparation internship programs to be offered by
12 practitioner preparation institutions.

13 Sec. ____ Section 256.16, Code 2001, is amended by
14 adding the following new subsections:

15 NEW SUBSECTION. 3. a. The state board shall
16 adopt rules requiring that practitioner preparation
17 institutions, which provide a nontraditional
18 practitioner preparation internship program, at a
19 minimum, meet the standards and comply with the
20 standards established pursuant to section 256.7,
21 subsection 25. A nontraditional practitioner
22 preparation internship program is exempt from the
23 student teaching or field experience requirements of
24 section 272.25. A nontraditional practitioner
25 preparation internship program shall include
26 coursework in education theory, instructional methods,
27 and classroom management. The program shall consist
28 of two twelve-semester-hour, or the trimester or
29 quarter equivalent, courses of study.

30 b. The institution providing the nontraditional
31 practitioner preparation internship program shall
32 enter into a written agreement with a school district,
33 under terms and conditions as agreed upon by the
34 contracting parties, providing that the school
35 district will provide interns seeking a nontraditional
36 conditional teaching license with a one-year classroom
37 teaching experience. The intern must successfully
38 complete the first twelve-semester-hour, or the
39 trimester or quarter equivalent, course of study prior
40 to beginning the one-year classroom teaching
41 experience. Interns teaching in a school district
42 under the terms of such a contract are entitled to the
43 same protection under section 670.8, as is afforded by
44 that section to officers and other employees of the
45 school district, during the time they are so assigned.

46 c. Upon completion of the first twelve-semester-
47 hour, or the trimester or quarter equivalent, course
48 of study, the institution providing the approved
49 nontraditional practitioner preparation internship
50 program shall submit to the board of educational

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1 examiners a recommendation for licensure of the intern
2 pursuant to section 272.2, subsection 13, paragraph
3 "b". If the institution recommends licensure, the
4 intern shall be issued a nontraditional conditional
5 teaching license by the board of educational
6 examiners. However, the provisions of section 272.6
7 shall apply.

8 d. Prior to licensure as a provisional teacher,
9 unless the requirement is waived in accordance with
10 this subsection for interns seeking licensure under
11 section 272.2, subsection 13, paragraph "b", an
12 individual shall successfully complete the second
13 twelve-semester-hour, or the trimester or quarter
14 equivalent, course of study. The institution
15 providing the approved nontraditional practitioner
16 preparation internship program may waive all or part
17 of the second course of an intern's study based upon
18 the institution's comprehensive evaluation of the
19 intern.

20 f. During the first nine weeks of employment, the
21 practitioner preparation institution shall monitor the
22 performance of the intern. The institution that
23 delivers the coursework to a practitioner pursuant to
24 this subsection shall, along with the school district
25 that employs the conditional practitioner, supervise
26 the conditional practitioner during the practitioner's
27 year of employment under a nontraditional conditional
28 license, and shall, in consultation with the
29 practitioner's evaluator at the school district of
30 employment, submit to the board of educational
31 examiners a comprehensive evaluation of the
32 practitioner's performance sixty days prior to the
33 expiration of the nontraditional conditional license.
34 If the comprehensive evaluation establishes that the
35 conditional practitioner's performance fails to meet
36 the standards of the approved nontraditional
37 practitioner preparation internship program, the
38 individual shall not be admitted to a second course of
39 study offered by an approved nontraditional
40 practitioner preparation internship program.

41 **NEW SUBSECTION. 4. a.** The state board shall
42 adopt rules requiring that practitioner preparation
43 institutions which provide a nontraditional
44 administrator preparation internship program, at a
45 minimum, meet the standards and comply with the
46 standards established pursuant to section 256.7,
47 subsection 25. A nontraditional administrator
48 preparation internship program shall include
49 coursework in education management, governance
50 organization, and planning. The program shall consist

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1 of two twelve-semester-hour, or the trimester or
2 quarter equivalent, courses of study.

3 b. The institution providing the nontraditional
4 administrator preparation internship program shall
5 enter into a written agreement with the board of
6 directors of a school district, under terms and
7 conditions as agreed upon by the contracting parties,
8 providing that the school district will provide
9 interns seeking a nontraditional conditional
10 administrator license with one year of administrative
11 experience. Interns employed under the written
12 agreement are entitled to the same protection under
13 section 670.8, as is afforded by that section to
14 officers and other employees of the school district,
15 during the time they are so assigned.

16 c. Upon completion of the first twelve-semester-
17 hour, or the trimester or quarter equivalent, course
18 of study, the institution providing the approved
19 nontraditional administrator preparation internship
20 program shall submit to the board of educational
21 examiners a recommendation for licensure of the intern
22 pursuant to section 272.2, subsection 13, paragraph
23 "a". If the institution recommends licensure, the
24 intern shall be issued a nontraditional conditional
25 license by the board of educational examiners.
26 However, section 272.6 shall apply.

27 d. Prior to licensure as an administrator, unless
28 the requirement is waived in accordance with this
29 subsection for interns seeking licensure under section
30 272.2, subsection 13, paragraph "a", an individual
31 shall successfully complete the second twelve-
32 semester-hour, or the trimester or quarter equivalent,
33 course of study. The institution providing the
34 approved nontraditional administrator preparation
35 internship program may waive all or part of the second
36 course of an intern's study based upon the
37 institution's comprehensive evaluation of the intern.

38 f. The institution that delivers the coursework to
39 an intern pursuant to this subsection shall supervise
40 the conditional administrator during the intern's year
41 of employment under a nontraditional conditional
42 license, and shall, in consultation with the board of
43 directors of the school district of employment, submit
44 to the board of educational examiners a comprehensive
45 evaluation of the intern's performance sixty days
46 prior to the expiration of the nontraditional
47 conditional license. If the comprehensive evaluation
48 establishes that the intern's performance fails to
49 meet the standards of the approved nontraditional
50 administrator preparation internship program, the

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1 individual shall not be admitted to a second course of
2 study offered by an approved nontraditional
3 administrator preparation internship program.

4 Sec. ____ Section 272.1, Code 2001, is amended by
5 adding the following new subsection:

6 **NEW SUBSECTION. 5A. "Nontraditional conditional**
7 **license"** means the authority that is given to allow a
8 person to legally serve as a teacher or administrator
9 on a temporary basis while the person completes a
10 nontraditional practitioner preparation internship
11 program.

12 Sec. ____ Section 272.2, subsection 13, Code 2001,
13 is amended to read as follows:

14 13. Adopt rules to provide for nontraditional
15 ~~preparation~~ licensing options for licensing persons
16 who hold, at a minimum, a bachelor's degree from an
17 accredited college or university, but who do not meet
18 other requirements for licensure. At a minimum, the
19 rules shall provide for the following:

20 a. An individual who possesses at least a master's
21 degree in business administration, public
22 administration, or a comparable degree, or who
23 possesses at least a bachelor's degree from an
24 accredited postsecondary institution and life
25 experience equivalent to a master's degree in a
26 management field as determined by rule, and who has
27 been employed for at least ten of the last fifteen
28 years in a management position, may be issued a one-
29 year, nonrenewable, nontraditional conditional
30 administrator's license if the individual successfully
31 completes a nontraditional administrator preparation
32 internship program in accordance with section 256.16,
33 subsection 3. An individual may be issued an
34 administrator's license if the individual successfully
35 completes one year of employment as an administrator
36 under a nontraditional conditional license and
37 successfully completes the second course of study set
38 forth in section 256.16, subsection 3. However, an
39 individual licensed pursuant to this paragraph shall
40 be licensed only to serve as a superintendent in a
41 school district with an actual enrollment of five
42 thousand five hundred or more pupils, at the time of
43 signing the initial contract for employment as a
44 superintendent.

45 b. An individual who possesses at least a
46 bachelor's degree from an accredited postsecondary
47 institution, who has been employed for at least five
48 consecutive years in an area requiring knowledge and
49 practical application of the individual's
50 postsecondary academic background, who can document,

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1 to the satisfaction of the board of educational
2 examiners, successful experience working with
3 children, may be issued a one-year, nonrenewable
4 nontraditional conditional license to teach students
5 in grades nine through twelve in the area of the
6 individual's academic background and employment
7 experience, in the vocational education field or
8 subject area or in a shortage area as determined by
9 the department, if the individual meets the
10 requirements of section 256.16, subsection 3. In
11 addition to these requirements, an individual seeking
12 a nontraditional conditional license to teach special
13 education students in grades nine through twelve shall
14 document, to the satisfaction of the board of
15 educational examiners, five years of successful
16 experience working with children requiring special
17 education. An individual may be issued a provisional
18 license to teach students in grades nine through
19 twelve in the area of the individual's academic
20 background and employment experience if the individual
21 successfully completes one year of teaching under a
22 nontraditional conditional license and successfully
23 completes the second course of study set forth in
24 section 256.16, subsection 3.
25 c. A person issued a provisional teaching license
26 pursuant to paragraph "b" shall successfully complete,
27 at a minimum, a one-year beginning teacher mentoring
28 and induction program.
29 d. An approved nontraditional practitioner or
30 administrator preparation internship program, and the
31 school district with which the institution
32 administering the program has a written agreement in
33 accordance with section 256.16, subsection 3, shall
34 provide information to the board and any documentation
35 regarding the intern's."

Amendment H-1987 was adopted.

The House stood at ease at 8:05 p.m., until the fall of the gavel.

The House resumed session at 8:32 p.m., Dix of Butler in the chair.

Wise of Lee offered the following amendment H-1992, to the Senate amendment H-1987, filed by him, Bukta of Clinton, Cohoon of Des Moines, Greimann of Story, Lensing of Johnson, Mascher of Johnson, Petersen of Polk, Stevens of Dickinson and Winckler of Scott from the floor and moved its adoption:

H-1992

- 1 Amend the amendment, H-1987, to the Senate
- 2 amendment, H-1937, to House File 670, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 1, line 4, by striking the figure "13"
- 5 and inserting the following: "5".
- 6 2. Page 5, line 27, by striking the word "one-
- 7 year" and inserting the following: "two-year".

Amendment H-1992 was adopted.

Speaker Siegrist in the chair at 9:14 p.m.

On motion by Grundberg of Polk the House concurred in the Senate amendment H-1937, as amended.

Grundberg 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. 670)

The ayes were, 52:

Alons	Barry	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunckhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Fallon
Finch	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Houser
Huseman	Jacobs	Jenkins	Johnson
Kettering	Klemme	Larson	Manternach
Metcalfe	Millage	Raecker	Rants
Rayhons	Rekow	Shey	Sievers
Sukup	Teig	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Mr. Speaker
			Siegrist

The nays were, 41:

Arnold	Atteberry	Bukta	Chiodo
Cohoon	Dotzler	Foege	Ford
Frevort	Garman	Gipp	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher

May	Mertz	O'Brien	Osterhaus
Petersen	Quirk	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise
Witt			

Absent or not voting, 7:

Bell	Connors	Falck	Hoversten
Murphy	Myers	Shoultz	

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 670** be immediately messaged to the Senate.

MOTION TO RECONSIDER WITHDRAWN (House File 723)

Millage of Scott asked and received unanimous consent to withdraw the motion to reconsider **House File 723**, a bill for an act exempting irrigation equipment from sales and use taxes, providing limited refunds, and including effective and retroactive applicability date provisions, filed by him on May 1, 2001.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 723** 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 May 3, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 714, a bill for an act relating to a community renewal initiative by establishing a community development program to provide tax credits for income tax, franchise tax, premiums tax, and moneys and credits tax for businesses contributing to community development projects to aid certain neighborhoods and communities or

contributing to child care benefits for employees and including effective and applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SENATE FILE 335 PASSED ON FILE

The Speaker announced that Senate File 335, previously referred to committee on **ways and means** was **passed on file**.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on May 3, 2001. Had I been present, I would have voted "aye" on Senate File 524.

CARROLL of Poweshiek

I was necessarily absent from the House chamber on May 2, 2001. Had I been present, I would have voted "nay" on House File 719.

O'BRIEN of Boone

I was necessarily absent from the House chamber on May 3, 2001. Had I been present, I would have voted "aye" on House File 740 and Senate File 537.

RICHARDSON of Warren

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 3rd day of May, 2001: House Files 502, 635, 680, 716, 722 and 733.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 3, 2001, he approved and transmitted to the Secretary of State the following bills:

House File 180, an act relating to dissolution of marriage including certain financial statement information filed by the parties and participation in a court-approved course prior to the granting of a final dissolution of marriage decree or the entering of a final custody order.

House File 354, an act relating to the pronouncement of death by a physician assistant, a licensed practical nurse, or a registered nurse.

House File 674, an act relating to the accreditation and reorganization or dissolution of an area education agency.

House File 705, an act relating to sales and use taxes on the delivery of electricity and natural gas and to the rate of tax for providing metered gas, electricity, and fuel to provide energy for residential customers.

House File 715, 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, sales and use, franchise, hotel and motel, environmental protection charge on petroleum diminution, property, cigarette and tobacco products, and inheritance taxes, local option taxes, and including effective and retroactive applicability date provisions.

Senate File 344, an act restricting the exemption in the public records law for communications made to government bodies.

Senate File 354, an act relating to limitations on filing medical assistance claims against a decedent's estate.

Senate File 412, an act relating to the compulsory attendance age and attendance at school during the regular school calendar by a child who has reached the age of sixteen.

Senate File 418, an act relating to unemployment compensation by providing that social security pension payments are nondeductible from unemployment benefits and providing for coverage for employment by an Indian tribe and providing an effective date.

GOVERNOR'S VETO MESSAGES

A copy of the following communications were received and placed on file:

May 3, 2001

Brent Siegrist
Speaker of the House
State Capitol Building
LOCAL

Dear Speaker Siegrist:

I hereby transmit House File 694, an act relating to housing by creating a housing trust fund and a housing trust commission.

I am unable to approve House File 694. House File 694 as it has been passed by the general assembly would delay progress in developing and promoting a comprehensive housing strategy for Iowa.

In August of 1999 the Governor's Housing Task Force was convened to develop a comprehensive housing strategy for Iowa. This strategy was to provide a clear and unified direction on the use and purpose of housing resources and federal resources administered by state government. The fifty-six member task force, representing state and local policy makers, private sector developers, housing program administrators, non-profits and others released their final report in December of 2000.

The top two recommendations of the Housing Task Force were:

- Creation of a housing trust fund to consolidate all state-funded housing programs into one structure and provide a dedicated funding stream to maximize leveraging of private and governmental financing for housing programs.
- Consolidation of the administration of all state-funded housing programs within one entity.

House File 694 fails to implement either of these recommendations. The bill creates a housing trust fund but provides no funding. Without a dedicated funding stream the trust fund has no purpose. Additionally, the bill creates a housing trust commission to make recommendations regarding the implementation of the consolidation of all housing programs in 2003. There is already agreement that consolidating housing programs under one entity would provide for the most effective and efficient use of state housing resources. This action creates an unnecessary layer of bureaucracy and further delays implementation of a comprehensive housing strategy.

I have received numerous communications from housing advocates expressing their disappointment and lack of support for House File 694. The housing needs of our urban and rural communities are well documented and the time for study is over. It is time to take action and implement the Housing Task Force recommendations.

For the above reasons, I hereby respectfully disapprove House File 694.

Sincerely,
Thomas J. Vilsack
Governor

May 3, 2001

The Honorable Mary Kramer
President of the Senate
State Capitol Building
LOCAL

Dear President Kramer:

I hereby disapprove and transfer Senate File 222, an act relating to the statute of limitations in civil actions arising out of the unsafe or defective condition of an improvement to real property.

In 1980, Governor Ray vetoed legislation to establish a statute of repose for building and construction cases, citing a delicate balance between protecting potential victims and business interests. In articulating the rationale for his veto, Governor Ray commented that "it is the potential and actual harm to an innocent victim which I must judge against the arguments of the professional persons who would like to be protected against law suits after a limited period of time."

I share Governor Ray's concerns for protecting potential victims and appreciate that our legal system must provide these individuals with a forum to seek legal relief, should they be injured. Whether it is a neighbor who uses his savings for a new roof for the family farmhouse that later crumbles due to defective materials or a child who is injured due to a faulty fire and sprinkler system at his or her school, citizens deserve an avenue through which they may seek relief for their injuries. Unfortunately, I do not believe that all such injuries occur neatly within a ten year window. I again echo Governor Ray's sentiments from his veto message when he stated, "I must think of those to whom circumstance has not yet brought loss of property, health or even life and who, if that loss occurs, would seek and yet find no avenue of recovery..."

Realizing the negative effect this bill may have on many of Iowa's consumers, homeowners, and businesses, I am unable to approve Senate File 222. A statute of repose stipulates the time period during which individuals may bring lawsuits for certain injuries or damages. Iowa law currently provides that an individual has fifteen years to file suit for injuries or damages incurred due to unsafe or defective improvements to real property. Senate File 222 would reduce this time period from fifteen to ten years.

Our legal system, by its design, places the primary burden of proof on the party seeking relief for an injury or damages. To restrict further the time period during which individuals may pursue legal remedies for their damages would place many consumers and property owners at a heightened disadvantage in their efforts to seek redress. It should also be noted that the ten year time period afforded individuals in Senate File 222 does not begin once they realize a construction defect or incur an injury. Rather, this time period begins from the date that the potential defendant commits the act or omission that later causes the injury or damages. This means that the clock begins to tick against the injured party even before the injured party may have realized a problem or suffered an injury.

While proponents of this bill argue that ten years should provide ample time to document any problem or design defect, this time period may not be adequate.

Construction and building professionals today design structures to last for decades, if not centuries. While some defects may arise in the first years after construction, others may not surface within a ten year period of time. During consideration of Senate File 222, legislators heard from large numbers of homeowners and businesses stating that a ten year statute of repose was too restrictive. As business building owners, corporate entities such as Principal Financial Group, Meredith Corporation, and Wells Fargo all expressed concern over reducing the statute of repose in these situations.

Supporters of Senate File 222 have also asserted that the statute of repose should be shortened to ten years in order to bring Iowa more in line with other states' legislation. While some states do provide shorter time periods, they have also created exceptions to the statute in order to maintain consumer protection.

Legislators here considered exceptions to Iowa's statute of repose via amendments to Senate File 222. These exceptions would have removed the time limitation for filing suit where there are allegations of a contractor's intentional disregard of building codes, breach of express warranties, fraud, willful misconduct, or use of defective materials. Unfortunately, the General Assembly chose not to include any exceptions to the statute of repose, thus further limiting the legal rights of consumers who may fall victim to the misdeeds of others.

For the above reasons, I hereby respectfully disapprove Senate File 222.

Sincerely,
Thomas J. Vilsack
Governor

COMMUNICATION RECEIVED

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

DEPARTMENT OF PERSONNEL

The Annual Report, pursuant to Chapter 19A.8, 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.

MARGARET A. THOMSON
Chief Clerk of the House

2001\1130 Village of Bonaparte – For being named to the list of the Dozen Distinctive Destinations, as one of the best preserved and unique communities in the United States, by the National Trust for Historic Preservation.

- 2001\1131 Mildred Stickrod, Lohrville – For celebrating her 80th birthday.
- 2001\1132 William Grossnickle, Jr., Lehigh – For celebrating his 80th birthday.
- 2001\1133 Marlys and Ivan Wetzel, Badger – For celebrating their 50th wedding anniversary.
- 2001\1134 Constance and Ralph Rivers, Newton – For celebrating their 60th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 756

Judiciary: Larson, Chair; Kreiman and Shey.

Senate File 543

Judiciary: Larson, Chair; Kreiman and Shey.

RESOLUTION FILED

SCR 28, by Boettger, a concurrent resolution reminding Iowa's congressional delegation to fund the federal financial commitment to states, localities, and children with disabilities under the federal Individuals With Disabilities Education Act.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1939	H.F.	755	Mascher of Johnson
H-1940	H.F.	755	Warnstadt of Woodbury
H-1941	H.F.	755	Winckler of Scott
H-1942	H.F.	755	Foege of Linn
H-1943	H.F.	755	Foege of Linn
H-1944	S.F.	165	Reynolds of Van Buren
H-1945	S.F.	165	Richardson of Warren
H-1946	H.F.	755	Millage of Scott
H-1947	S.F.	165	Dotzler of Black Hawk
H-1948	S.F.	165	Dotzler of Black Hawk
H-1949	S.F.	165	Dotzler of Black Hawk
H-1950	S.F.	165	Dotzler of Black Hawk
H-1951	S.F.	165	Richardson of Warren
H-1952	S.F.	165	Richardson of Warren

H-1953	S.F.	165	Kreiman of Davis
H-1954	S.F.	165	Kreiman of Davis
H-1955	H.F.	755	Hatch of Polk
H-1956	S.F.	165	Quirk of Chickasaw
H-1957	S.F.	165	Kuhn of Floyd
H-1959	H.F.	755	Wise of Lee
H-1960	H.F.	755	Kreiman of Davis
			Arnold of Lucas
H-1961	H.F.	755	Scherrman of Dubuque
			Bukta of Clinton
			O'Brien of Boone
			Tremmel of Wapello
			Jochum of Dubuque
			Quirk of Chickasaw
			Warnstadt of Woodbury
H-1962	H.F.	755	Warnstadt of Woodbury
H-1963	H.F.	755	Fallon of Polk
			T. Taylor of Linn
			Kuhn of Floyd
			Hatch of Polk
			Reynolds of Van Buren
			Greimann of Story
			Smith of Marshall
			Mascher of Johnson
			Jochum of Dubuque
			Chiodo of Polk
			O'Brien of Boone
			Ford of Polk
			Larkin of Lee
			May of Worth
			Kreiman of Davis
			Osterhaus of Jackson
			Scherrman of Dubuque
			Schrader of Marion
			Stevens of Dickinson
			Witt of Black Hawk
H-1964	S.F.	165	Fallon of Polk
H-1965	S.F.	165	Fallon of Polk
H-1966	S.F.	165	Lensing of Johnson
H-1967	S.F.	165	Frevert of Palo Alto
H-1968	S.F.	165	Lensing of Johnson

H-1969	S.F.	165	Petersen of Polk
H-1970	S.F.	165	Petersen of Polk
H-1971	S.F.	165	Mascher of Johnson
H-1972	S.F.	165	Fallon of Polk O'Brien of Boone
H-1973	S.F.	165	Greimann of Story
H-1974	S.F.	165	Greimann of Story
H-1975	S.F.	165	Fallon of Polk
H-1976	S.F.	165	Bukta of Clinton
H-1977	S.F.	165	Fallon of Polk Bukta of Clinton
H-1978	S.F.	165	Mascher of Johnson
H-1980	H.F.	751	Dotzler of Black Hawk Winckler of Scott Hatch of Polk Jochum of Dubuque
H-1981	H.F.	755	Gipp of Winneshiek
H-1983	H.F.	755	Brunkhorst of Bremer
H-1984	H.F.	637	Senate Amendment
H-1985	H.F.	755	Millage of Scott
H-1986	H.F.	751	Dotzler of Black Hawk Winckler of Scott Hatch of Polk Jochum of Dubuque
H-1988	H.F.	755	Grundberg of Polk
H-1989	H.F.	751	Jenkins of Black Hawk
H-1990	H.F.	755	Millage of Scott
H-1991	H.F.	755	Millage of Scott
H-1993	H.F.	755	Millage of Scott
H-1994	H.F.	714	Senate Amendment

On motion by Rants of Woodbury the House adjourned at 10:32 p.m., until 8:45 a.m., Friday, May 4, 2001.

JOURNAL OF THE HOUSE

One Hundred Seventeenth Calendar Day - Eighty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, May 4, 2001

The House met pursuant to adjournment at 8:50 a.m., Barry of Harrison in the chair.

Prayer was offered by the Honorable David Johnson, state representative from Osceola County.

The Journal of Thursday, May 3, 2001 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hoffman of Crawford and Hoversten of Woodbury on request of Rants of Woodbury; Larkin of Lee, until his arrival, and Schrader of Marion, until his arrival, on request of May of Worth; Tyrrell of Iowa, until his arrival, on request of Boddicker of Cedar.

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 May 3, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 745, a bill for an act regulating foot and mouth disease and providing an effective date.

Also: That the Senate has on May 3, 2001, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 480, a bill for an act directing the department of education to establish a task force to conduct a comprehensive review of the licensing of community college faculty.

Also: That the Senate has on May 3, 2001, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 515, a bill for an act providing for the crossing of railroad rights-of-way by public utilities, and providing applicability dates.

Also: That the Senate has on May 3, 2001, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 22, a concurrent resolution requesting the legislative council to authorize the personal privacy issues study committee to continue deliberations during the 2001 legislative interim.

Also: That the Senate has on May 3, 2001, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 29, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 State Quarters Program, and to direct the commission to develop designs incorporating the Iowa State Capitol as a symbol for the state of Iowa.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF HOUSE RESOLUTION 36

Smith of Marshall and Richardson of Warren called up for consideration **House Resolution 36**, a resolution honoring James "Jim" Freeman, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Smith of Marshall introduced to the House, Jimmy Freeman who addressed the House briefly.

The House rose and expressed its welcome.

CONSIDERATION OF BILLS

Unfinished Business Calendar

Senate File 393, a bill for an act relating to a petition to the court for a hearing on a criminal defendant's restitution plan, with report of committee recommending passage, was taken up for consideration.

Shey 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. 393)

The ayes were, 87:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Falck	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Heaton	Horbach	Houser	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, T.	Teig	Tremmel
Tymeson	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Witt	Barry,	
		Presiding	

The nays were, none.

Absent or not voting, 13:

Chiodo	Hansen	Hatch	Hoffman
Hoversten	Larkin	Quirk	Schrader
Siegrist, Spkr.	Taylor, D.	Tyrrell	Winckler
Wise			

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

SENATE AMENDMENT CONSIDERED

Sukup of Franklin called up for consideration **House File 714**, a bill for an act relating to a community renewal initiative by establishing a community development program to provide tax credits for income tax, franchise tax, premiums tax, and moneys and credits tax for businesses contributing to community development projects to aid certain neighborhoods and communities or contributing to child care benefits for employees and including effective and applicability date provisions, amended by the Senate, and moved that the House concur in the following Senate amendment H-1994:

H-1994

- 1 Amend House File 714, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 16 through 23, and
- 4 inserting the following: "programs, training for the
- 5 physically or mentally challenged, and other
- 6 educational programs deemed beneficial to the
- 7 participants."

A non-record roll call was requested.

The ayes were 48, nays 34.

The motion prevailed and the House concurred in the Senate amendment H-1994.

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. 714)

The ayes were, 61:

Alons	Arnold	Atteberry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Carroll
Chiodo	Cohoon	De Boef	Dix
Dolecheck	Drake	Eddie	Eichhorn
Elgin	Finch	Gipp	Grundberg
Hahn	Hansen	Heaton	Horbach
Houser	Huseman	Huser	Jacobs
Jenkins	Johnson	Kettering	Klemme
Larson	Manternach	May	Mertz
Metcalf	Millage	O'Brien	Petersen
Raecker	Rants	Rayhons	Rekow
Roberts	Seng	Shey	Sievers
Sukup	Teig	Tymeson	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wise
Barry,			
Presiding			

The nays were, 30:

Bell	Bukta	Connors	Cormack
Dotzler	Falck	Fallon	Foege

Ford	Frevert	Garman	Greimann
Hatch	Jochum	Kreiman	Kuhn
Lensing	Mascher	Murphy	Myers
Osterhaus	Reynolds	Richardson	Scherrman
Shoultz	Smith	Stevens	Taylor, T.
Tremmel	Witt		

Absent or not voting, 9:

Hoffman	Hoversten	Larkin	Quirk
Schrader	Siegrist, Spkr.	Taylor, D.	Tyrrell
Winckler			

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 714** and **Senate File 393**.

Ways and Means Calendar

Senate File 520, a bill for an act relating to the property tax exemption for methane gas and other gas conversion property and providing a retroactive applicability date and an effective date, with report of committee recommending passage, was taken up for consideration.

Shey 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. 520)

The ayes were, 87:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Falck	Fallon
Finch	Foege	Ford	Frevert

Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Horbach	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Kettering
Klemme	Kuhn	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Raecker
Rants	Rayhons	Rekow	Reynolds
Roberts	Scherrman	Seng	Shey
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wise	Witt	Barry,	
		Presiding	

The nays were, 1:

Kreiman

Absent or not voting, 12:

Hoffman	Houser	Hoversten	Larkin
Quirk	Richardson	Schrader	Siegrist, Spkr.
Sievers	Sukup	Tyrrell	Winckler

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

ADOPTION OF HOUSE RESOLUTION 45

Ford of Polk called up for consideration **House Resolution 45**, a resolution designating June 16, 2001, as Juneteenth National Freedom Day, and moved its adoption.

The motion prevailed and the resolution was adopted.

Senate File 523, a bill for an act relating to the size of an estate that may be distributed by affidavit, making related inheritance tax changes, and providing for the Act's applicability, with report of committee recommending passage, was taken up for consideration.

Shey 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. 523)

The ayes were, 87:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boguess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cphoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Falck	Fallon
Finch	Foege	Ford	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Horbach
Houser	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Kettering
Klemme	Kreiman	Kuhn	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Raecker
Rants	Rayhons	Rekow	Reynolds
Richardson	Roberts	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Van Engelenhoven	Warnstadt	Weidman
Wise	Witt	Barry,	
		Presiding	

The nays were, none.

Absent or not voting, 13:

Heaton	Hoffman	Hoversten	Larkin
Larson	Quirk	Scherrman	Schrader
Siegrist, Spkr.	Sukup	Tyrell	Van Fossen
Winckler			

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

Appropriations Calendar

House File 755, a bill for an act relating to public expenditure and regulatory matters, making and reducing appropriations, and including effective date and retroactive applicability provisions, was taken up for consideration.

The House stood at ease at 9:40 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 755 at 10:17 a.m., Barry of Harrison in the chair.

Millage of Scott offered the following amendment H-1991 filed by him and moved its adoption:

H-1991

- 1 Amend House File 755 as follows:
- 2 1. Page 1, by striking lines 21 through 25 and
- 3 inserting the following:
- 4 "Sec. ____ GENERAL ASSEMBLY. The budgets approved
- 5 pursuant to section 2.12 for the expenses of the
- 6 general assembly and legislative agencies for the
- 7 fiscal year beginning July 1, 2001, and ending June
- 8 30, 2002, are reduced by the following amount:"

Amendment H-1991 was adopted.

Horbach of Tama offered the following amendment H-1998 filed by him from the floor and moved its adoption:

H-1998

- 1 Amend House File 755 as follows:
- 2 1. Page 1, line 26, by striking the figure
- 3 "1,550,324" and inserting the following: "1,575,324".
- 4 2. Page 4, by striking lines 11 through 17.
- 5 3. By renumbering as necessary.

Amendment H-1998 lost.

Wise of Lee offered the following amendment H-1959 filed by him and moved its adoption:

H-1959

- 1 Amend House File 755 as follows:
- 2 1. Page 2, by striking lines 29 through 35.

Roll call was requested by Wise of Lee and Brunkhorst of Bremer.

Rule 75 was invoked.

On the question "Shall amendment H-1959 be adopted?"
(H.F. 755)

The ayes were, 43:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Fallon	Foege	Ford	Frevert
Garman	Greimann	Hatch	Huser
Jochum	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Mertz
Murphy	Myers	O'Brien	Osterhaus
Petersen	Reynolds	Richardson	Scherrman
Seng	Shoultz	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise	Witt	

The nays were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Gipp	Grundberg	Hahn	Hansen
Heaton	Horbach	Houser	Huseman
Jacobs	Jenkins	Johnson	Kettering
Klemme	Larson	Manternach	Metcalf
Millage	Raecker	Rants	Rayhons
Rekow	Roberts	Shey	Siegrist, Spkr.
Sievers	Sukup	Teig	Tymeson
Van Engelenhoven	Van Fossen	Weidman	Barry, Presiding

Absent or not voting, 5:

Hoffman	Hoversten	Quirk	Schrader
Tyrrell			

Amendment H-1959 lost.

Foege of Linn offered the following amendment H-1943 filed by him and moved its adoption:

H-1943

- 1 Amend House File 755 as follows:
- 2 1. Page 2, by striking lines 13 through 28.

Amendment H-1943 lost.

Winckler of Scott offered the following amendment H-1941 filed by her and moved its adoption:

H-1941

- 1 Amend House File 755 as follows:
- 2 1. Page 3, by striking lines 1 through 13.

Roll call was requested by Winckler of Scott and Wise of Lee.

On the question "Shall amendment H-1941 be adopted?"
(H.F. 755)

The ayes were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Fallon	Foege	Ford	Frevert
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Myers
O'Brien	Osterhaus	Petersen	Reynolds
Richardson	Scherrman	Seng	Shoultz
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

The nays were, 50:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Gipp	Grundberg	Hahn	Hansen
Heaton	Horbach	Huseman	Jacobs
Jenkins	Johnson	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Siegrist, Spkr.	Sievers
Teig	Tymeson	Van Engelenhoven	Van Fossen
Weidman	Barry,		
	Presiding		

Absent or not voting, 8:

Garman	Hoffman	Houser	Hoversten
Murphy	Quirk	Schrader	Tyrrell

Amendment H-1941 lost.

Foege of Linn offered the following amendment H-1942 filed by him and moved its adoption:

H-1942

- 1 Amend House File 755 as follows:
- 2 1. Page 3, by striking lines 14 through 23.

Amendment H-1942 lost.

Scherrman of Dubuque offered amendment H-1961 filed by Scherrman, et al., as follows:

H-1961

- 1 Amend House File 755 as follows:
- 2 1. Page 3, by striking lines 24 through 30.

Millage of Scott offered the following amendment H-1990, to amendment H-1961, filed by him and moved its adoption:

H-1990

- 1 Amend the amendment, H-1961, to House File 755, as
- 2 follows:
- 3 1. Page 1, line 2, by striking the figure "30."
- 4 and inserting the following: "30 and inserting the
- 5 following:
- 6 "Sec. ____ NONPUBLIC SCHOOL TRANSPORTATION.
- 7 Notwithstanding the standing appropriation in section
- 8 285.2, the amount appropriated from the general fund
- 9 of the state under section 285.2 to the department of
- 10 education for the fiscal year beginning July 1, 2001,
- 11 and ending June 30, 2002, shall be the following
- 12 amount:
- 13 \$ 7,645,000
- 14 If total approved claims for reimbursement for
- 15 nonpublic school pupil transportation claims exceed
- 16 the amount appropriated in this section, the
- 17 department of education shall prorate the amount of
- 18 each claim."

Roll call was requested by Chiodo of Polk and Brunkhorst of Bremer.

Rule 75 was invoked.

On the question "Shall amendment H-1990 to amendment H-1961 be adopted?" (H.F. 755)

The ayes were, 51:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Grundberg	Hahn
Hansen	Heaton	Horbach	Houser
Huseman	Jacobs	Jenkins	Johnson
Kettering	Klemme	Larson	Metcalf
Millage	Raecker	Rants	Rayhons
Rekow	Shey	Siegrist, Spkr.	Sievers
Stevens	Teig	Tymeson	Van Engelenhoven
Van Fossen	Weidman	Barry,	
		Presiding	

The nays were, 43:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Dotzler	Falck	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Manternach
Mascher	May	Mertz	Murphy
Myers	O'Brien	Osterhaus	Petersen
Reynolds	Richardson	Roberts	Scherrman
Seng	Shoultz	Smith	Sukup
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise	Witt	

Absent or not voting, 6:

Connors	Hoffman	Hoversten	Quirk
Schrader	Tyrrell		

Amendment H-1990 was adopted.

On motion by Scherrman of Dubuque amendment H-1961, as amended, was adopted.

Mascher of Johnson offered the following amendment H-1939 filed by her and moved its adoption:

H-1939

- 1 Amend House File 755 as follows:
- 2 1. Page 4, line 2, by striking the figure
- 3 "2,000,000" and inserting the following: "580,100".

Roll call was requested by Wise of Lee and Brunkhorst of Bremer.

On the question "Shall amendment H-1939 be adopted?"
(H.F. 755)

The ayes were, 45:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Fallon	Foege	Ford	Frevert
Garman	Greimann	Hatch	Huser
Jochum	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Mertz
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Reynolds	Richardson
Scherrman	Seng	Shoultz	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise
Witt			

The nays were, 51:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Gipp	Grundberg	Hahn	Hansen
Heaton	Horbach	Houser	Huseman
Jacobs	Jenkins	Johnson	Kettering
Klemme	Larson	Manternach	Metcalf
Millage	Raecker	Rants	Rayhons
Rekow	Roberts	Shey	Siegrist, Spkr.
Sievers	Teig	Tymeson	Van Engelenhoven
Van Fossen	Weidman	Barry,	
		Presiding	

Absent or not voting, 4:

Hoffman	Hoversten	Schrader	Tyrrell
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Amendment H-1939 lost.

Fallon of Polk offered the following amendment H-1963 filed by Fallon, et al., and moved its adoption:

H-1963

- 1 Amend House File 755 as follows:
- 2 1. Page 4, by striking lines 3 through 10.

Roll call was requested by Fallon of Polk and Brunkhorst of Bremer.

Rule 75 was invoked.

On the question "Shall amendment H-1963 be adopted?" (H.F. 755)

The ayes were, 46:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Cormack	Dotzler
Eichhorn	Falck	Fallon	Foege
Ford	Frevert	Greimann	Hatch
Huser	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Mertz	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Reynolds
Richardson	Scherrman	Seng	Shoultz
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

The nays were, 49:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carroll	De Boef
Dix	Dolecheck	Drake	Eddie
Elgin	Finch	Garman	Gipp
Hahn	Hansen	Heaton	Horbach
Houser	Huseman	Jacobs	Jenkins
Johnson	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Siegrist, Spkr.	Sievers	Teig
Tymeson	Van Engelenhoven	Van Fossen	Weidman
Barry,			
Presiding			

Absent or not voting, 5:

Grundberg	Hoffman	Hoversten	Schrader
Tyrrell			

Amendment H-1963 lost.

Gipp of Winneshiek offered the following amendment H-1981 filed by him and moved its adoption:

H-1981

- 1 Amend House File 755 as follows:
- 2 1. Page 5, by inserting after line 33, the
- 3 following:
- 4 "Sec. 75. 2000 Iowa Acts, chapter 1077, section
- 5 111, is amended to read as follows:
- 6 SEC. 111. EFFECTIVE DATE. Section 87 of this Act
- 7 amending section 411.1, subsection 10, and section 94
- 8 of this Act, amendment section 411.5, subsection 8,
- 9 take effect July 1, 2001 2002.
- 10 Sec. ____ EFFECTIVE DATE. Section 75 of this
- 11 division of this Act, being deemed of immediate
- 12 importance, takes effect upon enactment."

Amendment H-1981 was adopted.

Millage of Scott offered the following amendment H-1983 filed by Brunkhorst of Bremer and moved its adoption:

H-1983

- 1 Amend House File 755 as follows:
- 2 1. Page 8, lines 22 and 23, by striking the words
- 3 "department of justice" and inserting the following:
- 4 "treasurer of state".

Amendment H-1983 was adopted.

Speaker Siegrist in the chair at 12:49 p.m.

Warnstadt of Woodbury offered the following amendment H-1940 filed by him and moved its adoption:

H-1940

- 1 Amend House File 755 as follows:
- 2 1. Page 9, by striking lines 9 through 14.

Amendment H-1940 lost.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-1962 filed by him on May 3, 2001.

Rants of Woodbury asked and received unanimous consent to temporarily defer House File 755.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Siegrist 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 First Regular Session of the Seventy-ninth General Assembly were presented to the following Pages by Speaker Siegrist, Majority Leader Christopher Rants of Woodbury and Minority Leader Dick Myers of Johnson:

Juliana Anderson
Joni Marie Carroll
Brian Christensen
Alicia Cotton
Robert Donahoo
Laura Genz
Autumn Griffieon
Peter Iversen
Mary June Jackson
Natasha Kerns
Sarah Knepper
Brandie Koopman

Amanda Loder
Debra Lorimor
Kyle McCullough
Latha Mietzner
Bob Nitz
Andrea Pratt
Hannah Roberts
Teresa Rottinghaus
Matthew Sease
Heather Sellers
Kaitlyn Weltha

The House resumed consideration of House File 755.

Mertz of Kossuth offered the following amendment H-2002 filed by her from the floor and moved its adoption:

H-2002

- 1 Amend House File 755 as follows:
- 2 1. Page 9, by striking lines 15 through 20.
- 3 2. Page 11, by striking lines 2 through 4.

Roll call was requested by Myers of Johnson and Brunkhorst of Bremer.

Rule 75 was invoked.

On the question "Shall amendment H-2002 be adopted?"
(H.F. 755)

The ayes were, 44:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Drake
Falck	Fallon	Ford	Frevert
Greimann	Hatch	Huser	Jochum
Kettering	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Mertz
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Rayhons	Reynolds
Richardson	Scherrman	Seng	Smith
Stevens	Taylor, D.	Teig	Tremmel
Warnstadt	Winckler	Wise	Witt

The nays were, 49:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dix	Dolecheck
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Grundberg	Hahn
Hansen	Heaton	Horbach	Houser
Huseman	Jacobs	Jenkins	Johnson
Klemme	Larson	Manternach	Metcalf
Millage	Raecker	Rants	Rekow
Roberts	Shey	Sievers	Sukup
Tymeson	Van Engelenhoven	Van Fossen	Weidman
Mr. Speaker			
Siegrist			

Absent or not voting, 7:

Foege	Hoffman	Hoversten	Schrader
Shoultz	Taylor, T.	Tyrrell	

Amendment H-2002 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

T. Taylor of Linn on request of Myers of Johnson.

Grundberg of Polk offered the following amendment H-1988 filed by her and moved its adoption:

H-1988

1 Amend House File 755 as follows:

2 1. Page 9, by inserting after line 20, the
3 following:

4 "Sec. __. Section 257.6, subsection 3, unnumbered
5 paragraph 1, as amended by 2001 Iowa Acts, House File
6 643, section 6, if enacted, is amended to read as
7 follows:

8 A school district shall determine its additional
9 enrollment because of special education, as defined in
10 this section, ~~on~~ by November 1 of each year and shall
11 certify its additional enrollment because of special
12 education to the department of education by November
13 15 of each year, and the department shall promptly
14 forward the information to the department of
15 management.

16 Sec. __. Section 257.6, subsection 5, unnumbered
17 paragraph 1, as amended by 2001 Iowa Acts, House File
18 643, section 7, if enacted, is amended to read as
19 follows:

20 Weighted enrollment is the budget enrollment plus
21 the district's additional enrollment because of
22 special education calculated ~~on~~ by November 1 of the
23 base year plus additional pupils added due to the
24 application of the supplementary weighting."

25 2. Page 10, by inserting after line 24 the
26 following:

27 "Sec. __. Section 273.22, subsection 5, as
28 amended by 2001 Iowa Acts, House File 674, section 4,
29 if enacted, is amended to read as follows:

30 5. The board of directors of a school district
31 that is contiguous to a newly reorganized area
32 education agency may petition the board of directors
33 of ~~a contiguous~~ their current area education agency
34 and the newly reorganized area education agency to
35 join that the newly reorganized area education agency.
36 ~~If the contiguous both~~ area education agency board
37 ~~approves~~ boards approve the petition, the
38 reorganization shall take effect on July 1 of the
39 school year following approval of the petition by the
40 state board. A school district may appeal to the
41 state board the decision of an area education agency
42 board to deny the school district's petition.

43 Sec. __. Section 273.22, as amended by 2001 Iowa
44 Acts, House File 674, section 4, if enacted, is
45 amended by adding the following new subsection:
46 NEW SUBSECTION. 6. The board of directors of a
47 school district that is within a newly reorganized
48 area education agency and whose school district was
49 contiguous to another area education agency prior to
50 the reorganization, may petition the board of

Page 2

1 directors of the newly reorganized area education
2 agency and the contiguous area education agency to
3 join that area education agency. If both area
4 education agency boards approve the petition, the
5 reorganization shall take effect on July 1 of the
6 school year following approval of the petition by the
7 state board. A school district may appeal to the
8 state board the decision of an area education agency
9 board to deny the school district's petition.
10 Sec. ____ Section 299.8, as amended by 2001 Iowa
11 Acts, House File 643, section 16, if enacted, is
12 amended to read as follows:
13 299A.8 DUAL ENROLLMENT.
14 If a parent, guardian, or legal custodian of a
15 child who is receiving competent private instruction
16 under this chapter or a child over compulsory age who
17 is receiving private instruction submits a request,
18 the child shall also be registered in a public school
19 for dual enrollment purposes. If the child is
20 enrolled in a public school district for dual
21 enrollment purposes, the child shall be permitted to
22 participate in any academic activities in the district
23 and shall also be permitted to participate on the same
24 basis as public school children in any extracurricular
25 activities available to children in the child's grade
26 or group, and the parent, guardian, or legal custodian
27 shall not be required to pay the costs of any annual
28 evaluation under this chapter. If the child is
29 enrolled for dual enrollment purposes, the child shall
30 be included in the public school's basic enrollment
31 under section 257.6. A pupil who is participating
32 only in extracurricular activities shall be counted
33 under section 257.6, subsection 1, paragraph "f". A
34 pupil enrolled in grades nine through twelve under
35 this section shall be counted in the same manner as a
36 shared-time pupil under section 257.6, subsection 1,
37 paragraph "c".

Amendment H-1988 was adopted.

Heaton of Henry offered the following amendment H-2000 filed by him and Hatch of Polk from the floor and moved its adoption:

H-2000

1 Amend House File 755 as follows:
2 1. Page 9, by inserting before line 21, the
3 following:
4 "Sec. ____ MENTAL ILLNESS SPECIAL SERVICES. For

- 5 the fiscal year beginning July 1, 2001, and ending
6 June 30, 2002, it is the intent of the general
7 assembly that the Iowa finance authority shall provide
8 \$121,220 from funding available to the authority to be
9 used for mental illness special services.
10 1. The Iowa finance authority shall use the
11 funding to continue the financing for existing
12 community-based facilities and the financing for the
13 development of affordable community-based housing
14 facilities as funded pursuant to 2000 Iowa Acts,
15 chapter 1228, section 22. The department of human
16 services shall assure that clients are referred to the
17 housing as it is developed.
18 2. The purpose of the financing is to provide
19 funds for construction and start-up costs to develop
20 community living arrangements to provide for persons
21 with mental illness who are homeless. These funds may
22 be used to match federal Stewart B. McKinney Homeless
23 Assistance Act grant funds."
24 2. By renumbering as necessary.

Amendment H-2000 was adopted.

Petersen of Polk asked and received unanimous consent to withdraw amendment H-2004 filed by her, Greimann of Story and Kreiman of Davis from the floor.

Huser of Polk offered amendment H-2007 filed by her from the floor as follows:

H-2007

- 1 Amend House File 755 as follows:
2 1. Page 9, by inserting after line 20, the
3 following:
4 "Sec. ____ Section 8.57, Code 2001, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 6. a. A volunteer fire fighters
7 and emergency responders fund is created under the
8 authority of the department of management. The fund
9 shall consist of appropriations made to the fund and
10 transfers of interest, earnings, and moneys from other
11 funds as provided by law. The fund shall be separate
12 from the general fund of the state and the balance in
13 the fund shall not be considered part of the balance
14 of the general fund of the state. However, the fund
15 shall be considered a special account for the purposes
16 of section 8.53, relating to generally accepted
17 accounting principles.
18 b. Moneys in the volunteer fire fighters and

19 emergency responders fund are not subject to section
20 8.33. Notwithstanding section 12C.7, subsection 2,
21 interest or earnings on moneys in the fund shall be
22 credited to the fund.

23 c. Moneys in the volunteer fire fighters and
24 emergency responders fund in a fiscal year shall be
25 used for all of the following:

26 (1) To provide pensions for qualified volunteer
27 fire fighters and volunteer emergency response
28 personnel.

29 (2) To offset the costs of an income tax credit or
30 deduction for volunteer fire fighters and volunteer
31 emergency response personnel.

32 (3) To provide training and equipment to local
33 volunteer fire departments and volunteer emergency
34 responders.

35 The state fire service and emergency response
36 council shall prepare a plan for expenditure of the
37 moneys deposited in the fund. Moneys in the fund are
38 subject to appropriation by the general assembly.

39 d. For the fiscal year beginning July 1, 2002, and
40 for each fiscal year thereafter, not more than the
41 amount of premium tax receipts collected pursuant to
42 section 432.1, subsection 2, in the fiscal year
43 beginning July 1, 2001, shall be deposited in the
44 general fund of the state. The total premium tax
45 receipt moneys in excess of the moneys deposited in
46 the general fund of the state in a fiscal year shall
47 be deposited in the volunteer fire fighters and
48 emergency responders fund and shall be used as
49 provided in this subsection.

50 Sec. ____ Section 8.58, Code 2001, is amended to

Page 2

1 read as follows:

2 8.58 EXEMPTION FROM AUTOMATIC APPLICATION.

3 To the extent that moneys appropriated under
4 section 8.57 do not result in moneys being credited to
5 the general fund under section 8.55, subsection 2,
6 moneys appropriated under section 8.57 and moneys
7 contained in the cash reserve fund, rebuild Iowa
8 infrastructure fund, environment first fund, volunteer
9 fire fighters and emergency responders fund, and Iowa
10 economic emergency fund shall not be considered in the
11 application of any formula, index, or other statutory
12 triggering mechanism which would affect
13 appropriations, payments, or taxation rates, contrary
14 provisions of the Code notwithstanding.

15 To the extent that moneys appropriated under
16 section 8.57 do not result in moneys being credited to
17 the general fund under section 8.55, subsection 2,

18 moneys appropriated under section 8.57 and moneys
19 contained in the cash reserve fund, rebuild Iowa
20 infrastructure fund, environment first fund, volunteer
21 fire fighters and emergency responders fund, and Iowa
22 economic emergency fund shall not be considered by an
23 arbitrator or in negotiations under chapter 20.
24 Sec. ____ Section 100B.2, Code 2001, is amended by
25 adding the following new subsection:
26 NEW SUBSECTION. 9. Prepare a plan for expenditure
27 of moneys from the volunteer fire fighter and
28 emergency responders fund created in section 8.57."

Millage of Scott rose on a point of order that amendment H-2007 was not germane.

The Speaker ruled the point well taken and amendment H-2007 not germane.

Kreiman of Davis offered the following amendment H-1960 filed by him and Arnold of Lucas and moved its adoption:

H-1960

1 Amend House File 755 as follows:
2 1. Page 10, by inserting after line 24, the
3 following:
4 "Sec. 100. Section 427.1, subsection 19, Code
5 2001, as amended by 2001 Iowa Acts, Senate File 514,
6 is amended by adding the following new unnumbered
7 paragraph:
8 NEW UNNUMBERED PARAGRAPH. For purposes of
9 establishing the valuation limitation under this
10 subsection, if more than one person has an ownership
11 interest in the property, the multiple owners shall be
12 considered one owner so that the two hundred thousand
13 dollar limitation cannot be exceeded as a result of
14 multiple ownership. For purposes of applying the
15 valuation limitation to multiple properties owned by
16 the same person, the two hundred thousand dollar
17 limitation shall apply per owner on a statewide
18 basis."
19 2. Page 11, by inserting after line 1, the
20 following:
21 "Sec. ____ CONTINGENT EFFECTIVE DATE. Section 100
22 of this Act shall take effect only if 2001 Iowa Acts,
23 Senate File 514 is enacted without adoption of
24 amendment H-1883 or, in the alternative, Senate File
25 514 is enacted without adoption of H-1914 to amendment
26 H-1897 to Senate File 514."

Amendment H-1960 was adopted.

Boal of Polk asked and received unanimous consent to withdraw amendment H-2005 filed by her, Finch of Story and Grundberg of Polk from the floor.

Hatch of Polk asked and received unanimous consent to withdraw amendment H-1955 filed by him on May 3, 2001.

Boal of Polk offered amendment H-2008 filed by her, Finch of Story and Grundberg of Polk from the floor as follows:

H-2008

1 Amend House File 755 as follows:
2 1. Page 10, by inserting after line 24, the
3 following:
4 "Sec. 150. Section 403.19, subsection 2, Code
5 2001, is amended to read as follows:
6 2. That portion of the taxes each year in excess
7 of such amount shall be allocated to and when
8 collected be paid into a special fund of the
9 municipality to pay the principal of and interest on
10 loans, moneys advanced to, or indebtedness, whether
11 funded, refunded, assumed, or otherwise, including
12 bonds issued under the authority of section 403.9,
13 subsection 1, incurred by the municipality to finance
14 or refinance, in whole or in part, an urban renewal
15 project within the area, and to provide assistance for
16 low and moderate income family housing as provided in
17 section 403.22, except that taxes for the regular and
18 voter-approved physical plant and equipment levy of a
19 school district imposed pursuant to section 298.2 and
20 taxes for the payment of bonds and interest of each
21 taxing district must be collected against all taxable
22 property within the taxing district without limitation
23 by the provisions of this subsection. However, all or
24 a portion of the taxes for the physical plant and
25 equipment levy shall be paid by the school district to
26 the municipality if the ~~municipality~~ auditor certifies
27 to the school district by July 1 the amount of such
28 levy that is necessary to pay the principal and
29 interest on ~~indebtedness incurred~~ bonds issued by the
30 municipality to finance an urban renewal project,
31 which indebtedness was incurred bonds were issued
32 before July 1, 2000 2001. Indebtedness incurred to
33 refund bonds issued prior to July 1, 2001, shall not
34 be included in the certification. Such school
35 district shall pay over the amount certified by

36 November 1 and May 1 of the fiscal year following
37 certification to the school district. Unless and
38 until the total assessed valuation of the taxable
39 property in an urban renewal area exceeds the total
40 assessed value of the taxable property in such area as
41 shown by the last equalized assessment roll referred
42 to in subsection 1, all of the taxes levied and
43 collected upon the taxable property in the urban
44 renewal area shall be paid into the funds for the
45 respective taxing districts as taxes by or for the
46 taxing districts in the same manner as all other
47 property taxes. When such loans, advances,
48 indebtedness, and bonds, if any, and interest thereon,
49 have been paid, all moneys thereafter received from
50 taxes upon the taxable property in such urban renewal

Page 2

1 area shall be paid into the funds for the respective
2 taxing districts in the same manner as taxes on all
3 other property.
4 Sec. 151. Section 403.19, Code 2001, is amended by
5 adding the following new subsection:
6 **NEW SUBSECTION. 7.** For any fiscal year, a
7 municipality may certify to the county auditor for
8 physical plant and equipment revenue necessary for
9 payment of principal and interest on bonds issued
10 prior to July 1, 2001, only if the municipality
11 certified for such revenue for the fiscal year
12 beginning July 1, 2001. A municipality shall not
13 certify to the county auditor for a school district
14 more than the amount the municipality certified for
15 the fiscal year beginning July 1, 2001. If for any
16 fiscal year a municipality fails to certify to the
17 county auditor for a school district by July 1 the
18 amount of physical plant and equipment revenue
19 necessary for payment of principal and interest on
20 such bonds, as provided in subsection 2, the school
21 district is not required to pay over the revenue to
22 the municipality. If a school district and a
23 municipality are unable to agree on the amount of
24 physical plant and equipment revenue certified by the
25 municipality for the fiscal year beginning July 1,
26 2002, either party may request that the state appeal
27 board review and finally pass upon the amount that may
28 be certified. Such appeals must be presented in
29 writing to the state appeal board no later than July
30 31 following certification. The burden shall be on
31 the municipality to prove that the physical plant and
32 equipment levy revenue is necessary to pay principal
33 and interest on bonds issued prior to July 1, 2001. A
34 final decision must be issued by the state appeal

35 board no later than the following October 1."
36 2. Page 11, by inserting after line 1, the
37 following:
38 "Sec. ____ EFFECTIVE AND APPLICABILITY DATES.
39 Sections 150 and 151 of this division of this Act,
40 being deemed of immediate importance, take effect upon
41 enactment and apply to property taxes due and payable
42 in fiscal years beginning on or after July 1, 2002."

Huser of Polk rose on a point of order that amendment H-2008 was not germane.

The Speaker ruled the point well taken and amendment H-2008 not germane.

Boal of Polk asked for unanimous consent to suspend the rules to consider amendment H-2008.

Objection was raised.

Boal of Polk moved to suspend the rules to consider amendment H-2008.

A non-record roll call was requested.

The ayes were 51, nays 39.

The motion to suspend the rules prevailed.

On motion by Boal of Polk amendment H-2008 was adopted.

Millage of Scott offered the following amendment H-1946 filed by him and moved its adoption:

H-1946

- 1 Amend House File 755 as follows:
- 2 1. Page 11, by striking lines 2 through 4.
- 3 2. By renumbering as necessary.

Amendment H-1946 was adopted.

Raecker of Polk asked and received unanimous consent to withdraw amendment H-2003 filed by him from the floor.

Millage of Scott asked and received unanimous consent to withdraw amendment H-1985 filed by him on May 3, 2001.

Millage of Scott asked and received unanimous consent to withdraw amendment H-1993 filed by him on May 3, 2001.

Millage of Scott offered the following amendment H-2001 filed by him from the floor and moved its adoption:

H-2001:

1 Amend House File 755 as follows:

2 1. Page 16, by inserting after line 5, the
3 following:

4 "Sec.____. Section 232.21, subsection 4, Code
5 2001, as amended by 2001 Acts, Senate File 458,
6 section 5, if enacted, is amended to read as follows:
7 4. A child placed in a shelter care facility under
8 this section shall not be held for a period in excess
9 of forty-eight hours without an oral or written court
10 order authorizing the shelter care. When the action
11 is authorized by an oral court order, the court shall
12 enter a written order before the end of the next day
13 confirming the oral order and indicating the reasons
14 for the order. A child placed in shelter care
15 pursuant to section 232.19, subsection 1, paragraph
16 "c", shall not be held in excess of seventy-two hours
17 in any event. If deemed appropriate by the court, an
18 order authorizing shelter care placement may include a
19 determination that continuation of the child in the
20 child's home is contrary to the child's welfare and
21 that reasonable efforts as defined in section 232.57
22 have been made. The inclusion of such a determination
23 shall not under any circumstances be deemed a
24 prerequisite for entering an order pursuant to this
25 section. However, the inclusion of such a finding
26 determination, supported by the record, may assist the
27 department in obtaining federal funding for the
28 child's placement.

29 Sec.____. Section 321.113, subsection 5, paragraph
30 b, unnumbered paragraph 1, if enacted by 2001 Iowa
31 Acts, Senate File 350, section 4, is amended to read
32 as follows:

33 If the title of a 1993 model year or older motor
34 vehicle is transferred to a new owner or if such a
35 motor vehicle is brought into the state on or after
36 January 1, 2002, the registration fee shall not be
37 based on the weight and list price of the motor
38 vehicle, but shall be as follows:

39 Sec.____. Section 322B.2, subsection 4, if enacted

40 by 2001 Iowa Acts, House File 656, section 2, is
41 amended to read as follows:
42 4. "Manufactured or mobile home distributor" means
43 a person who sells or distributes manufactured or
44 mobile homes to manufactured or mobile home
45 retailers."
46 2. Page 20, by inserting after line 3, the
47 following:
48 "Sec. ____ Section 627.6, subsection 8, paragraph
49 f, subparagraph (3), Code 2001, as amended by 2001
50 Iowa Acts, House File 654, section 3, if enacted, is

Page 2

1 amended to read as follows:
2 (3) For simplified employee pension plans, self-
3 employed pension plans (also known as Keogh plans or
4 H.R. 10 plans), individual retirement accounts
5 established under section 408(a) of the Internal
6 Revenue Code, individual retirement annuities
7 established under section 408(b) of the Internal
8 Revenue Code, savings incentive matched plans for
9 employees, salary reduction simplified employee
10 pension plans (also known as SARSEPs), and similar
11 plans for retirement investments authorized in the
12 future under federal law, the exemption for
13 contributions shall not exceed, for each tax year of
14 contributions, the actual amount of the contribution
15 deducted for individual retirement accounts and
16 ~~annuities established under section 408 of the~~
17 ~~Internal Revenue Code or the maximum amount which~~
18 ~~could be contributed and deducted in the tax year of~~
19 ~~the contribution on the debtor's tax return or the~~
20 maximum amount which could be contributed to an
21 individual retirement account established under
22 section 408(a) of the Internal Revenue Code and
23 deducted in the tax year of the contribution,
24 whichever is less. The exemption for accumulated
25 earnings and market increases in value of plans under
26 this subparagraph shall be limited to an amount
27 determined by multiplying all the accumulated earnings
28 and market increases in value by a fraction, the
29 numerator of which is the total amount of exempt
30 contributions as determined by this subparagraph, and
31 the denominator of which is the total of exempt and
32 nonexempt contributions to the plan."
33 3. Page 21, line 5, by inserting after the word
34 "enacted," the following: "and Code section 322B.2,".
35 4. By renumbering as necessary.

Amendment H-2001 was adopted.

Millage 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. 755)

The ayes were, 52:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Finch	Garman	Gipp	Grundberg
Hahn	Hansen	Heaton	Horbach
Houser	Huseman	Jacobs	Jenkins
Johnson	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Sievers	Teig	Tymeson
Van Engelenhoven	Van Fossen	Weidman	Mr. Speaker
			Siegrist

The nays were, 43:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Falck
Fallon	Foege	Ford	Frevort
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Reynolds	Richardson	Scherrman
Seng	Shoultz	Smith	Stevens
Sukup	Taylor, D.	Tremmel	Warnstadt
Winckler	Wise	Witt	

Absent or not voting, 5:

Hoffman	Hoversten	Schrader	Taylor, T.
Tyrrell			

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

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that House File 755 and Senate Files 520 and 523 be immediately messaged to the Senate.

The House stood at ease at 2:00 p.m., until the fall of the gavel.

The House resumed session at 2:22 p.m., Dix of Butler in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-six members present, twenty-four absent.

Speaker Siegrist in the chair at 2:30 p.m.

Ways and Means Calendar

House File 747, a bill for an act imposing a tax rate increase from thirty percent to thirty-two percent on the adjusted gross receipts over three million dollars from gambling games conducted at racetrack enclosures and providing an effective date, was taken up for consideration.

Sievers of Scott asked and received unanimous consent that amendment H-1849 be deferred.

Raecker of Polk asked and received unanimous consent to withdraw amendment H-1851 filed by Raecker, et al., on May 1, 2001.

The following amendments were deferred by unanimous consent:

Amendment H-1854 by Raecker of Polk.

Amendment H-1856 by Fallon of Polk.

Amendments H-1861, H-1889, H-1890, H-1891, H-1892 and H-1893 by Raecker of Polk.

Amendment H-1857 by Witt of Black Hawk.

Amendment H-1858 by Fallon of Polk.

Amendment H-1859 by Garman of Story.

Brunkhorst of Bremer offered amendment H-1860 filed by him and Raecker of Polk as follows:

H-1860

1 Amend House File 747 as follows:
2 1. Page 1, by striking lines 9 and 10, and
3 inserting the following: "receipts over three million
4 dollars. However, ~~beginning January 1, 1997~~, the rate
5 of any amount of".
6 2. Page 1, line 19, by inserting after the word
7 "enactment." the following: "However, this Act shall
8 not take effect until the administrator of the state
9 racing and gaming commission has certified to the
10 secretary of state that each licensee licensed to
11 conduct gambling games at racetrack enclosures
12 pursuant to chapter 99F has agreed to prohibit all
13 financial institutions, vendors, or other persons from
14 loaning money on the licensed premises for the purpose
15 of gambling on the basis of a credit card or similar
16 instrument in person or through an electronic or
17 mechanical device including but not limited to a
18 satellite terminal as defined in section 527.2. The
19 use of check or a debit card with overdraft protection
20 shall not be prohibited by the agreement."

Rants of Woodbury asked and received unanimous consent that House File 747 be deferred and that the bill retain its place on the calendar. (Amendment H-1860 pending)

PRESENTATION OF VISITORS

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

Sixteen sixth grade students from Hull Christian, accompanied by Vivian Covey. By Alons of Sioux.

Sixty-two fifth grade students from Orange City Elementary, accompanied by Brent Sampson. By Alons of Sioux.

Third and fourth grade students from Ames Christian School. By Finch of Story.

Forty-five fifth grade students from Washington Elementary School, Fairfield, accompanied by Mrs. Leach and Mrs. Woody. By Reynolds of Van Buren.

Sixty students from Kingsley Elementary, Waterloo, accompanied by Mrs. Stevens, Mrs. Poyner and Mrs. Nyhos. By Shoultz 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.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|-----------|---|
| 2001\1135 | Eleanor Thomson, Stanwood – For celebrating her 84 th birthday. |
| 2001\1136 | Eugene and Doris Greimann, Garner – For celebrating their 65 th wedding anniversary. |
| 2001\1137 | Kenneth and Mildred Winegar, Prairie City – For celebrating their 65 th wedding anniversary. |
| 2001\1138 | Richard and Jeanne Smothers, Keota – For celebrating their 50 th wedding anniversary. |
| 2001\1139 | Robert and Margret Maule, Turin – For celebrating their 60 th wedding anniversary. |

RESOLUTIONS FILED

HCR 37, by Ford, Murphy, Brunkhorst and Broers, a concurrent resolution requesting establishment of an interim study committee by the legislative council to conduct a study of issues related to accountability and fraud in contracts or agreements between private contractors and the state of Iowa.

Laid over under **Rule 25**.

SCR 22, by Lundby, a concurrent resolution requesting the legislative council to authorize the personal privacy issues study committee to continue deliberations during the 2001 legislative interim.

Laid over under **Rule 25**.

SCR 29, by Jensen, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 State Quarters Program, and to direct the commission to develop designs incorporating the Iowa State Capitol as a symbol for the state of Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1995	H.F.	672	Carroll of Poweshiek
H-1996	H.F.	745	Senate Amendment
H-1997	S.F.	476	Carroll of Poweshiek
			Grundberg of Polk
			Wise of Lee
H-1999	S.F.	476	Connors of Polk
H-2006	S.F.	476	Dix of Butler
			Van Fossen of Scott
			Manternach of Jones
			Bradley of Clinton
			Sievers of Scott
			Sukup of Franklin
			Dolecheck of Ringgold
			Drake of Pottawattamie
			Jenkins of Black Hawk
H-2009	S.F.	165	Fallon of Polk
H-2010	S.F.	165	Fallon of Polk
H-2011	H.F.	747	Raecker of Polk
H-2012	S.F.	165	Fallon of Polk

On motion by Rants of Woodbury the House adjourned at 3:28 p.m., until 10:00 a.m., Monday, May 7, 2001.

JOURNAL OF THE HOUSE

One Hundred Twentieth Calendar Day - Eighty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, May 7, 2001

The House met pursuant to adjournment at 10:04 a.m., Barry of Harrison in the chair.

Prayer was offered by the Honorable Donna Barry, state representative from Harrison County.

The Journal of Friday, May 4, 2001 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Speaker's Page and Eagle Scout, Kyle McCullough.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jochum and Murphy of Dubuque on request of Myers of Johnson.

SENATE AMENDMENT CONSIDERED

Klemme of Plymouth called up for consideration **House File 745**, a bill for an act regulating foot and mouth disease and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-1996:

H-1996

- 1 Amend House File 745, 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 163.2, Code 2001, is amended
- 6 by adding the following new unnumbered paragraph:
- 7 **NEW UNNUMBERED PARAGRAPH.** As used in this chapter,
- 8 "foot and mouth disease" means a virus of the family
- 9 picornaviridae, genus aphthovirus, including any
- 10 immunologically distinct serotypes."

11 2. Page 1, line 20, by inserting after the word
12 "areas." the following: "This section does not
13 authorize the department to provide for the
14 destruction of personal property other than an
15 animal."

16 3. Page 2, line 10, by inserting after the figure
17 "2." the following: "a."

18 4. Page 2, line 13, by striking the letter "a."
19 and inserting the following: "(1)".

20 5. Page 2, line 18, by striking the letter "b."
21 and inserting the following: "(2)".

22 6. Page 2, by inserting after line 20, the
23 following:

24 "b. If the department confirms an outbreak of foot
25 and mouth disease in this state, the department shall
26 cooperate with the governor; federal agencies,
27 including the United States department of agriculture;
28 and state agencies, including the emergency management
29 division of the department of public defense, in order
30 to provide the public with timely and accurate
31 information regarding the outbreak. The department
32 shall cooperate with organizations representing
33 agricultural producers in order to provide all
34 necessary information to agricultural producers
35 required to control the outbreak."

36 7. Page 2, line 26, by inserting after the figure
37 "4." the following: "a."

38 8. Page 2, by inserting after line 28, the
39 following:

40 "b. Upon the request of the executive council, the
41 department shall develop and submit a plan to the
42 executive council that compensates an owner of
43 property, other than an animal, that is inadvertently
44 destroyed by the department as a result of the
45 department's regulation of activities in a quarantined
46 area. The plan shall not be implemented without the
47 approval of at least three members of the executive
48 council. The payment of the compensation under the
49 plan shall be made in the same manner as provided in
50 section 163.15. The owner may submit a claim for

Page 2

1 compensation prior to the plan's implementation. The
2 executive council may apply the plan retroactively,
3 but not earlier than the effective date of this Act."

The motion prevailed and the House concurred in the Senate amendment H-1996.

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. 745)

The ayes were, 86:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cphoon
Connors	Cormack	De Boef	Dolecheck
Dotzler	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Myers
O'Brien	Osterhaus	Petersen	Raecker
Rants	Rayhons	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Winckler	Wise
Witt	Barry,		
	Presiding		

The nays were, none.

Absent or not voting, 14:

Dix	Drake	Falck	Ford
Hansen	Houser	Jochum	Johnson
Murphy	Quirk	Shey	Shoultz
Siegrist, Spkr.	Warnstadt		

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

CONSIDERATION OF BILLS

Unfinished Business Calendar

Senate File 198, a bill for an act relating to family investment program requirements regarding the time period allowed for supported postsecondary education assistance and including an applicability provision, with report of committee recommending passage, was taken up for consideration.

Boal 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. 198)

The ayes were, 86:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dolecheck
Dotzler	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jenkins	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Myers	O'Brien
Osterhaus	Petersen	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Siegrist, Spkr.	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Winckler	Wise
Witt	Barry,		
	Presiding		

The nays were, none.

Absent or not voting, 14:

Dix	Drake	Falck	Ford
Hansen	Houser	Jacobs	Jochum

Johnson
Shoultz

Murphy
Warnstadt

Quirk

Shey

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Teig of Hamilton, until his return, on request of Eddie of Buena Vista; Shoultz of Black Hawk, until his arrival, on request of Huser of Polk.

SENATE AMENDMENT CONSIDERED

Elgin of Linn called up for consideration **House File 579**, a bill for an act relating to the administration and management of the department of personnel, previously deferred on May 1, 2001 with amendment H-1811 pending and found on pages 1699 through 1700 of the House Journal.

Division was requested as follows:

Lines 2 through 37, Division A
Lines 38 through 50 on page one, Division B
Lines 1 through 14 on page 2, Division B

Elgin of Linn moved that the House concur in the Senate amendment H-1811A.

The motion prevailed and the House concurred in the Senate amendment H-1811A.

Elgin of Linn called up for consideration Senate amendment H-1811B.

Ford of Polk offered the following amendment H-1912, to the Senate amendment H-1811B, filed by him and moved its adoption:

H-1912

- 1 Amend the Senate amendment, H-1811, to House File
- 2 579, as follows:

- 3 1. Page 1, by striking line 46 and inserting the
4 following: "the general assembly, and to nonprofit
5 minority organizations located throughout the state.
6 The report shall include".
7 2. Page 2, line 6, by inserting after the word
8 "assembly" the following: "and to nonprofit minority
9 organizations located throughout the state".
10 3. By renumbering as necessary.

Amendment H-1912 lost.

Ford of Polk offered the following amendment H-1913, to the Senate amendment H-1811B, and moved its adoption:

H-1913

- 1 Amend the Senate amendment, H-1811, to House File
2 579, as follows:
3 1. Page 1, line 49, by inserting after the word
4 "programs" the following: "and shall include the
5 number of minority workers hired by contractors for
6 construction and transportation projects for the
7 state".
8 2. Page 2, line 9, by inserting after the word
9 "programs" the following: "and shall include the
10 number of minority workers hired by contractors for
11 construction and transportation projects for the
12 state".
13 3. By renumbering as necessary.

Amendment H-1913 lost.

Elgin of Linn moved that the House concur in the Senate amendment H-1811B.

A non-record roll call was requested.

The ayes were 45, nays 39.

The House concurred in the Senate amendment H-1811B.

Elgin 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. 579)

The ayes were, 82:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cphoon
Connors	Cormack	De Boef	Dix
Dolecheck	Drake	Eddie	Eichhorn
Elgin	Finch	Foege	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Kettering	Klemme	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Myers	O'Brien	Osterhaus
Raecker	Rants	Rayhons	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Siegrist, Spkr.	Sievers
Smith	Stevens	Sukup	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Winckler	Wise
Witt	Barry,		
	Presiding		

The nays were, 7:

Dotzler	Fallon	Ford	Huser
Kreiman	Petersen	Taylor, D.	

Absent or not voting, 11:

Falck	Hansen	Houser	Jochum
Johnson	Murphy	Quirk	Shey
Shoultz	Teig	Warnstadt	

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 579** be immediately messaged to the Senate.

RULE 57 SUSPENDED

Rants of Woodbury asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on judiciary immediately upon recess.

On motion by Rants of Woodbury, the House was recessed at 11:13 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:18 p.m., Larson of Linn in the chair.

QUORUM CALL

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Falck of Fayette and Warnstadt of Woodbury, until their arrival, on request of Huser of Polk.

The House stood at ease at 1:28 p.m., until the fall of the gavel.

The House resumed session at 3:16 p.m., Dix of Butler 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 May 7, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 687, a bill for an act relating to government accountability, by providing for strategic planning, performance measurement and reporting, performance audits, performance contracting, return on investment, and oversight, and providing for its implementation.

Also: That the Senate has on May 7, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 723, a bill for an act exempting irrigation equipment from sales and use taxes, providing limited refunds, and including effective and retroactive applicability date provisions.

Also: That the Senate has on May 7, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 724, a bill for an act relating to the allocation of special fees collected from the sale of Iowa heritage license plates.

Also: That the Senate has on May 7, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 736, 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 sales and use, real estate transfer, environmental protection charge on petroleum diminution, property, motor fuel, special fuel, and inheritance taxes, and including effective and applicability date provisions.

Also: That the Senate has on May 7, 2001, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 98, a bill for an act concerning unemployment compensation by relieving unemployment compensation charges for employees who become unemployed due to a presidentially declared disaster.

Also: That the Senate has on May 7, 2001, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 516, a bill for an act establishing a small business growth initiative by adjusting the allocation to Iowa of income earned by an S corporation for purposes of the state individual income tax and including an effective and retroactive applicability date provision.

Also: That the Senate has on May 7, 2001, 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 537, a bill for an act relating to and making appropriations from the tobacco settlement endowment fund and the healthy Iowans tobacco trust, establishing certain uses for the appropriations, and providing effective dates.

MICHAEL E. MARSHALL, Secretary

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.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 413, a bill for an act making an appropriation and establishing a teacher compensation reform and student achievement savings account fund, was taken up for consideration.

The House stood at ease at 3:23 p.m., until the fall of the gavel.

The House resumed session at 3:50 p.m., Dix of Butler in the chair.

The House stood at ease at 3:51 p.m., until the fall of the gavel.

The House resumed session at 5:11 p.m., Speaker Siegrist 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.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Richardson of Warren on request of Myers of Johnson.

The House resumed consideration of House File 413.

Dolecheck of Ringgold offered amendment H-2025 filed by him from the floor as follows:

H-2025

1 Amend House File 413 as follows:

2 1. By striking everything after the enacting
3 clause, and inserting the following:

4 "Section 1. STUDENT ACHIEVEMENT AND TEACHER
5 QUALITY. There is appropriated from the endowment for

6 Iowa's health account of the tobacco settlement trust

7 fund established in section 12E.12, subsection 1, as

8 amended by 2001 Iowa Acts, Senate File 532, section

9 15, if enacted, to the department of education for the

10 fiscal year beginning July 1, 2001, and ending June

11 30, 2002, the following amount, or so much thereof as

12 is necessary, to be used for the purposes designated:

13 For purposes of the student achievement and teacher

14 quality program pursuant to chapter 284, as enacted by

15 2001 Iowa Acts, Senate File 476:

16 \$ 40,000,000

17 Notwithstanding section 8.33, any moneys remaining

18 unencumbered or unobligated from the appropriation

19 made in this section shall not revert but shall remain
20 available in the succeeding fiscal year for
21 expenditure for the purposes designated. The
22 provisions of section 8.39 shall not apply to the
23 funds appropriated pursuant to this section.

24 Sec.____. SURPLUS FUNDS TRANSFERRED TO THE
25 ENDOWMENT FOR IOWA'S HEALTH ACCOUNT.

26 1. Notwithstanding section 8.55, subsection 2, any
27 moneys in excess of the maximum balance in the
28 economic emergency fund after the distribution of the
29 surplus in the general fund of the state at the
30 conclusion of the fiscal year beginning July 1, 2000,
31 shall not be transferred to the general fund of the
32 state but shall be transferred to the endowment for
33 Iowa's health account of the tobacco settlement trust
34 fund. The amount transferred under this subsection
35 shall not exceed forty million dollars.

36 2. Notwithstanding section 8.55, subsection 2, any
37 moneys in excess of the maximum balance in the
38 economic emergency fund after the distribution of the
39 surplus in the general fund of the state at the
40 conclusion of the fiscal year beginning July 1, 2001,
41 shall not be transferred to the general fund of the
42 state but shall be transferred to the endowment for
43 Iowa's health account of the tobacco settlement trust
44 fund. The amount transferred under this subsection
45 shall not exceed the difference between forty million
46 dollars and the amount transferred pursuant to
47 subsection 1.

48 3. This section is contingent upon the
49 establishment of the endowment for Iowa's health
50 account of the tobacco settlement trust fund by 2001

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1 Iowa Acts, Senate File 532, if enacted.

2 Sec.____. Section 284.5, subsection 3, as enacted
3 by 2001 Iowa Acts, Senate File 476, section 6, is
4 amended to read as follows:

5 3. Notwithstanding subsection 1, a school district
6 may provide a beginning teacher mentoring and
7 induction program for all classroom teachers who are
8 beginning teachers in the school years beginning July
9 1, 2001, and July 1, 2002, and notwithstanding section
10 284.4, subsection 1, a school district is eligible to
11 receive moneys under section 284.13, subsection 1,
12 paragraph "c", for each fiscal year of the fiscal
13 period beginning July 1, 2001, and ending June 30,
14 2003, to establish a beginning teacher mentoring and
15 induction program in accordance with this section.

16 Sec.____. Section 284.7, unnumbered paragraph 1,
17 as enacted by 2001 Iowa Acts, Senate File 476, section

18 8, is amended to read as follows:

19 To promote continuous improvement in Iowa's quality
20 teaching workforce and to give Iowa teachers the
21 opportunity for career recognition that reflects the
22 various roles teachers play as educational leaders, an
23 Iowa teacher career path is established for teachers
24 employed by participating school districts. A
25 participating school district shall use funding
26 allocated under section 284.13, subsection 1,
27 paragraph "g", to raise teacher salaries to meet the
28 requirements of this section. The Iowa teacher career
29 path and salary minimums are as follows:

30 Sec. __. Section 284.7, as enacted by 2001 Iowa
31 Acts, Senate File 476, section 8, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 5. a. For the school year
34 beginning July 1, 2001, and ending June 30, 2002, if
35 the licensed employees of a school district or area
36 education agency receiving funds pursuant to section
37 284.13, subsection 1, paragraph "g" or "h", for
38 purposes of this section, are organized under chapter
39 20 for collective bargaining purposes, the board of
40 directors and the certified bargaining representative
41 for the licensed employees shall mutually agree upon a
42 formula for distributing the funds among the teachers
43 employed by the school district or area education
44 agency. However, the school district must comply with
45 the salary minimums provided for in section 284.7.
46 The parties shall follow the negotiation and
47 bargaining procedures specified in chapter 20 except
48 that if the parties reach an impasse, neither impasse
49 procedures agreed to by the parties nor sections 20.20
50 through 20.22 shall apply and the funds shall be paid

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1 as provided in paragraph "b". Negotiations under this
2 section are subject to the scope of negotiations
3 specified in section 20.9. If a board of directors
4 and the certified bargaining representative for
5 licensed employees have not reached mutual agreement
6 by July 15, 2001, for the distribution of funds
7 received pursuant to section 284.13, subsection 1,
8 paragraph "g" or "h", paragraph "b" of this subsection
9 shall apply.

10 b. If, once the minimum salary requirements of
11 section 284.7 have been met by the school district or
12 area education agency, and the school district or area
13 education agency receiving funds pursuant to section
14 284.13, subsection 1, paragraph "g" or "h", for
15 purposes of this section, and the certified bargaining
16 representative for the licensed employees have not

17 reached an agreement for distribution of the funds
18 remaining, in accordance with paragraph "a", the board
19 of directors shall divide the funds remaining among
20 full-time teachers employed by the district or area
21 education agency whose regular compensation is equal
22 to or greater than the minimum career teacher salary
23 specified in this section. The payment amount for
24 teachers employed on less than a full-time basis shall
25 be prorated.

26 c. If the licensed employees of a school district
27 or area education agency are not organized for
28 collective bargaining purposes, the board of directors
29 shall determine the method of distribution of such
30 funds.

31 Sec. __. Section 284.9, subsection 2, as enacted
32 by 2001 Iowa Acts, Senate File 476, section 10, is
33 amended to read as follows:

34 2. The department shall establish up to five
35 regional review panels consisting of five members per
36 panel. Each panel shall include, at a minimum, a
37 nationally board-certified teacher and a school
38 district administrator. Panel members shall be
39 appointed by the director and shall possess the
40 knowledge necessary to determine the quality of the
41 evidence submitted in an applicant's portfolio. Panel
42 members shall serve a staggered three-year term and
43 may be reappointed to a second term. The department
44 shall provide support and evaluation training for
45 panel members and convene panels as needed. Panel
46 members shall be reimbursed for mileage expenses
47 incurred while engaged in the performance of official
48 duties and shall receive per diem compensation by the
49 department.

50 Sec. __. Section 284.10, subsection 3, as enacted

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1 by 2001 Iowa Acts, Senate File 476, section 11, is
2 amended to read as follows:

3 3. Effective until July 1, 2004, a school district
4 shall pay be paid, from moneys allocated pursuant to
5 section 284.13, subsection 1, paragraph "d", the
6 amount of one thousand dollars for each individual who
7 is licensed as a practitioner under chapter 272 on or
8 after July 1, 2001, and who has been certified in
9 accordance with this section. The district shall
10 compensate the practitioner who achieves certification
11 not less than one thousand dollars. By October 1
12 annually, the school district shall notify the
13 department of education of the number of individuals
14 who have achieved certification in accordance with
15 this section, and shall submit any documentation

16 requested by the department.

17 Sec. ____ Section 284.11, subsection 2, as enacted
18 by 2001 Iowa Acts, Senate File 476, section 12, is
19 amended to read as follows:

20 2. All licensed practitioners employed at a
21 participating attendance center that has demonstrated
22 improvement in student achievement shall share in cash
23 awards ~~provided in accordance with this section paid~~
24 from moneys received by a school district pursuant to
25 section 284.13, subsection 1. The school district is
26 encouraged to extend cash awards to other staff
27 employed at the attendance center.

28 Sec. ____ Section 284.11, as enacted by 2001 Iowa
29 Acts, Senate File 476, section 12, is amended by
30 adding the following new subsections:

31 NEW SUBSECTION. 6. The district team-based pay
32 plan shall specify how the funding received by the
33 district for purposes of this section is to be awarded
34 to eligible staff in attendance centers that meet or
35 exceed their goals. The district shall provide all
36 attendance centers equal access to the available
37 funds. Moneys shall be released by the department to
38 the district only upon certification by the school
39 board that an attendance center has met or exceeded
40 its goals.

41 NEW SUBSECTION. 7. Moneys received for purposes
42 of this section shall not be used for payment of any
43 collective bargaining agreement or arbitrator's
44 decision negotiated or awarded under chapter 20.

45 Sec. ____ Section 284.12, subsection 3, as enacted
46 by 2001 Iowa Acts, Senate File 476, section 13, is
47 amended to read as follows:

48 3. The Subject to an appropriation of sufficient
49 funds by the general assembly, the department shall
50 provide for a comprehensive independent evaluation of

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1 all components of the student achievement and teacher
2 quality program and shall submit the results of the
3 evaluation in the report submitted pursuant to
4 subsection 2 by January 1, 2007.

5 Sec. ____ NEW SECTION. 284.13 STATE PROGRAM
6 ALLOCATION.

7 1. For each fiscal year in which moneys are
8 appropriated by the general assembly for purposes of
9 the student achievement and teacher quality program,
10 the moneys shall be allocated as follows in the
11 following priority order:

12 a. For the fiscal year beginning July 1, 2001, and
13 ending June 30, 2002, the department shall reserve up
14 to one million dollars of any moneys appropriated for

15 purposes of this chapter. For each fiscal year in
16 which moneys are appropriated by the general assembly
17 for purposes of team-based variable pay pursuant to
18 section 284.11, the amount of moneys allocated to
19 school districts shall be in the proportion that the
20 basic enrollment of a school district bears to the sum
21 of the basic enrollments of all participating school
22 districts for the budget year. However, the per pupil
23 amount distributed to a school district under the
24 pilot program shall not exceed one hundred dollars.

25 b. For the fiscal year beginning July 1, 2001, and
26 ending June 30, 2002, to the department of education,
27 the amount of one million nine hundred thousand
28 dollars for the issuance of national board
29 certification awards in accordance with section
30 256.44.

31 c. For the fiscal year beginning July 1, 2001, and
32 ending June 30, 2002, an amount up to two million four
33 hundred thousand dollars for first-year beginning
34 teachers, and for the fiscal year beginning July 1,
35 2002, and succeeding fiscal years, an amount up to
36 four million seven hundred thousand dollars for first-
37 year and second-year beginning teachers, to the
38 department of education for distribution to school
39 districts for purposes of the beginning teacher
40 mentoring and induction programs. A school district
41 shall receive one thousand three hundred dollars per
42 beginning teacher participating in the program. If
43 the funds appropriated for the program are
44 insufficient to pay mentors and school districts as
45 provided in this paragraph, the department shall
46 prorate the amount distributed to school districts
47 based upon the amount appropriated. Moneys received
48 by a school district pursuant to this paragraph shall
49 be expended to provide each mentor with an award of
50 five hundred dollars per semester, at a minimum, for

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1 participation in the school district's beginning
2 teacher mentoring and induction program; to implement
3 the plan; and to pay any applicable costs of the
4 employer's share of contributions to federal social
5 security and the Iowa public employees' retirement
6 system or a pension and annuity retirement system
7 established under chapter 294, for such amounts paid
8 by the district.

9 d. For the fiscal year beginning July 1, 2001, and
10 ending June 30, 2002, up to one million five hundred
11 thousand dollars to the department of education for
12 purposes of establishing the evaluator training
13 program, including but not limited to the development

14 of criteria models; an evaluation process; the
15 training of providers; development of a provider
16 approval process; training materials and costs; for
17 payment to practitioners under section 284.10,
18 subsection 3, and to pay any applicable costs of the
19 employer's share of contributions to federal social
20 security and the Iowa public employees' retirement
21 system or a pension and annuity retirement system
22 established under chapter 294, for such amounts paid
23 by the district; and for subsidies to school districts
24 for training costs.

25 e. For the fiscal year beginning July 1, 2001, and
26 ending June 30, 2002, up to one million five hundred
27 thousand dollars to the department of education for
28 purposes of implementing the career development
29 program requirements of section 284.6, and the review
30 panel requirements of section 284.9.

31 f. For each fiscal year in the fiscal period
32 beginning July 1, 2001, and ending June 30, 2003, up
33 to five hundred thousand dollars to the board of
34 educational examiners for the fees and costs incurred
35 in administering the Praxis II examination in
36 accordance with section 272.2.

37 g. For the fiscal year beginning July 1, 2001, and
38 ending June 30, 2002, the amount of moneys remaining
39 from funds appropriated for purposes of this chapter
40 after distribution as provided in paragraphs "a"
41 through "f" and "h" shall be allocated to school
42 districts in accordance with the following formula:

43 (1) Fifty percent of the allocation shall be in
44 the proportion that the basic enrollment of a school
45 district bears to the sum of the basic enrollments of
46 all school districts in the state for the budget year.

47 (2) Fifty percent of the allocation shall be based
48 upon the proportion that the number of full-time
49 equivalent teachers employed by a school district
50 bears to the sum of the number of full-time equivalent

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1 teachers who are employed by all school districts in
2 the state for the base year.

3 h. From moneys available under paragraph "g", the
4 department shall allocate to area education agencies
5 an amount per classroom teacher employed by an area
6 education agency that is approximately equivalent to
7 the average per teacher amount allocated to the
8 districts. The average per teacher amount shall be
9 calculated by dividing the total number of classroom
10 teachers employed by school districts and the
11 classroom teachers employed by area education agencies
12 into the total amount of moneys available under

13 paragraph "g".

14 2. A school district that is unable to meet the
15 provisions of section 284.7, subsection 1, with funds
16 allocated pursuant to subsection 1, paragraph "g", may
17 request a waiver from the department to use funds
18 appropriated under chapter 256D to meet the provisions
19 of section 284.7, subsection 1, if the difference
20 between the funds allocated to the school district
21 pursuant to subsection 1, paragraph "g", and the
22 amount required to comply with section 284.7,
23 subsection 1, is not less than ten thousand dollars.
24 The department shall consider the average class size
25 of the school district, the school district's actual
26 unspent balance from the preceding year, and the
27 school district's current financial position.

28 3. If a school district does not choose to
29 participate in the student achievement and teacher
30 quality program during the school year beginning July
31 1, 2001, the amount of moneys to be allocated to the
32 school district pursuant to subsection 1, paragraph
33 "g", shall be held for the school district by the
34 department until June 30, 2003, or until the school
35 district participates in the program, whichever occurs
36 earlier. Notwithstanding section 8.33, unencumbered
37 or unobligated funds remaining on June 30, 2002, shall
38 not revert but shall be available for expenditure for
39 the following fiscal year for the purposes of this
40 chapter.

41 4. Moneys received by a school district under this
42 chapter are miscellaneous income for purposes of
43 chapter 257 or are considered encumbered. A school
44 district shall maintain a separate listing within its
45 budget for payments received and expenditures made
46 pursuant to this section.

47 Sec. ___. Section 272.2, subsection 16, paragraph
48 b, as enacted by 2001 Iowa Acts, Senate File 476,
49 section 16, is amended to read as follows:

50 b. Examination fees for the examination required

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1 under this subsection shall be paid by from moneys
2 appropriated to the board for this purpose. Costs
3 incurred for additional content area examinations
4 shall be paid by the applicant.

5 Sec. ___. 2001 Iowa Acts, Senate File 476, section
6 22, unnumbered paragraph 1, if enacted, is amended to
7 read as follows:

8 LEGISLATIVE EDUCATION ACCOUNTABILITY AND OVERSIGHT
9 COMMITTEE. The legislative council is requested to
10 establish a two-year legislative education
11 accountability and oversight committee to conduct a

12 comprehensive study of team-based variable pay and
13 make recommendations for the implementation of a team-
14 based variable pay plan component of the student
15 achievement and teacher quality program. The
16 legislative council is also requested to authorize up
17 to \$75,000 for the expenses of the committee.
18 Sec. ____ CONTINGENT EFFECTIVENESS. This Act
19 shall take effect only if 2001 Iowa Acts, Senate File
20 476 is enacted."
21 2. Title page, line 1, by striking the words "and
22 establishing a" and inserting the following: "for
23 purposes of the student achievement and".
24 3. Title page, by striking lines 2 and 3 and
25 inserting the following: "quality program and
26 providing for contingent effectiveness."

Carroll of Poweshiek offered the following amendment H-2030, to amendment H-2025, filed by him, Wise of Lee and Grundberg of Polk from the floor and moved its adoption:

H-2030

1 Amend the amendment, H-2025, to House File 413 as
2 follows:
3 1. Page 2, by inserting after line 1 the
4 following:
5 "Sec. ____ Section 284.4, subsection 2, as enacted
6 by 2001 Iowa Acts, Senate File 476, section 5, is
7 amended to read as follows:
8 2. By July 1, 2003, each school district shall
9 participate in the student achievement and teacher
10 quality program if the general assembly appropriates
11 moneys for purposes of the student achievement and
12 teacher quality program established pursuant to this
13 chapter."
14 2. By renumbering as necessary.

Amendment H-2030 was adopted.

Carroll of Poweshiek offered the following amendment H-2031, to amendment H-2025, filed by him from the floor and moved its adoption:

H-2031

1 Amend the amendment, H-2025, to House File 413 as
2 follows:
3 1. Page 6, line 24, by inserting after the word
4 "costs." the following: "A portion of the funds

5 allocated to the department for purposes of this
6 paragraph may be used by the department for
7 administrative purposes."
8 2. Page 6, line 30, by inserting after the figure
9 "284.9." the following: "A portion of the funds
10 allocated to the department for purposes of this
11 paragraph may be used by the department for
12 administrative purposes."

Amendment H-2031 was adopted.

Garman of Story asked and received unanimous consent to withdraw amendment H-2029, to amendment H-2025, filed by her from the floor.

The House stood at ease at 5:40 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 413 at 5:48 p.m., Speaker Siegrist in the chair.

Garman of Story offered the following amendment H-2033, to amendment H-2025, filed by her from the floor and moved its adoption:

H-2033

1 Amend the amendment, H-2025, to House File 413, as
2 follows:
3 1. By striking page 2, line 2, through page 8,
4 line 26, and inserting the following:
5 ""Sec. __. ALLOWABLE GROWTH SUPPLEMENTAL AMOUNT.
6 Funds appropriated for the establishment of a student
7 achievement and teacher quality program shall be
8 distributed as an allowable growth supplemental amount
9 for the school budget year beginning July 1, 2001.
10 Notwithstanding section 257.8, subsection 2, the
11 department of management shall calculate the regular
12 program allowable growth for the budget year beginning
13 July 1, 2001, by multiplying the state percent of
14 growth for the budget year by the regular program
15 state cost per pupil for the base year, and adding to
16 the resulting product eighty-one dollars. For
17 purposes of determining the amount of a budget
18 adjustment as defined in section 257.14 for the budget
19 year beginning July 1, 2001, eighty-one dollars shall
20 be subtracted from a school district's regular program
21 cost per pupil for the budget year beginning July 1,
22 2001, prior to determining the amount of the

23 adjustment. Amounts received pursuant to this section
 24 shall be utilized by school districts to enhance
 25 student achievement and teacher quality."
 26 _____. Title page, by striking lines 1 through 3
 27 and inserting the following: "An Act providing
 28 additional funding for teacher quality and student
 29 achievement.""

Amendment H-2033 lost.

On motion by Dolecheck of Ringgold amendment H-2025, as amended, was adopted.

Dolecheck of Ringgold 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. 413)

The ayes were, 86:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Cohoon
Connors	Dix	Dolecheck	Dotzler
Drake	Eddie	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Myers	O'Brien	Osterhaus	Petersen
Raecker	Rants	Rayhons	Reynolds
Roberts	Scherrman	Schrader	Seng
Shey	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, 8:

Chiodo	Cormack	De Boef	Eichhorn
Garman	Johnson	Rekow	Shoults

Absent or not voting, 6:

Houser
Richardson

Jochum
Warnstadt

Murphy

Quirk

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 413** be immediately messaged to the Senate.

Unfinished Business Calendar

House File 672, a bill for an act relating to the establishment of a student achievement and teacher quality program, was taken up for consideration.

Connors of Polk asked and received unanimous consent to withdraw amendment H-1901 filed by him on May 2, 2001.

Carroll of Poweshiek offered the following amendment H-1995 filed by him and moved its adoption:

H-1995

- 1 Amend House File 672 as follows:
- 2 1. By striking everything after the enacting
- 3 clause, and inserting the following:
- 4 "Section 1. INTENT. It is the intent of the
- 5 general assembly to create a student achievement and
- 6 teacher quality program that acknowledges that
- 7 outstanding teachers are a key component in student
- 8 success. The program's goals are to enhance student
- 9 achievement and to redesign compensation strategies
- 10 and teachers' professional development. Such
- 11 compensation strategies are designed to attract and
- 12 retain high performing teachers, to reward teachers
- 13 for improving their skills and knowledge in a manner
- 14 that translates into better student learning, and to
- 15 reward the staff of school attendance centers for
- 16 improvement in student achievement.
- 17 Sec. 2. NEW SECTION. 284.1 STUDENT ACHIEVEMENT
- 18 AND TEACHER QUALITY PROGRAM.
- 19 A student achievement and teacher quality program
- 20 is established to promote high student achievement.

21 The program shall consist of the following four major
22 elements:

23 1. Mentoring and induction programs that provide
24 support for beginning teachers in accordance with
25 sections 284.5 and 284.6.

26 2. Career paths with compensation levels that
27 strengthen Iowa's ability to recruit and retain
28 teachers.

29 3. Professional development designed to directly
30 support best teaching practices.

31 4. Team-based variable pay that provides
32 additional compensation when student performance
33 improves.

34 Sec. 3. NEW SECTION. 284.2 DEFINITIONS.

35 As used in this chapter, unless the context
36 otherwise requires:

37 1. "Beginning teacher" means an individual serving
38 under an initial provisional license, issued by the
39 board of educational examiners under chapter 272, who
40 is assuming a position as a classroom teacher.

41 2. "Classroom teacher" means an individual who
42 holds a valid practitioner's license and who is
43 employed under a teaching contract with a school
44 district or area education agency in this state to
45 provide classroom instruction to students.

46 3. "Comprehensive evaluation" means a summative
47 evaluation of a teacher conducted by an evaluator for
48 purposes of performance review, or recommendation for
49 licensure based upon models developed pursuant to
50 section 256.9, subsection 51, and to determine whether

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1 the teacher's practice meets the school district
2 expectations for a career, career II, or advanced
3 level.

4 4. "Department" means the department of education.

5 5. "Director" means the director of the department
6 of education.

7 6. "Evaluator" means an administrator or other
8 practitioner who successfully completes an evaluator
9 training program pursuant to section 284.10.

10 7. "Mentor" means an individual employed by a
11 school district or area education agency as a
12 classroom teacher who holds a valid license issued
13 under chapter 272. The individual must have a record
14 of four years of successful teaching practice, must be
15 employed as a classroom teacher on a nonprobationary
16 basis, and must demonstrate professional commitment to
17 both the improvement of teaching and learning and the
18 development of beginning teachers.

19 8. "School board" means the board of directors of

20 a school district or a collaboration of boards of
21 directors of school districts.
22 9. "State board" means the state board of
23 education.
24 10. "Teacher" means an individual holding a
25 practitioner's license issued under chapter 272, who
26 is employed as a teacher, librarian, media specialist,
27 or counselor in a nonadministrative position by a
28 school district or area education agency pursuant to a
29 contract issued by a board of directors under section
30 279.13. A teacher may be employed in both an
31 administrative and a nonadministrative position by a
32 board of directors and shall be considered a part-time
33 teacher for the portion of time that the teacher is
34 employed in a nonadministrative position. "Teacher"
35 includes a licensed individual employed on a less than
36 full-time basis by a school district through a
37 contract between the school district and an
38 institution of higher education with a practitioner
39 preparation program in which the licensed teacher is
40 enrolled.

41 Sec. 4. NEW SECTION. 284.3 IOWA TEACHING
42 STANDARDS.

43 1. For purposes of this chapter and for developing
44 teacher evaluation criteria under chapter 279, the
45 Iowa teaching standards are as follows:
46 a. Demonstrates ability to enhance academic
47 performance in the classroom.
48 b. Demonstrates competence in content knowledge
49 appropriate to the teaching position.
50 c. Demonstrates competence in planning and

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1 preparing for instruction.
2 d. Uses strategies to deliver instruction that
3 meets the multiple learning needs of students,
4 including the use of technology for curriculum
5 integration.
6 e. Uses a variety of methods to monitor student
7 learning.
8 f. Demonstrates competence in classroom
9 management.
10 g. Engages in professional growth.
11 h. Fulfills professional responsibilities
12 established by the school district.
13 2. The school board and faculty shall collaborate
14 to further define good teaching by enhancing the Iowa
15 teaching standards in the following manner:
16 a. For purposes of comprehensive evaluations for
17 beginning teachers, including the comprehensive
18 evaluation required for the beginning teacher to

19 progress to career teacher, the criteria shall be
20 based upon the model developed pursuant to section
21 256.9, subsection 51, and established pursuant to
22 chapter 20.

23 b. For purposes of comprehensive evaluations for
24 teachers other than beginning teachers, the school
25 board shall convene the members of the school board
26 and representatives of the faculty, elected by the
27 faculty, to establish criteria based upon the model
28 developed pursuant to section 256.9, subsection 51.
29 If the parties are unable to reach agreement annually
30 by July 1, however, the model criteria shall become
31 the school district's criteria.

32 Sec. 5. NEW SECTION. 284.4 PARTICIPATION.

33 1. A school district is eligible to receive moneys
34 appropriated for purposes specified in this chapter if
35 the school board applies to the department to
36 participate in the student achievement and teacher
37 quality program and submits a written statement
38 declaring the school district's willingness to do all
39 of the following:

40 a. Commit and expend local moneys to improve
41 student achievement and teacher quality.

42 b. Implement a beginning teacher mentoring and
43 induction program as provided in this chapter.

44 c. Provide, beginning in the second year of
45 participation, the equivalent of two or more contract
46 days, outside of instruction time, than provided in
47 the school year preceding the first year of
48 participation, to provide additional time for teacher
49 career development that aligns with student learning
50 and teacher development needs, including the

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1 integration of technology into curriculum development,
2 in order to achieve attendance center and districtwide
3 student achievement goals outlined in the district
4 comprehensive school improvement plan. School
5 districts are encouraged to develop strategies for
6 restructuring the school calendar to provide for the
7 most effective professional development. A school
8 district that provides the equivalent of ten or more
9 contract days for career development is exempt from
10 this paragraph.

11 d. Adopt a teacher career development program in
12 accordance with this chapter.

13 e. Adopt a teacher evaluation plan that, at
14 minimum, requires a comprehensive evaluation of
15 teachers in the participating district at least every
16 five years based upon the Iowa teaching standards and
17 requires administrators to complete evaluator training

18 in accordance with section 284.10.

19 f. Adopt teacher career paths based upon
20 demonstrated knowledge and skills in accordance with
21 this chapter.

22 g. Adopt a team-based variable pay plan that
23 rewards attendance center success upon the
24 implementation of a statewide variable pay plan.

25 2. By July 1, 2003, each school district shall
26 participate in the student achievement and teacher
27 quality program.

28 Sec. 6. NEW SECTION. 284.5 BEGINNING TEACHER
29 MENTORING AND INDUCTION PROGRAM.

30 1. A beginning teacher mentoring and induction
31 program is created to promote excellence in teaching,
32 enhance student achievement, build a supportive
33 environment within school districts, increase the
34 retention of promising beginning teachers, and promote
35 the personal and professional well-being of classroom
36 teachers. Prior to the completion of the 2001-2002
37 school year, a school district shall, at a minimum,
38 provide an approved beginning teacher mentoring and
39 induction program for all classroom teachers who are
40 beginning teachers.

41 2. The state board shall adopt rules to administer
42 this section.

43 3. Notwithstanding subsection 1, a school district
44 may provide a beginning teacher mentoring and
45 induction program for all classroom teachers who are
46 beginning teachers in the school years beginning July
47 1, 2001, and July 1, 2002.

48 4. Each participating school district shall
49 develop an initial beginning teacher mentoring and
50 induction plan. The plan shall be included in the

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1 school district's comprehensive school improvement
2 plan submitted pursuant to section 256.7, subsection
3 21. The beginning teacher induction plan shall, at a
4 minimum, provide for a two-year sequence of induction
5 program content and activities to support the Iowa
6 teaching standards and beginning teacher professional
7 and personal needs; mentor training that includes, at
8 a minimum, skills of classroom demonstration and
9 coaching, and district expectations for beginning
10 teacher competence on Iowa teaching standards;
11 placement of mentors and beginning teachers; the
12 process for dissolving mentor and beginning teacher
13 partnerships; district organizational support for
14 released time for mentors and beginning teachers to
15 plan, provide demonstration of classroom practices,
16 observe teaching, and provide feedback; structure for

17 mentor selection and assignment of mentors to
18 beginning teachers; a district facilitator; and
19 program evaluation.
20 5. Upon completion of the program, the beginning
21 teacher shall be comprehensively evaluated to
22 determine if the teacher meets expectations to move to
23 the career level. The school district shall recommend
24 a beginning teacher who has successfully completed the
25 program for an educational license. A school district
26 may offer a teacher a third year of participation in
27 the program if, after conducting a comprehensive
28 evaluation, the school district determines that the
29 teacher is likely to successfully complete the
30 mentoring and induction program by the end of the
31 third year of eligibility. A teacher granted a third
32 year of eligibility shall develop a teacher's
33 mentoring and induction program plan in accordance
34 with this chapter and shall undergo a comprehensive
35 evaluation at the end of the third year. The board of
36 educational examiners shall grant a one-year extension
37 of the beginning teacher's provisional license upon
38 notification by the school district that the teacher
39 will participate in a third year of the school
40 district's program.

41 Sec. 7. NEW SECTION. 284.6 TEACHER CAREER
42 DEVELOPMENT.

43 1. The department shall coordinate a statewide
44 network of career development for Iowa teachers. A
45 participating school district or career development
46 provider that offers a career development program in
47 accordance with section 256.9, subsection 51, shall
48 demonstrate that the program contains the following:
49 a. Support that meets the career development needs
50 of individual teachers and is aligned with the Iowa

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1 teaching standards.
2 b. Research-based instructional strategies aligned
3 with the school district's student achievement needs
4 and the long-range improvement goals established by
5 the district.
6 c. Instructional improvement components including
7 student achievement data, analysis, theory, classroom
8 demonstration and practice, technology integration,
9 observation, reflection, and peer coaching.
10 d. An evaluation component that documents the
11 improvement in instructional practice and the effect
12 on student learning.
13 2. The department shall identify models of career
14 development practices that produce evidence of the
15 link between teacher training and improved student

16 learning.

17 3. A participating school district shall
18 incorporate a district career development plan into
19 the district's comprehensive school improvement plan
20 submitted to the department in accordance with section
21 256.7, subsection 21. The district career development
22 plan shall include a description of the means by which
23 the school district will provide access to all
24 teachers in the district to career development
25 programs or offerings that meet the requirements of
26 subsection 1. The plan shall align all career
27 development with the school district's long-range
28 student learning goals and the Iowa teaching
29 standards. The plan shall indicate the school
30 district's approved career development provider or
31 providers.

32 4. In cooperation with the teacher's supervisor,
33 the teacher employed by a participating school
34 district shall develop an individual teacher career
35 development plan. The individual plan shall be based,
36 at minimum, on the needs of the teacher, the Iowa
37 teaching standards, and the student achievement goals
38 of the attendance center and the school district as
39 outlined in the comprehensive school improvement plan.
40 The individual plan shall be reviewed by the teacher
41 and the teacher's supervisor at the teacher's annual
42 review, and shall be modified as necessary to reflect
43 the individual teacher's and the school district's
44 needs and the individual's progress in the plan.

45 5. School districts, a consortium of school
46 districts, area education agencies, higher education
47 institutions, and other public or private entities
48 including professional associations may be approved by
49 the state board to provide teacher career development.
50 The career development program or offering shall, at

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1 minimum, meet the requirements of subsection 1. The
2 state board shall adopt rules for the approval of
3 career development providers and standards for the
4 district career development plan.

5 Sec. 8. NEW SECTION. 284.7 IOWA TEACHER CAREER
6 PATH.

7 To promote continuous improvement in Iowa's quality
8 teaching workforce and to give Iowa teachers the
9 opportunity for career recognition that reflects the
10 various roles teachers play as educational leaders, an
11 Iowa teacher career path is established for teachers
12 employed by participating school districts. A
13 participating school district shall raise teacher
14 salaries to meet the requirements of this section.

15 The Iowa teacher career path and salary minimums are
16 as follows:

17 1. Effective July 1, 2001, the following career
18 path levels are established and shall be implemented
19 in accordance with this chapter:

20 a. BEGINNING TEACHER.

21 (1) A beginning teacher is a teacher who meets the
22 following requirements:

23 (a) Has successfully completed an approved
24 practitioner preparation program as defined in section
25 272.1.

26 (b) Holds a provisional teacher license issued by
27 the board of educational examiners.

28 (c) Participates in the beginning teacher
29 mentoring and induction program as provided in this
30 chapter.

31 (2) The participating district shall increase the
32 district's minimum salary for a first-year beginning
33 teacher by at least one thousand five hundred dollars
34 per year above the minimum salary paid to a first-year
35 beginning teacher in the previous year unless the
36 minimum salary for a first-year beginning teacher
37 exceeds twenty-eight thousand dollars.

38 b. CAREER TEACHER.

39 (1) A career teacher is a teacher who meets the
40 following requirements:

41 (a) Has successfully completed the beginning
42 teacher mentoring and induction program and has
43 successfully completed a comprehensive evaluation as
44 provided in this chapter.

45 (b) Is reviewed by the school district as
46 demonstrating the competencies of a career teacher.

47 (c) Holds a valid license issued by the board of
48 educational examiners.

49 (d) Participates in teacher career development as
50 set forth in this chapter and demonstrates continuous

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1 improvement in teaching.

2 (3) The participating district shall provide a two
3 thousand dollar difference between the average
4 beginning teacher salary and the minimum career
5 teacher salary, unless the school district has a
6 minimum career teacher salary that exceeds thirty
7 thousand dollars.

8 2. It is the intent of the general assembly to
9 establish and require the implementation of and
10 provide for the implementation of the following
11 additional career path levels by July 1, 2003:

12 a. CAREER II TEACHER.

13 (1) A career II teacher is a teacher who meets the

14 requirements of subsection 1, paragraph "b", has met
15 the requirements established by the school district
16 that employs the teacher, and is evaluated by the
17 school district as demonstrating the competencies of a
18 career II teacher. The teacher shall have
19 successfully completed a comprehensive evaluation in
20 order to be classified as a career II teacher.

21 (2) It is the intent of the general assembly that
22 the participating district shall establish a minimum
23 salary for a career II teacher that is at least five
24 thousand dollars greater than the minimum career
25 teacher salary. It is further intended that the
26 district shall adopt a plan that facilitates the
27 transition of a career teacher to a career II level.

28 b. ADVANCED TEACHER.

29 (1) An advanced teacher is a teacher who meets the
30 following requirements:

31 (a) Receives the recommendation of the review
32 panel that the teacher possesses superior teaching
33 skills and that the teacher should be classified as an
34 advanced teacher.

35 (b) Holds a valid license from the board of
36 educational examiners.

37 (c) Participates in teacher career development as
38 outlined in this chapter and demonstrates continuous
39 improvement in teaching.

40 (d) Possesses the skills and qualifications to
41 assume leadership roles.

42 (2) It is the intent of the general assembly that
43 the participating district shall establish a minimum
44 salary for an advanced teacher that is at least
45 thirteen thousand five hundred dollars greater than
46 the minimum career teacher salary. In conjunction
47 with the development of the review panel pursuant to
48 section 284.9, the department shall make
49 recommendations to the general assembly by January 1,
50 2002, regarding the appropriate district-to-district

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1 recognition for advanced teachers and methods that
2 facilitate the transition of a teacher to the advanced
3 level.

4 3. A teacher shall be promoted one level at a time
5 and a teacher promoted to the next career level shall
6 remain at that level for at least one year before
7 requesting promotion to the next career level.

8 4. If a comprehensive evaluation for a teacher is
9 conducted in the fifth year of the teacher's status at
10 the career level, and indicates that the teacher's
11 practice no longer meets the standards for that level,
12 a comprehensive evaluation shall be conducted in the

next following school year. If the comprehensive evaluation establishes that the teacher's practice fails to meet the standards for that level, the teacher shall be ineligible for any additional pay increase other than a cost of living increase.

5. A teacher employed in a participating district shall not receive less compensation in that participating district than the teacher received in the school year starting July 1, 2001, due to implementation of this chapter. A teacher who achieves national board for professional teaching standards certification and meets the requirements of section 256.44 shall continue to receive the award as specified in section 256.44 in addition to the compensation set forth in this section.

Sec. 9. NEW SECTION. 284.8 EVALUATION REQUIREMENTS FOR CAREER, CAREER II, AND ADVANCED TEACHERS.

1. A teacher's supervisor shall annually review the teacher for purposes of continuous improvement unless the teacher has been comprehensively reviewed during the same school year. The supervisor may designate another certified evaluator to conduct the annual review of a teacher. The review shall include classroom observation of the teacher and should include supporting documentation from other supervisors, parents, and students.

2. In addition to evaluations agreed upon under chapter 20, a teacher shall be comprehensively evaluated based on the provisions of section 284.3 at least once every five years. Comprehensive evaluations shall be conducted by an administrator or the administrator's designee certified pursuant to section 284.10. The evaluation shall include, at minimum, classroom observation of the teacher, the teacher's progress and implementation of the teacher's individual career development plan; should include supporting documentation from other supervisors,

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teachers, parents, and students; and may include video portfolios as evidence of teaching practices. A teacher may be comprehensively evaluated for purposes of performance review or recommendation for licensure, and shall be comprehensively evaluated for advancement in the career path established pursuant to section 284.7.

3. If a teacher is denied advancement based upon a comprehensive evaluation, the teacher may appeal the decision to an adjudicator under the process established under section 279.17. However, the

12 decision of the adjudicator is final. If a district
13 does not recommend a teacher for continued employment
14 or licensure based upon a comprehensive evaluation,
15 the provisions of sections 279.14, 279.17, and 279.18
16 shall apply. A teacher may file one cause of action
17 objecting to the contents or procedures of a
18 comprehensive evaluation and the objections shall not
19 be subject to the grievance procedures negotiated in
20 accordance with chapter 20.

21 4. This section applies only to career, career II,
22 and advanced teachers.

23 Sec. 10. NEW SECTION. 284.9 REVIEW PANEL.

24 1. A career II teacher seeking to receive an
25 advanced designation shall submit a portfolio of work
26 evidence aligned with the Iowa teaching standards to a
27 review panel established in accordance with subsection

28 2. A majority of the evidence in the portfolio shall
29 be classroom-based. The review panel shall evaluate
30 the career II teacher's portfolio to determine whether
31 the teacher demonstrates superior teaching skills and
32 shall make a recommendation to the board of
33 educational examiners whether or not the teacher shall
34 receive an advanced designation. The standards for
35 recommendation include, but are not limited to,
36 meeting the Iowa teaching standards at an advanced
37 level.

38 2. The department shall establish up to five
39 regional review panels consisting of five members per
40 panel. Each panel shall include, at a minimum, a
41 nationally board-certified teacher and a school
42 district administrator. Panel members shall be
43 appointed by the director and shall possess the
44 knowledge necessary to determine the quality of the
45 evidence submitted in an applicant's portfolio. Panel
46 members shall serve a staggered three-year term and
47 may be reappointed to a second term. The department
48 shall provide support and evaluation training for
49 panel members and convene panels as needed.

50 3. To assure fairness and consistency in the

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1 evaluation process, the review panels may perform
2 random audits of the comprehensive evaluations
3 conducted by evaluators throughout the state, and may
4 randomly review performance-based evaluation models
5 developed by school districts in accordance with
6 section 284.3, subsection 2. The review of the
7 evaluation models shall ensure that the model is at
8 least equivalent to the state model developed pursuant
9 to section 256.9, subsection 51.

10 4. A teacher who does not receive a recommendation

11 from a review panel may appeal that denial to an
12 administrative law judge located in the department of
13 inspections and appeals. The state shall not be
14 liable for a teacher's attorney fees, costs, or
15 damages that may result from an appeal of a review
16 panel's decision. The state board shall adopt rules
17 to administer this section.

18 Sec. 11. NEW SECTION. 284.10 EVALUATOR TRAINING
19 PROGRAM.

20 1. The department shall establish an evaluator
21 training program to improve the skills of school
22 district evaluators in making employment decisions,
23 making recommendations for licensure, and moving
24 teachers through a career path as established under
25 this chapter. The department shall consult with
26 persons representing teachers, national board-
27 certified teachers, administrators, school boards,
28 higher education institutions with approved
29 practitioner and administrator preparation programs,
30 and with persons from the private sector knowledgeable
31 in employment evaluation and evaluator training in
32 order to develop standards and requirements for the
33 program. Evaluator training programs offered pursuant
34 to this chapter may be provided by a public or private
35 entity. The department shall distribute a list of
36 evaluator training program providers to each school
37 district.

38 2. An administrator licensed under chapter 272 who
39 conducts evaluations of teachers for purposes of this
40 chapter shall complete the evaluator training program.
41 A practitioner licensed under chapter 272 who is not
42 an administrator may enroll in the evaluator training
43 program. Enrollment preference shall be given to
44 administrators. Upon successful completion, the
45 provider shall certify that the administrator or other
46 practitioner is qualified to conduct evaluations for
47 employment, make recommendations for licensure, and
48 make recommendations that a teacher is qualified to
49 advance from one career path level to the next career
50 path level pursuant to this chapter. Certification is

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1 for a period of five years and may be renewed.
2 3. Effective until July 1, 2004, a school district
3 shall pay the amount of one thousand dollars for each
4 individual who is licensed as a practitioner under
5 chapter 272 on or after July 1, 2001, and who has been
6 certified in accordance with this section. By October
7 1 annually, the school district shall notify the
8 department of education of the number of individuals
9 who have achieved certification in accordance with

10 this section, and shall submit any documentation
11 requested by the department.

12 4. By July 1, 2002, a higher education institution
13 approved by the state board to provide an
14 administrator preparation program shall incorporate
15 the evaluator training program into the program
16 offered by the institution.

17 5. Beginning July 1, 2002, the board of
18 educational examiners shall require certification as a
19 condition of issuing or renewing an administrator's
20 license.

21 6. By July 1, 2004, the director shall develop and
22 implement an evaluator training certification renewal
23 program for administrators and other practitioners who
24 need to renew a certificate issued pursuant to this
25 section.

26 Sec. 12. NEW SECTION. 284.11 PILOT PROGRAM FOR
27 TEAM-BASED VARIABLE PAY FOR STUDENT ACHIEVEMENT.

28 1. It is the intent of the general assembly to
29 develop and implement by July 1, 2003, a statewide
30 team-based variable pay program and approval process
31 to reward individual attendance centers for
32 improvement in student achievement. The department
33 shall develop and administer a pilot team-based
34 variable pay program. A pilot program is established
35 to give Iowa school districts with one or more
36 participating attendance centers the opportunity to
37 explore and demonstrate successful methods to
38 implement team-based variable pay. Each school
39 district approved by the department to participate in
40 the pilot program shall administer a valid and
41 reliable standardized assessment at the beginning and
42 end of the school year to demonstrate growth in
43 student achievement.

44 2. All licensed practitioners at a participating
45 attendance center that has demonstrated improvement in
46 student achievement as provided in this section shall
47 share in cash awards provided in accordance with this
48 section. The school district is encouraged to extend
49 cash awards to other staff employed at the attendance
50 center.

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1 3. The team-based pay plan shall be approved by
2 the local board.

3 4. A district electing to initiate a team-based
4 variable pay plan according to this section during the
5 school year beginning July 1, 2001, shall notify the
6 department of its election in writing no later than
7 August 1, 2001. The department shall certify the
8 school district plan by October 1, 2001.

- 9 5. The department shall annually report to the
10 legislative education accountability and oversight
11 committee the student achievement scores in
12 mathematics and reading at the fourth and eighth grade
13 levels on a district-by-district basis, as reported to
14 the local communities in accordance with section
15 256.7, subsection 21, paragraph "c".
16 Sec. 13. **NEW SECTION. 284.12 REPORT.**
17 1. The department shall annually report the
18 statewide progress on the following:
19 a. Improvement in teacher compensation.
20 b. Evaluator training program.
21 c. Team-based variable pay for student
22 achievement.
23 d. Changes and improvements in the evaluation of
24 teachers under the Iowa teaching standards.
25 2. The report shall be made available to the
26 chairpersons and ranking members of the senate and
27 house committees on education, the state board, the
28 governor, and school districts by January 1. School
29 districts shall provide information as required by the
30 department for the compilation of the report and for
31 accounting and auditing purposes.
32 3. The department shall provide for a
33 comprehensive independent evaluation of all components
34 of the student achievement and teacher quality program
35 and shall submit the results of the evaluation in the
36 report submitted pursuant to subsection 2 by January
37 1, 2007.
38 4. The board of educational examiners shall
39 compile statistical information from the results of
40 the examinations administered pursuant to section
41 272.2, subsection 16. The information compiled shall
42 identify the practitioner preparation programs from
43 which the applicants graduated, but shall not identify
44 applicants individually. The statistical information
45 compiled by the board pursuant to this subsection is a
46 public record. The board shall submit a review of the
47 statistical information to the chairpersons and
48 ranking members of the senate and house committees on
49 education and the state board by December 1, 2003.
50 5. In developing administrative rules for

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- 1 consideration by the state board, the department shall
2 consult with persons representing teachers,
3 administrators, school boards, approved practitioner
4 preparation institutions, other appropriate education
5 stakeholders, and the legislative education
6 accountability and oversight committee.
7 Sec. 14. Section 256.9, Code 2001, is amended by

8 adding the following new subsection:

9 NEW SUBSECTION. 51. Develop a core knowledge and
10 skill criteria model, based upon the Iowa teaching
11 standards, for the evaluation, the advancement, and
12 for teacher career development purposes pursuant to
13 chapter 284. The model criteria shall further define
14 the characteristics of quality teaching as established
15 by the Iowa teaching standards.

16 Sec. 15. Section 272.2, subsection 1, Code 2001,
17 is amended to read as follows:

18 1. a. License practitioners, who do not hold or
19 receive a license from another professional licensing
20 board, ~~and professional development programs, except~~
21 ~~for programs developed and offered by practitioner~~
22 ~~preparation institutions or area education agencies~~
23 ~~and approved by the state board of education.~~
24 Licensing authority includes the authority to
25 establish criteria for the licenses, ~~including but not~~
26 ~~limited to, establish~~ issuance and renewal
27 requirements, ~~creation of create~~ application and
28 renewal forms, ~~creation of create~~ licenses that
29 authorize different instructional functions or
30 specialties, ~~development of develop~~ a code of
31 professional rights and responsibilities, practice,
32 and ethics, and ~~the authority to~~ develop any other
33 classifications, distinctions, and procedures which
34 may be necessary to exercise licensing duties. A code
35 of professional rights and responsibilities, practice,
36 and ethics shall address but not be limited to the
37 habitual failure of a practitioner to fulfill
38 contractual obligations under section 279.13.

39 b. Notwithstanding section 272.28, subsection 1, a
40 teacher shall be licensed in accordance with rules
41 adopted pursuant to chapter 272, Code 2001, if the
42 teacher successfully completes a beginning teacher
43 mentoring program approved pursuant to chapter 256E on
44 or before June 30, 2002, or is employed by a school
45 district that does not offer a beginning teacher
46 mentoring and induction program approved in accordance
47 with this chapter during the school year beginning
48 July 1, 2001.

49 c. Notwithstanding section 272.28, subsection 1, a
50 teacher shall receive an educational license if the

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1 teacher meets the licensing requirements of this
2 chapter and, prior to July 1, 2003, successfully
3 completes a two-year beginning teacher mentoring and
4 induction program approved pursuant to this chapter.

5 Sec. 16. Section 272.2, Code 2001, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 16. a. Administer the Praxis II
8 examination for knowledge of pedagogies and for not
9 more than one content area to each individual who is
10 applying for a provisional license prior to issuance
11 of the license.

12 b. Examination fees for the examination required
13 under this subsection shall be paid by the board.
14 Costs incurred for additional content area
15 examinations shall be paid by the applicant.

16 c. This subsection is repealed effective June 30,
17 2003.

18 Sec. 17. NEW SECTION. 272.28 MENTORING AND
19 INDUCTION REQUIREMENT.

20 1. Effective July 1, 2003, requirements for
21 teacher licensure beyond a provisional license shall
22 include successful completion of a beginning teacher
23 mentoring and induction program approved by the state
24 board of education.

25 2. A teacher from an accredited nonpublic school
26 or another state or country is exempt from the
27 requirement of subsection 1 if the teacher can
28 document three years of successful teaching experience
29 within the past five years and meet or exceed the
30 requirements contained in rules adopted under this
31 chapter for endorsement and licensure.

32 Sec. 18. Section 279.19, unnumbered paragraphs 1
33 and 2, Code 2001, are amended to read as follows:

34 The first ~~three~~ two consecutive years of employment
35 of a teacher in the same school district are a
36 probationary period. However, if the teacher has
37 successfully completed a probationary period of
38 employment for another school district located in
39 Iowa, the probationary period in the current district
40 of employment shall not exceed one year. A board of
41 directors may waive the probationary period for any
42 teacher who previously has served a probationary
43 period in another school district and the board may
44 extend the probationary period for an additional year
45 with the consent of the teacher.

46 Notwithstanding the two-year probationary period
47 otherwise provided for in this section, if a school
48 district offers a beginning teacher a third year of a
49 beginning teacher mentoring and induction program, and
50 the teacher accepts the school district's offer, the

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1 teacher's probationary period shall continue through
2 the teacher's third year of employment.

3 In the case of the termination of a probationary
4 teacher's contract, the provisions of sections 279.15
5 and 279.16 shall apply.

6 Sec. 19. Chapter 256E, Code 2001, is repealed.

7 Sec. 20. Section 272.33, Code 2001, is repealed

8 effective July 1, 2002.

9 Sec. 21. PRACTITIONER PREPARATION CREDIT TRANSFER

10 STUDY. The state board of regents shall conduct a
11 study of the transfer of credits between practitioner
12 preparation institutions, both in-state and out-of-
13 state, to determine whether the transfer of credits by
14 practitioner preparation institutions is fair and
15 consistent. The state board shall collect information
16 relating to the transfer and acceptance of credits
17 from a representative sample of in-state and out-of-
18 state practitioner preparation institutions. The
19 state board shall identify actions that may be taken
20 to improve the ability of a student to transfer
21 credits earned in one practitioner preparation
22 institution to another. The state board shall submit
23 its findings and recommendations in a report to the
24 senate and house of representatives standing
25 committees on education by December 1, 2001.

26 Sec. 22. LEGISLATIVE EDUCATION ACCOUNTABILITY AND

27 OVERSIGHT COMMITTEE. The legislative council is
28 requested to establish a two-year legislative
29 education accountability and oversight committee to
30 conduct a comprehensive study of team-based variable
31 pay and make recommendations for the implementation of
32 a team-based variable pay plan component of the
33 student achievement and teacher quality program.
34 The committee shall recommend the manner in which
35 standards of performance are to be determined, the
36 level of expected growth, the development of a student
37 academic database, the timeline and procedure for the
38 collection of student achievement data, identification
39 of the structures of a team for purposes of equitable
40 operation of the plan, and a timeline for
41 implementation of the plan. The committee shall
42 select an assessment model for use in accurately
43 measuring student achievement. The committee may
44 recommend additional measures and reviews for the
45 purpose of strengthening comprehensive school
46 improvement plans through the implementation of team-
47 based variable pay plans. The committee shall monitor
48 the progress of team-based variable pay pilot
49 programs.

50 The committee shall recommend a means of evaluation

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1 designed to determine the effect of the student
2 achievement and teacher quality plan on raising
3 student achievement. The committee shall submit
4 preliminary recommendations to the general assembly by

5 December 15, 2001, and shall make its final
6 recommendations to the general assembly by December
7 15, 2002.

8 The committee shall be composed of six voting
9 members representing both political parties and both
10 houses of the general assembly. Three members shall
11 be appointed by the president of the senate, after
12 consultation with the majority leader of the senate
13 and the minority leader of the senate. The remaining
14 three members shall be appointed by the speaker of the
15 house of representatives after consultation with the
16 majority and minority leaders of the house of
17 representatives.

18 The committee shall also include the following ex
19 officio, nonvoting members:

20 1. The director of the department of education or
21 the director's designee.

22 2. One member who shall be appointed by the Iowa
23 association of school boards.

24 3. One member who shall be appointed by the school
25 administrators of Iowa.

26 4. Two members who shall be appointed
27 independently by the state's two largest professional
28 teachers associations.

29 5. One member who shall be appointed by the
30 governor to represent the office of the governor.

31 It is the intent of the general assembly that the
32 legislative education accountability and oversight
33 committee oversee the policies established pursuant to
34 this Act.

35 Sec. 23. STATE MANDATE FUNDING SPECIFIED. In
36 accordance with section 25B.2, subsection 3, the state
37 cost of requiring compliance with any state mandate
38 included in this Act shall be paid by a school
39 district from state school foundation aid received by
40 the school district under section 257.16. This
41 specification of the payment of the state cost shall
42 be deemed to meet all the state funding-related
43 requirements of section 25B.2, subsection 3, and no
44 additional state funding shall be necessary for the
45 full implementation of this Act by and enforcement of
46 this Act against all affected school districts."

Amendment H-1995 was adopted.

SENATE FILE 476 SUBSTITUTED FOR HOUSE FILE 672

Carroll of Poweshiek asked and received unanimous consent to substitute Senate File 476 for House File 672.

Senate File 476, a bill for an act relating to the establishment of a student achievement and teacher quality program, was taken up for consideration.

The House stood at ease at 6:41 p.m., until the fall of the gavel.

The House resumed session at 7:35 p.m., Speaker pro tempore Sukup in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-six members present, twenty-four absent.

The House resumed consideration of Senate File 476.

Connors of Polk offered the following amendment H-1999 filed by him and moved its adoption:

H-1999

- 1 Amend Senate File 476, 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. APPROPRIATION OF MONEYS DEPOSITED IN
- 6 THE TEACHER COMPENSATION REFORM AND STUDENT
- 7 ACHIEVEMENT SAVINGS ACCOUNT FUND. Moneys deposited in
- 8 the teacher compensation reform and student
- 9 achievement savings account fund created in section
- 10 12.90, as of July 1, 2001, if House File 413 is
- 11 enacted by the Seventy-ninth General Assembly, 2001
- 12 Session, are appropriated to the department of
- 13 education for distribution to school districts as
- 14 provided in this section. Moneys appropriated in this
- 15 section shall be allocated to school districts in the
- 16 proportion that the basic enrollment of a school
- 17 district bears to the sum of the basic enrollments of
- 18 all school districts in the state for the budget year.
- 19 A school district shall expend funds received pursuant
- 20 to this section for purposes of implementing teacher
- 21 compensation reform and student achievement measures
- 22 pursuant to the provisions of a collective bargaining
- 23 agreement negotiated under the provisions of chapter
- 24 20.
- 25 Sec. 2. ALLOCATION AND USE OF PHASE I MONEYS.

26 Notwithstanding the provisions of chapter 294A, moneys
27 appropriated and allocated in an amount to meet the
28 minimum salary requirements of chapter 294A for
29 purposes of phase I for the fiscal year beginning July
30 1, 2001, and ending June 30, 2002, shall be allocated
31 to school districts in the proportion that the basic
32 enrollment of a school district bears to the sum of
33 the basic enrollments of all school districts in the
34 state for the budget year. A school district shall
35 expend funds received pursuant to this section for
36 purposes of implementing teacher compensation reform
37 measures pursuant to the provisions of a collective
38 bargaining agreement negotiated under the provisions
39 of chapter 20."
40 2. Title page, by striking lines 1 and 2 and
41 inserting the following: "An Act relating to and
42 making appropriations of moneys for purposes of
43 teacher compensation reform and student achievement."

A non-record roll call was requested.

The ayes were 31, nays 46.

Amendment H-1999 lost.

Speaker Siegrist in the chair at 7:55 p.m.

Garman of Story offered the following amendment H-2024 filed by her from the floor and moved its adoption:

H-2024

1 Amend Senate File 476, 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. ALLOWABLE GROWTH SUPPLEMENTAL AMOUNT.
6 Funds appropriated for the establishment of a student
7 achievement and teacher quality program in House File
8 413, if enacted by the Seventy-ninth General Assembly,
9 First Session, shall be distributed as an allowable
10 growth supplemental amount for the school budget year
11 beginning July 1, 2001. Notwithstanding section
12 257.8, subsection 2, the department of management
13 shall calculate the regular program allowable growth
14 for the budget year beginning July 1, 2001, by
15 multiplying the state percent of growth for the budget
16 year by the regular program state cost per pupil for
17 the base year, and adding to the resulting product

18 eighty-one dollars. For purposes of determining the
19 amount of a budget adjustment as defined in section
20 257.14 for the budget year beginning July 1, 2001,
21 eighty-one dollars shall be subtracted from a school
22 district's regular program cost per pupil for the
23 budget year beginning July 1, 2001, prior to
24 determining the amount of the adjustment. Amounts
25 received pursuant to this section shall be utilized by
26 school districts to enhance student achievement and
27 teacher quality."

A non-record roll call was requested.

The ayes were 37, nays 50.

Amendment H-2024 lost.

Carroll of Poweshiek offered amendment H-2023 filed by him,
Grundberg of Polk and Wise of Lee from the floor as follows:

H-2023

1 Amend Senate File 476, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, lines 18 and 19, by striking the words
4 and figures "sections 284.5 and 284.6" and inserting
5 the following: "section 284.5".
6 2. Page 3, by striking lines 11 and 12 and
7 inserting the following:
8 "a. Demonstrates support for and implementation of
9 the school district's student achievement goals."
10 3. Page 3, lines 18 and 19, by striking the words
11 ", including the use of technology for curriculum
12 integration".
13 4. Page 3, line 31, by striking the word "model"
14 and inserting the following: "models".
15 5. Page 4, line 3, by striking the word "model"
16 and inserting the following: "models".
17 6. Page 4, line 4, by striking the word
18 "annually".
19 7. Page 4, line 5, by striking the word
20 "however," and inserting the following: "immediately
21 after the school year in which a contract period
22 ends".
23 8. Page 4, by striking lines 19 and 20 and
24 inserting the following: "the equivalent of two or
25 more additional contract days, outside of instruction
26 time, than were provided in the school year
27 preceding".

- 28 9. Page 5, line 33, by inserting after the word
29 "teacher" the following: "mentoring and".
- 30 10. Page 6, by inserting after line 12 the
31 following:
32 "____. A beginning teacher shall be informed by the
33 school district, prior to the beginning teacher's
34 participation in a mentoring and induction program, of
35 the criteria upon which the beginning teacher shall be
36 evaluated and of the evaluation process utilized by
37 the school district."
- 38 11. Page 9, line 23, by striking the figure "(3)"
39 and inserting the following: "(2)".
- 40 12. Page 11, lines 14 and 15, by striking the
41 words and figures "starting July 1, 2001," and
42 inserting the following: ", preceding participation,
43 as set forth in section 284.4".
- 44 13. Page 13, line 20, by striking the word
45 "model" and inserting the following: "models".
- 46 14. Page 14, line 10, by inserting after the
47 figure "2." the following: "a."
- 48 15. Page 14, by inserting after line 22 the
49 following:
50 "b. However, an administrator licensed in

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- 1 accordance with section 272.2, subsection 13,
2 paragraph "a", shall not be eligible to enroll in the
3 evaluator training program."
- 4 16. By striking page 15, line 8, through page 16,
5 line 7, and inserting the following:
6 "Sec. NEW SECTION. 284.11 PILOT PROGRAM FOR
7 TEAM-BASED VARIABLE PAY FOR STUDENT ACHIEVEMENT.
8 1. It is the intent of the general assembly to
9 create a statewide team-based variable pay program to
10 reward individual attendance centers for improvement
11 in student achievement. A pilot program is
12 established to give Iowa school districts with one or
13 more participating attendance centers the opportunity
14 to explore and demonstrate successful methods to
15 implement team-based variable pay. The department
16 shall develop and administer the pilot program. Each
17 school district approved by the department to
18 participate in the pilot program shall administer
19 valid and reliable standardized assessments at the
20 beginning and end of the school year to demonstrate
21 growth in student achievement.
- 22 2. All licensed practitioners employed at a
23 participating attendance center that has demonstrated
24 improvement in student achievement shall share in a
25 cash award. However, the school district is
26 encouraged to extend cash awards to other staff

27 employed at the attendance center.

28 3. The principal, with the participation of a team
29 of licensed practitioners appointed by the principal,
30 at each participating attendance center within a
31 school district shall annually submit district
32 attendance center student performance goals to the
33 school board for approval. The attendance center
34 goals must be aligned with the school improvement
35 goals for the district developed in accordance with
36 section 256.7, subsection 21. The district shall
37 determine the designation of an attendance center for
38 purposes of this section. The attendance center
39 student performance goals may differ from attendance
40 center to attendance center and may contain goals and
41 indicators in addition to the comprehensive school
42 improvement plan. An attendance center shall
43 demonstrate student achievement through the use of
44 multiple measures that are valid and reliable.

45 4. Each participating district shall create its
46 own design for a team-based pay plan linked to the
47 district's comprehensive school improvement plan. The
48 plan must include attendance center student
49 performance goals, student performance levels,
50 multiple indicators to determine progress toward

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1 attendance center goals, and a system for providing
2 financial rewards. The team-based pay plan shall be
3 approved by the local board.

4 5. Each district team-based pay plan shall be
5 reviewed by the department. The department shall
6 include a review of the locally established goals,
7 targeted levels of improvement, assessment strategies,
8 and financial reward system.

9 6. A district electing to initiate a team-based
10 variable pay plan according to this section during the
11 school year beginning July 1, 2001, shall notify the
12 department of its election in writing no later than
13 August 1, 2001. The department shall certify the
14 school district plan by October 1, 2001."

15 17. Page 16, by striking line 11 and inserting
16 the following:
17 "a. Student achievement scores in mathematics and
18 reading at the fourth and eighth grade levels on a
19 district-by-district basis as reported to the local
20 communities pursuant to section 256.7, subsection 21,
21 paragraph "c"."

22 18. Page 16, line 18, by inserting after the word
23 "education," the following: "the legislative
24 education accountability and oversight committee,".

25 19. Page 17, line 11, by striking the word "a".

- 26 20. Page 17, line 12, by striking the word
27 "model" and inserting the following: "models".
28 21. Page 18, by striking lines 10 through 15.
29 22. Page 18, line 18, by striking the figure "16"
30 and inserting the following: "17".
31 23. Page 19, line 4, by striking the words and
32 figure "paragraphs 1 and" and inserting the following:
33 "paragraph".
34 24. Page 19, line 5, by striking the word "are"
35 and inserting the following: "is".
36 25. Page 19, by striking lines 6 through 21.
37 26. Page 19, line 24, by inserting after the word
38 "apply." the following: "However, if the probationary
39 teacher is a beginning teacher who fails to
40 successfully complete a beginning teacher mentoring
41 and induction program in accordance with chapter 284,
42 the provisions of sections 279.17 and 279.18 shall
43 also apply."
44 27. Page 20, by striking line 22 and inserting
45 the following: "recommend assessment models for use
46 in accurately measuring".
47 28. Page 21, by inserting after line 33 the
48 following:
49 "Sec. _____. CONTINGENT EFFECTIVENESS. Section
50 284.10, subsection 2, paragraph "b", as enacted in

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- 1 this Act, takes effect only if 2001 Iowa Acts, House
2 File 670 is enacted."
3 29. Title page, line 2, by inserting after the
4 word "program" the following: "and providing for
5 contingent effectiveness".
6 30. By renumbering as necessary.

Carroll of Poweshiek offered the following amendment H-2026, to amendment H-2023, filed by him from the floor and moved its adoption:

H-2026

- 1 Amend the amendment, H-2023, to Senate File 476, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 8, by inserting after the word
5 "Demonstrates" the following: "ability to enhance
6 academic performance and".

A non-record roll call was requested.

The ayes were 46, nays 40.

Amendment H-2026 was adopted.

Winckler of Scott offered the following amendment H-2038, to amendment H-2023, filed by her from the floor and moved its adoption:

H-2038

- 1 Amend the amendment, H-2023, to Senate File 476, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking lines 16 through 21 and
- 5 inserting the following: "shall develop and
- 6 administer the pilot program. The department shall
- 7 determine school district growth in student
- 8 achievement using the information reported by a
- 9 participating school district to the department in
- 10 accordance with section 256.7, subsection 21, which
- 11 shall be submitted to the department by the school
- 12 district by individual attendance center."

Amendment H-2038 lost.

Stevens of Dickinson offered the following amendment H-2037, to amendment H-2023, filed by him from the floor and moved its adoption:

H-2037

- 1 Amend the amendment, H-2023, to Senate File 476, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, by striking line 3 and inserting the
- 5 following: "subject to mandatory negotiations under
- 6 chapter 20."

Amendment H-2037 lost.

Mascher of Johnson offered the following amendment H-2034, to amendment H-2023, filed by her from the floor and moved its adoption:

H-2034

- 1 Amend the amendment, H-2023, to Senate File 476, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, line 24, by inserting after the word
- 5 "committee," the following: "the deans of the
- 6 colleges of education at approved practitioner
- 7 preparation institutions in this state,".

Amendment H-2034 was adopted.

Amendment H-2023, as amended, was adopted, placing amendment H-1997 filed by Carroll of Poweshiek, et al., and amendment H-2014 to amendment H-1997 filed by Stevens of Dickinson from the floor, out of order.

Stevens of Dickinson offered the following amendment H-2021 filed by him from the floor and moved its adoption:

H-2021

- 1 Amend Senate File 476, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 28 the
- 4 following:
- 5 "___ "Beginning principal" means an individual
- 6 newly licensed as an administrator by the board of
- 7 educational examiners under chapter 272, who is
- 8 assuming a position as a principal for a school
- 9 district."
- 10 2. Page 2, by inserting after line 23 the
- 11 following:
- 12 "For purposes of section 284.5A only, "mentor"
- 13 means an individual employed by a school district as
- 14 an administrator who holds a valid license issued
- 15 under chapter 272. The individual must have a record
- 16 of four years of successful employment as a school
- 17 principal, must be employed as an administrator on a
- 18 nonprobationary basis, and must demonstrate
- 19 professional commitment to both the improvement of
- 20 education quality and learning and the development of
- 21 beginning principals."
- 22 3. Page 6, by inserting after line 30 the
- 23 following:
- 24 "Sec. ___. **NEW SECTION. 284.5A BEGINNING**
- 25 **PRINCIPAL MENTORING PROGRAM.**
- 26 1. A beginning principal mentoring program is
- 27 created to promote excellence in school

28 administration, enhance teacher and student
29 achievement, build a supportive environment within
30 school districts, increase the retention of promising
31 beginning principals, and promote the personal and
32 professional well-being of principals. Prior to the
33 completion of the 2001-2002 school year, a school
34 district shall, at a minimum, provide an approved
35 beginning principal mentoring program for all
36 beginning principals.
37 2. The state board shall adopt rules to administer
38 this section.
39 3. Each participating school district shall
40 develop an initial beginning principal mentoring plan.
41 The plan shall be included in the school district's
42 comprehensive school improvement plan submitted
43 pursuant to section 256.7, subsection 21. The
44 beginning principal mentoring plan shall, at a
45 minimum, provide for a two-year sequence of mentoring
46 program content and activities to support the Iowa
47 teaching standards and beginning principal
48 professional and personal needs; mentor training;
49 placement of mentors and beginning principals; the
50 process for dissolving mentor and beginning principal

Page 2

1 partnerships; structure for mentor selection and
2 assignment of mentors to beginning principals; a
3 district facilitator; and program evaluation.
4 5. Upon completion of the program, the beginning
5 principal shall be comprehensively evaluated."
6 4. By renumbering as necessary.

Amendment H-2021 lost.

Lensing of Johnson offered the following amendment H-2013 filed by her from the floor and moved its adoption:

H-2013

1 Amend Senate File 476, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 17, by inserting after the word
4 "teacher" the following: "or a retired teacher".

Amendment H-2013 was adopted.

Greimann of Story asked and received unanimous consent to withdraw amendment H-2015 filed by her from the floor.

Mascher of Johnson offered the following amendment H-2032 filed by her from the floor and moved its adoption:

H-2032

1 Amend Senate File 476, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, line 18, by striking the words
4 "beginning in the second year of participation" and
5 inserting the following: "after the participating
6 school district has met the minimum salary
7 requirements of section 284.7".

A non-record roll call was requested.

The ayes were 35, nays 48.

Amendment H-2032 lost.

Tremmel of Wapello offered amendment H-2022 filed by him from the floor as follows:

H-2022

1 Amend Senate File 476, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 5, by inserting after line 9, the
4 following:
5 "h. Adopt a classroom code of conduct pursuant to
6 section 280.28."
7 2. Page 19, by inserting after line 24, the
8 following:
9 "Sec. ____ NEW SECTION. 280.28 CLASSROOM CONDUCT
10 CODE.
11 1. A code of classroom conduct shall be developed
12 by each school district, and reviewed on an annual
13 basis, commencing with the school budget year
14 beginning July 1, 2001. The code shall be adopted by
15 the school district board of directors after
16 consultation with a classroom conduct committee
17 comprised of residents of the school district. The
18 committee shall consist of parents, pupils, members of
19 the school board, school administrators, teachers,
20 counselors employed by the school district, and other
21 residents of the school district appointed to the
22 committee by the board. The code of classroom conduct
23 shall not be required to be uniform across school
24 districts, but shall, at a minimum, include the
25 following:

- 26 a. A determination of what constitutes dangerous,
27 disruptive, or unruly behavior, or behavior which
28 interferes with the ability of a teacher to teach
29 effectively, and which warrants removal of a pupil
30 from the classroom.
- 31 b. A procedure for the notification of a parent or
32 guardian of a pupil that the pupil has been removed
33 from a classroom.
- 34 c. A procedure for determining the appropriate
35 alternative placement of a pupil who has been removed
36 from a classroom.
- 37 d. Provisions which are consistent with sections
38 280.21, 280.21B, 280.24, 282.4, and 282.5.
- 39 2. A teacher may remove a pupil from a classroom
40 for a violation of the school district's code of
41 classroom conduct. A pupil who has been removed from
42 a classroom shall immediately be sent to the office of
43 the school principal, and the pupil's parent or
44 guardian shall be notified of the removal."
- 45 3. By renumbering as necessary.

Grundberg of Polk rose on a point of order that amendment H-2022 was not germane.

The Speaker ruled the point well taken and amendment H-2022 not germane.

Mascher of Johnson offered the following amendment H-2020 filed by her from the floor and moved its adoption:

H-2020

- 1 Amend Senate File 476, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 11, by striking lines 8 through 11 and
4 inserting the following: "year."

A non-record roll call was requested.

The ayes were 26, nays 50.

Amendment H-2020 lost.

Mascher of Johnson offered the following amendment H-2035 filed by her from the floor and moved its adoption:

Division was requested as follows:

H-2035

- 1 Amend Senate File 476, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H-2035A

- 3 1. Page 11, by striking lines 23 through 27 and
- 4 inserting after the following:
- 5 "____. Notwithstanding section 284.4, subsection 2,
- 6 effective July 1, 2004, teacher performance shall be
- 7 reviewed annually for purposes of assisting the
- 8 teacher in making continuous improvement. The annual
- 9 review shall be conducted by a certified evaluator who
- 10 shall be selected by an administrator after
- 11 consultation with the teacher. School districts are
- 12 encouraged to make available time for and to utilize
- 13 peer review and peer coaching techniques when
- 14 conducting the annual review. The annual review need
- 15 not be conducted if the teacher has been
- 16 comprehensively reviewed during the same school year.
- 17 The".

H-2035B

- 18 2. Page 11, line 29, by striking the word
- 19 "should" and inserting the following: "may".

H-2035A

- 20 3. Page 19, by inserting after line 24 the
- 21 following:
- 22 "Sec. ____ Section 294A.14, unnumbered paragraphs
- 23 3 and 4, Code 2001, are amended to read as follows:
- 24 A plan shall be developed using the procedure
- 25 specified under section 294A.15. The plan shall
- 26 provide for the establishment of a performance-based
- 27 pay plan, a supplemental pay plan, a combination of
- 28 the two pay plans, or comprehensive school
- 29 transformation programs, and shall include a budget
- 30 for the cost of implementing the plan. In addition to
- 31 the costs of providing additional salary for teachers
- 32 and the amount required to pay the employers' share of
- 33 the federal social security and Iowa public employees'
- 34 retirement system, or a pension and annuity retirement
- 35 system established under chapter 294, and payments on
- 36 the additional salary, the budget may include costs
- 37 associated with providing specialized or general
- 38 training. Moneys received under phase III shall not
- 39 be used to employ additional employees of a school
- 40 district, except that phase III moneys may be used to
- 41 employ substitute teachers, part-time teachers, and

H-2035A

42 other employees needed to implement plans that provide
43 innovative staffing patterns, or that require that a
44 teacher employed on a full-time basis be absent from
45 the classroom for specified periods for fulfilling
46 other instructional duties or to participate on a peer
47 review team or in peer coaching efforts. However, all
48 teachers employed are eligible to receive additional
49 salary under an approved plan.
50 For the purpose of this section, a performance-

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1 based pay plan shall provide for salary increases for
2 teachers who demonstrate superior performance in
3 completing assigned duties. The plan shall include
4 the method used to determine superior performance of a
5 teacher. For school districts, the plan may include
6 assessments of ~~specific~~ teaching behavior performance,
7 assessments of student performance, assessments of
8 other characteristics associated with effective
9 teaching, or a combination of these criteria."
10 4. By renumbering as necessary.

On motion by Mascher of Johnson, amendment H-2035A was adopted.

Mascher of Johnson moved the adoption of amendment H-2035B.

Amendment H-2035B lost.

Stevens of Dickinson offered the following amendment H-2016 filed by him from the floor and moved its adoption:

H-2016

1 Amend Senate File 476, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 12, line 20, by striking the word "not".

Amendment H-2016 lost.

Mascher of Johnson offered the following amendment H-2019 filed by her from the floor and moved its adoption:

H-2019

- 1 Amend Senate File 476, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 14, line 23, by striking the words and
- 4 figures "Effective until July 1, 2004, a" and
- 5 inserting the following: "A".

Amendment H-2019 lost.

Mascher of Johnson offered the following amendment H-2018 filed by her from the floor and moved its adoption:

H-2018

- 1 Amend Senate File 476, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 14, line 26, by striking the word "and".
- 4 2. Page 14, line 27, by inserting after the word
- 5 "section" the following: ", and who has been
- 6 designated by the school district to perform
- 7 evaluations".

Amendment H-2018 lost.

Dix of Butler asked and received unanimous consent to withdraw amendment H-2006 filed by Dix, et al., on May 4, 2001.

Mascher of Johnson offered the following amendment H-2036 filed by her from the floor and moved its adoption:

H-2036

- 1 Amend Senate File 476, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 17, by inserting after line 8 the
- 4 following:
- 5 "Sec. NEW SECTION. 284.15 INTENT - REPEAL.
- 6 1. It is the intent of the general assembly to
- 7 appropriate funds in an amount of at least three
- 8 hundred million dollars annually for purposes of the
- 9 student achievement and teacher quality program by the
- 10 fiscal year beginning July 1, 2006.
- 11 2. If funds appropriated by the general assembly
- 12 for the fiscal year beginning July 1, 2002, and each
- 13 succeeding fiscal year, for purposes of this chapter
- 14 do not exceed the prior year's appropriation for
- 15 purposes of this chapter, this chapter is repealed

- 16 effective July 1 of the fiscal year for which the
17 general assembly failed to appropriate moneys
18 exceeding the prior year's appropriation for purposes
19 of this chapter."
20 2. By renumbering as necessary.

Speaker pro tempore Sukup in the chair at 9:50 p.m.

Speaker Siegrist in the chair at 10:00 p.m.

A non-record roll call was requested.

The ayes were 31, nays 49.

Amendment H-2036 lost.

Greimann of Story offered the following amendment H-2017 filed by her from the floor and moved its adoption:

H-2017

- 1 Amend Senate File 476, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 19, line 28, through page 20,
4 line 7.
5 2. By renumbering as necessary.

Amendment H-2017 lost.

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?" (S.F. 476)

The ayes were, 58:

Alons	Arnold	Atteberry	Barry
Baudler	Boal	Boddicker	Boggess
Brauns	Broers	Brunkhorst	Bukta
Carroll	De Boef	Dix	Dolecheck
Drake	Eddie	Elgin	Falck
Finch	Gipp	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Kettering	Klemme	Larson

Manternach	Metcalf	Millage	Myers
Raecker	Rants	Rayhons	Roberts
Seng	Shey	Sievers	Sukup
Teig	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, 37:

Bell	Bradley	Chiodo	Cohoon
Connors	Cormack	Dotzler	Eichhorn
Fallon	Foege	Ford	Frevert
Garman	Greimann	Hatch	Johnson
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Osterhaus
Petersen	Rekow	Reynolds	Richardson
Scherrman	Schrader	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Winckler			

Absent or not voting, 5:

Houser	Jochum	Murphy	O'Brien
Quirk			

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 May 7, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 727, a bill for an act relating to mental health, mental retardation, and developmental disabilities service provisions, including county funding for such services expenditures and placements of persons with serious mental impairments and providing effective and retroactive applicability dates.

Also: That the Senate has on May 7, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 746, 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 May 7, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 755, a bill for an act relating to public expenditure and regulatory matters, making and reducing appropriations, and including effective date and retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 745** and **Senate Files 198 and 476**.

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.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON JUDICIARY

Senate File 543, a bill for an act making changes to criminal sentences by permitting an aggravated misdemeanor charge for certain burglary in the third degree criminal offenses, by creating a sentence of a determinate term of confinement and an additional indeterminate term of years for certain class "D" felonies, by extending the length of time for reconsideration of certain felony sentences, and providing penalties.

Fiscal Note is required.

Recommended **Do Pass** May 7, 2001.

Rants of Woodbury asked and received unanimous consent for the immediate consideration of **Senate File 543**.

Regular Calendar

Senate File 543, a bill for an act making changes to criminal sentences by permitting an aggravated misdemeanor charge for certain burglary in the third degree criminal offenses, by creating a sentence of a determinate term of confinement and an additional indeterminate term of years for certain class "D" felonies, by extending the length of time for reconsideration of certain felony

sentences, and providing penalties, 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. 543)

The ayes were, 94:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Myers	Osterhaus
Petersen	Raecker	Rants	Rayhons
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Warnstadt	Weidman	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, 1:

Van Fossen

Absent or not voting, 5:

Houser	Jochum	Murphy	O'Brien
Quirk			

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 **Senate File 537**, a bill for an act relating to and making appropriations from the tobacco settlement endowment fund and the healthy Iowans tobacco trust, establishing certain uses for the appropriations, 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-2027 to the House amendment:

H-2027

- 1 Amend the House amendment, S-3645, to Senate File
- 2 537, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 6.
- 5 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-2027, to the House amendment.

Heaton of Henry 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. 537)

The ayes were, 94:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Falck	Fallon
Finch	Foege	Ford	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Johnson
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Myers	Osterhaus	Petersen
Raecker	Rants	Rayhons	Rekow

Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Connors	Houser	Jochum	Murphy
O'Brien	Quirk		

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 537 and 543.**

Elgin of Linn called up for consideration **House File 687**, a bill for an act relating to government accountability, by providing for strategic planning, performance measurement and reporting, performance audits, performance contracting, return on investment, and oversight, and providing for its implementation, amended by the Senate, and moved that the House concur in the following Senate amendment H-2028:

H-2028

- 1 Amend House File 687, as passed by the House, as
- 2 follows:
- 3 1. Page 3, by inserting after line 26, the
- 4 following:
- 5 "___ The state board of regents shall establish
- 6 terms and conditions for service contracts executed by
- 7 institutions governed by the state board of regents."
- 8 2. Page 5, line 22, by inserting after the word
- 9 "chapter." the following: "However, the state board
- 10 of regents shall oversee and implement the provisions
- 11 of this chapter for institutions governed under
- 12 chapter 262."

The motion prevailed and the House concurred in the Senate amendment H-2028.

Elgin 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. 687)

The ayes were, 82:

Atteberry	Barry	Baudler	Bell
Boal	Boggess	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Cormack	Dix	Dolecheck
Dotzler	Drake	Eddie	Elgin
Falck	Fallon	Finch	Foege
Ford	Frevert	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Mascher	May
Mertz	Metcalf	Millage	Myers
Osterhaus	Petersen	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Teig	Tremmel	Tymeson	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, 12:

Alons	Arnold	Boddicker	Bradley
De Boef	Eichhorn	Garman	Heaton
Johnson	Manternach	Tyrrell	Van Engelenhoven

Absent or not voting, 6:

Connors	Houser	Jochum	Murphy
O'Brien	Quirk		

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

Boal of Polk called up for consideration **House File 637**, a bill for an act relating to the responsibilities and duties of the department of education, area education agencies, and the commission of libraries, including the renaming of the regional library system, the appointment of trustees for the library service area, and development of a biennial unified plan of service and service delivery in consultation with library service areas and area education agency media centers, amended by the Senate, and moved that the House concur in the following Senate amendment H-1984:

H-1984

- 1 Amend House File 637, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, by striking line 7, and inserting the
- 4 following: "~~A regional library system is~~ Library
- 5 service areas are".
- 6 2. Page 6, line 31, by striking the word and
- 7 figure "section 69.16" and inserting the following:
- 8 "sections 69.16 and 69.16A".
- 9 3. Page 6, by striking lines 32 and 33.
- 10 4. Page 7, by inserting after line 15 the
- 11 following:
- 12 "____. The commission of libraries shall adopt
- 13 rules providing for the coordination of appointments
- 14 made to the board of trustees in accordance with this
- 15 section."
- 16 5. Page 8, by inserting after line 9, the
- 17 following:
- 18 "Sec. ____ Section 256.66, Code 2001, is amended
- 19 by adding the following new subsection:
- 20 NEW SUBSECTION. 14. Shall assume all of the
- 21 outstanding obligations of the regional library and be
- 22 liable for and recognize, assume, and carry out all
- 23 valid contracts and obligations of the regional
- 24 library that the library service area replaces. Each
- 25 regional library in existence prior to July 1, 2001,
- 26 shall transfer its assets and title to any real estate
- 27 owned by the regional library to the library service
- 28 area that replaces the regional library."
- 29 6. Page 13, by striking lines 26 through 32 and
- 30 inserting the following:
- 31 "The maintenance of a ~~county~~ library established in
- 32 accordance with this chapter shall be on the basis of
- 33 each participating unit bearing its share of the total
- 34 cost in proportion to its population as compared to
- 35 the total population of the ~~county~~ library district.
- 36 The board of library trustees shall make".
- 37 7. Page 14, by inserting after line 19, the
- 38 following:

39 "This section shall not affect the taxing authority
40 provided under section 256.69."

41 8. Page 16, by inserting after line 11, the
42 following:

43 "Sec. ____ Section 669.2, subsection 5, Code 2001,
44 is amended to read as follows:

45 5. "State agency" includes all executive
46 departments, agencies, boards, bureaus, and
47 commissions of the state of Iowa, and corporations
48 whose primary function is to act as, and while acting
49 as, instrumentalities or agencies of the state of
50 Iowa, whether or not authorized to sue and be sued in

Page 2

1 their own names. This definition does not include a
2 contractor with the state of Iowa. Soil and water
3 conservation districts as defined in section 161A.3,
4 subsection 6, judicial district departments of
5 correctional services as established in section 905.2,
6 and ~~regional library service area~~ boards of library
7 trustees as ~~defined~~ established in chapter 256, are
8 state agencies for purposes of this chapter.

9 Sec. ____ DEPARTMENT OF MANAGEMENT STUDY. The
10 department of management shall coordinate a study of
11 city and county support of public library funding.
12 The department, in cooperation with the commission of
13 libraries, the Iowa league of cities, and the Iowa
14 state association of counties, shall determine whether
15 cities and counties are in compliance with section
16 256.69 requirements for support of public libraries,
17 identify inequities between city and county funding,
18 and determine the adequacy of the current minimum
19 levy. The department shall develop a plan to provide
20 those support functions and services more effectively
21 and efficiently. The department shall submit a report
22 of its findings and recommendations to the
23 chairpersons and ranking members of the senate and
24 house standing committees on education and the joint
25 appropriations subcommittee on education."

26 9. Page 16, by striking lines 12 through 18 and
27 inserting the following:

28 "Sec. ____ REGIONAL LIBRARY TERM EXPIRATION DATE.
29 Notwithstanding any provision to the contrary, the
30 terms of the regional library trustees elected in a
31 general election shall expire on July 1, 2001."

32 10. By renumbering, relettering, or redesignating
33 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1984.

Boal 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. 637)

The ayes were, 94:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Falck	Fallon
Finch	Foege	Ford	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Johnson
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Myers	Osterhaus	Petersen
Raecker	Rants	Rayhons	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Connors	Houser	Jochum	Murphy
O'Brien	Quirk		

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

HOUSE FILE 672 WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw House File 672 from further consideration by the House.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 637 and 687.**

MOTION TO RECONSIDER LOST

Rants of Woodbury called up for consideration the motion to reconsider House File 737, filed on April 30, 2001, and moved to reconsider the vote by which **House File 737**, a bill for an act providing an Iowa individual income tax checkoff for deposit in the keep Iowa beautiful fund, making an appropriation, and providing a retroactive applicability date, passed the House and was placed on its last reading on April 30, 2001.

A non-record roll call was requested.

The ayes were 14, nays 69.

The motion to reconsider lost, placing amendments H-1775, H-1776 and H-1789 filed by Mascher of Johnson on April 30, 2001 out of order.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 737** be immediately messaged to the Senate.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on May 7, 2001. Had I been present, I would have voted "aye" on House File 745 and Senate File 198.

DRAKE of Pottawattamie

I was necessarily absent from the House chamber on May 7, 2001. Had I been present, I would have voted "aye" on House Files 579, 745 and Senate File 198.

HANSEN of Pottawattamie

I was necessarily absent from the House chamber on May 7, 2001. Had I been present, I would have voted "aye" on House Files 579, 745 and Senate File 198.

JOHNSON of Osceola

I was necessarily absent from the House chamber on May 7, 2001. Had I been present, I would have voted "aye" on House File 413.

RICHARDSON of Warren

I was necessarily absent from the House chamber on May 7, 2001. Had I been present, I would have voted "aye" on House Files 579, 745 and Senate File 198.

SHEY of Linn

I was necessarily absent from the House chamber on May 7, 2001. Had I been present, I would have voted "aye" on House File 579.

TEIG of Hamilton

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 May, 2001: House Files 561, 590, 598, 643, 656 and 712.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 7, 2001, he approved and transmitted to the Secretary of State the following bills:

House File 502, an act relating to agricultural production, by prohibiting acts relating to facilities or operations, making penalties applicable, and providing penalties and civil liability.

House File 635, an act providing that certain employees are not entitled to compensation for time spent traveling to and from the worksite.

House File 680, an act relating to child and dependent abuse reporting and civil remedies pertaining to such reporting.

House File 716, an act providing for taxes relating to ethanol blended gasoline, making penalties applicable, and providing for the Act's applicability.

House File 722, an act relating to tonnage fees and moneys in the solid waste account of the groundwater protection fund, and providing an effective date.

House File 733, an act relating to the Iowa individual health benefit reinsurance association and the Iowa comprehensive health insurance association, by changing the board of directors, membership, and assessment related to the associations, and making changes related to adjustments in the coverage of basic and standard health benefit plans.

Senate Joint Resolution 3, a joint resolution authorizing the sixth judicial district department of correctional services to extend or enter into a new lease-purchase agreement and providing an effective date.

Senate File 392, an act relating to appeals filed in juvenile court proceedings.

Senate File 473, an act concerning regulated industries under the jurisdiction of the commissioner of insurance relating to various issues relating to insurance, relating to the regulation of securities, by defining the terms "agent" and "security", providing registration requirements, providing for disciplinary actions, imposing fees and civil penalties, providing for testimony and the production of evidence, authorizing cooperation with law enforcement entities, providing criminal penalties, and eliminating reporting requirements, and relating to cemetery and funeral merchandise and funeral services, establishing permit and purchase agreement requirements, establishing and appropriating fees, and providing administration, enforcement, and liquidation procedures, and penalties.

Senate File 519, an act relating to the assessment for property tax purposes of certain affordable housing for low-income individuals and families.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

May 7, 2001

The Honorable Mary Kramer
President of the Senate
State Capitol Building
L O C A L

Dear President Kramer:

I hereby transmit Senate File 410, an act relating to the application of certain air quality requirements to indoor emission units or air contaminant sources.

I am unable to approve Senate File 410. The original intent of this bill was to clarify Iowa Code Section 455B.135 by specifying the Iowa Department of Natural Resources does not have the authority to require air quality permits for equipment that is not vented outside a building. The purpose of this proposed action was to avoid undue burden on businesses and industries. I support this concept and worked to develop a bill that met that intent.

Unfortunately, Senate File 410 as passed by the Iowa General Assembly contains language that is ambiguous, causing confusion in the interpretation of the bill even among members of the House and Senate. The definitions of "general ventilation" and "directly vented" are unclear and subject to misinterpretation. The result of this bill, if it were enacted, would be inconsistent regulation of air emissions even from the exact same sources and less certainty about permitting requirements. In addition, it is not possible to write rules that could be implemented without clarification of the definition of those terms.

The Department of Natural Resources is involved in discussions with business and industry to develop rules based on current law that provide the business community the information it needs to achieve compliance, increase predictability in regulation requirements, and reduce the overall burden. Supporters of this bill from business and industry have suggested this goal may be achievable by means other than this bill. I expect these discussions will continue to build consensus on rules thereby avoiding the need for additional legislation. Otherwise, I am willing to work on legislation next year that specifies the requirements for air quality permits and reduces the uncertainty and additional costs incurred by Iowa's businesses and industries.

For the above reasons, I hereby respectfully disapprove Senate File 410.

Sincerely,
Thomas J. Vilsack
Governor

PRESENTATION OF VISITORS

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

One Hundred students from Westwood Elementary School, Ankeny. By Boal of Polk.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|-----------|---|
| 2001\1140 | Lloyd Otte, Clarinda – For celebrating his 90 th birthday. |
| 2001\1141 | Alexander C. Selby, Corning – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2001\1142 | Andy Miller, Shenandoah – For being the Herbert Hoover Uncommon Student. |
| 2001\1143 | Esther Barrett, Correctionville – For celebrating her 80 th birthday. |
| 2001\1144 | Phyllis Hansen, Correctionville – For celebrating her 80 th birthday. |
| 2001\1145 | Earl Buckley, Lake View – For celebrating his 89 th birthday. |
| 2001\1146 | Dorthea Witt, Odebolt – For celebrating her 100 th birthday. |
| 2001\1147 | Joy and David Annear, Ida Grove – For celebrating their 50 th wedding anniversary. |
| 2001\1148 | Michael Charles, Waterloo – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2001\1149 | Evelyn and Thomas Clark, Bellevue – For celebrating their 50 th wedding anniversary. |
| 2001\1150 | Dee and Gerry Ernst, Bellevue – For celebrating their 50 th wedding anniversary. |
| 2001\1151 | Matthew Burns, Maquoketa – For being a National Merit Scholar. |
| 2001\1152 | Louise and Bert Claussen, Newton – For celebrating their 60 th wedding anniversary. |

- 2001\1153 Geraldine and Robert Conklin, Stratford – For celebrating their 50th wedding anniversary.
- 2001\1154 MGen. Gennady Ivanovich Bakharev, Head of the Ministry of Emergency management for the Rostov Region, Russia – For being named an Honorary Iowan during his visit to Des Moines from May 4 – May 11, 2001.
- 2001\1155 Col. Alexander Alexandrovich Agayev, Commander of the Rescue Center for the Emergency Management Agency of the Russian Federation, Russia – For being named an Honorary Iowan during his visit to Des Moines from May 4 – May 11, 2001.
- 2001\1156 Col. Alexander Viktorovich Tsimbalov, Head of the Emergency Management Agency for the City of Rostov-on-Don, Russia – For being named an Honorary Iowan during his visit to Des Moines from May 4 – May 11, 2001.
- 2001\1157 Col. Dmitriy Petrovich Mycin, Head Supply for the Emergency Management Agency for the Rostov Region, Russia – For being named an Honorary Iowan during his visit to Des Moines from May 4 – May 11, 2001.
- 2001\1158 Col. Victor Gavrilovich Galitsin, Head of Protocol and International Measures for Emergency Management, Russia – For being named an Honorary Iowan during his visit to Des Moines from May 4 – May 11, 2001.
- 2001\1159 Col. Nickolai Ivanovich Podresov, Head of the Emergency Management Agency for the City of Azos in the Rostov Region, Russia – For being named an Honorary Iowan during his visit to Des Moines from May 4 – May 11, 2001.
- 2001\1160 Col. Vladimir Alexandrovich Kravchenko, First Deputy for the Fire Service in the Rostov Region, Russia – For being named an Honorary Iowan during his visit to Des Moines from May 4 – May 11, 2001.
- 2001\1161 Alexander Axsarbekovich Amilakhanov, Interpreter for Emergency Management Agency of the Stavropol Kray, Russia – For being named an Honorary Iowan during his visit to Des Moines from May 4 – May 11, 2001.
- 2001\1162 Col. Valeriy Anotolyevich Kavtasenkov, Head of the Emergency Management Agency of the Stavropol Kray, Russia – For being named an Honorary Iowan during his visit to Des Moines from May 4 – May 11, 2001.
- 2001\1163 Kara VandeKrol, Fort Madison – For winning All-State Speaker in the category of Expository Address.

- 2001\1164 Michael Thompson, Fort Madison – For winning All-State Speaker in the category of Reviewing.
- 2001\1165 Dolores and Frank Simmons, Clinton – For celebrating their 50th wedding anniversary.
- 2001\1166 Logan Kruse, Clinton – For winning the Cub Scouts "God and Me" Award.
- 2001\1167 Sue Brock, Mormon Trail Community School – For 32 years of service as an Iowa Educator in the counties of Wayne, Decatur, Clarke and Lucas.
- 2001\1168 Mary Keeney, Indianola – For celebrating her 80th birthday.
- 2001\1169 Ludmila Barzenkova, Interpreter, Russia – For being named an Honorary Iowan during her visit to Des Moines from May 4 – May 11, 2001.
- 2001\1170 Kate Wiltse, Onawa – For celebrating her 90th birthday.
- 2001\1171 Mary Darling, Manilla – For celebrating her 82nd birthday.
- 2001\1172 Vernon Bielow, Charter Oak – For celebrating his 80th birthday.
- 2001\1173 Sally Nordaker, Ute – For celebrating her 80th birthday.

RESOLUTIONS FILED

HCR 38, by Heaton and Houser, a concurrent resolution requesting the legislative council to include additional issues in the charge of the mental health and developmental disabilities services restructuring task force.

Laid over under **Rule 25**.

HR 47, by Roberts, a resolution designating October 15, 2001, as Pregnancy and Infant Loss Remembrance Day.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-2039	H.F.	755	Senate Amendment
H-2040	H.F.	746	Senate Amendment

On motion by Rants of Woodbury the House adjourned at 12:09 a.m., until 8:45 a.m., Tuesday, May 8, 2001.

JOURNAL OF THE HOUSE

One Hundred Twenty-first Calendar Day - Eighty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, May 8, 2001

The House met pursuant to adjournment at 8:52 a.m., Speaker Siegrist in the chair.

Prayer was offered by the Honorable Dolores Mertz, state representative from Kossuth County.

The Journal of Monday, May 7, 2001 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jochum and Murphy of Dubuque on request of Myers of Johnson.

ADOPTION OF HOUSE RESOLUTION 47

Roberts of Carroll called up for consideration **House Resolution 47**, a resolution designating October 15, 2001, as Pregnancy and Infant Loss Remembrance Day, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Roberts of Carroll introduced to the House Christina Santos Kruse, a friend who has experienced the loss of an infant and has worked to make October 15, 2001 Pregnancy and Infant Loss Remembrance Day.

ADOPTION OF SENATE CONCURRENT RESOLUTION 26

Klemme of Plymouth called up for consideration **Senate Concurrent Resolution 26**, a concurrent resolution requesting that the Attorney General of the State of Iowa vigorously enforce Iowa corporate farming law which prohibits processors from owning,

controlling, or operating a feedlot in Iowa in which hogs or cattle are fed for slaughter, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENTS CONSIDERED

Millage of Scott called up for consideration **House File 755**, a bill for an act relating to public expenditure and regulatory matters, making and reducing appropriations, and including effective date and retroactive applicability provisions, amended by the Senate, and moved that the House concur in the following Senate amendment H-2039:

H-2039

- 1 Amend House File 755, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, line 14, by striking the words
- 4 "TUITION REPLACEMENT" and inserting the following:
- 5 "PAYMENTS IN LIEU OF TUITION".
- 6 2. Page 6, line 15, by striking the words
- 7 "TUITION REPLACEMENT" and inserting the following:
- 8 "PAYMENTS IN LIEU OF TUITION".
- 9 3. Page 6, line 33, by striking the words
- 10 "TUITION REPLACEMENT" and inserting the following:
- 11 "PAYMENTS IN LIEU OF TUITION".
- 12 4. Page 7, by striking lines 11 through 14 and
- 13 inserting the following: "technology, and the
- 14 university of northern Iowa to finance or pay debt
- 15 service to pay debt to finance the cost of".
- 16 5. Page 7, line 16, by striking the words "and
- 17 utility services".
- 18 6. Page 9, line 19, by inserting after the figure
- 19 "12E.9." the following: "Payment of moneys from the
- 20 appropriations in this division of this Act shall be
- 21 made in a manner that does not adversely affect the
- 22 tax-exempt status of any outstanding bonds issued by
- 23 the tobacco settlement authority."
- 24 7. Page 9, by inserting after line 21 the
- 25 following:
- 26 "Sec.____. DEPARTMENT OF EDUCATION. There is
- 27 appropriated from the general fund of the state to the
- 28 department of education for the fiscal year beginning
- 29 July 1, 2001, and ending June 30, 2002, the following
- 30 amounts, or so much thereof as is necessary, to be
- 31 used for the purposes designated:
- 32 1. AMERICORPS AFTER-SCHOOL INITIATIVE

33 For purposes of the americorps after-school
34 initiative:
35 \$ 150,000
36 2. JOBS FOR AMERICA'S GRADUATES
37 For school districts to provide direct services to
38 the most at-risk senior high school students enrolled
39 in school districts through direct intervention for a
40 "jobs for America's graduates" specialist:
41 \$ 150,000
42 Sec. ____ DEPARTMENT OF HUMAN SERVICES. There is
43 appropriated from the general fund of the state to the
44 department of human services for the fiscal year
45 beginning July 1, 2001, and ending June 30, 2002, the
46 following amount, or so much thereof as is necessary,
47 to be used for the purpose designated:
48 To supplement the appropriation made in 2001 Iowa
49 Acts, House File 732, if enacted, for general
50 administration, including salaries, support,

Page 2

1 maintenance, and miscellaneous purposes:
2 \$ 2,000,000"
3 8. Page 9, by inserting after line 33, the
4 following:
5 "Sec. ____ Section 135.24, subsection 2, paragraph
6 c, Code 2001, is amended to read as follows:
7 c. Identification of the medical services to be
8 provided under the program. The medical services
9 provided shall may include, but shall not be limited
10 to, obstetrical and gynecological medical services,
11 and psychiatric services provided by a physician
12 licensed under chapter 148, 150, or 150A".
13 9. Page 13, by inserting after line 21, the
14 following:
15 "Sec. ____ Section 301.1, unnumbered paragraph 2,
16 Code 2001, is amended by striking the unnumbered
17 paragraph and inserting in lieu thereof the following:
18 Textbooks adopted and purchased by a school
19 district shall, to the extent funds are appropriated
20 by the general assembly, be made available to pupils
21 attending accredited nonpublic schools. The
22 department of education shall ascertain a maximum
23 annual amount a school district shall be required to
24 use for the purchase of textbooks for accredited
25 nonpublic schools. The amount shall be in the
26 proportion that the basic enrollment of an accredited
27 nonpublic school bears to the sum of the basic
28 enrollments of all participating accredited nonpublic
29 schools in the state for the budget year. An
30 accredited nonpublic school shall certify its actual
31 enrollment to the department of education by October

32 1, annually. By October 15, annually, the department
33 of education shall notify the board of directors of
34 each school district of the maximum amount of its
35 allocation that shall be made available for purchasing
36 nonsectarian, nonreligious textbooks for each of the
37 accredited nonpublic schools located within the school
38 district in accordance with this paragraph. For
39 purposes of this paragraph, an accredited nonpublic
40 school's enrollment count shall include only students
41 who are residents of Iowa. The costs of providing
42 textbooks to accredited nonpublic schools as provided
43 in this paragraph shall not be included in the
44 computation of district cost under chapter 257, but
45 shall be shown in the budget as an expense from
46 miscellaneous income. Textbook expenditures made in
47 accordance with this paragraph shall be kept on file
48 in the school district. As used in this paragraph,
49 "textbooks" means books and loose-leaf or bound
50 manuals, systems of reusable instructional materials

Page 3

1 or combinations of books and supplementary
2 instructional materials which convey information to
3 the student or otherwise contribute to the learning
4 process, or electronic textbooks, including but not
5 limited to computer software, applications using
6 computer-assisted instruction, interactive videodisc,
7 and other computer courseware and magnetic media."
8 10. Page 15, line 2, by striking the figure "2001"
9 and inserting the following: "2000".
10 11. Page 15, line 5, by striking the figure "2001"
11 and inserting the following: "2000".
12 12. Page 15, line 13, by striking the figure
13 "2002" and inserting the following: "2001".
14 13. Page 16, by inserting after line 11, the
15 following:
16 "Sec.____. Section 301.30, Code 2001, is
17 repealed."
18 14. Page 16, by inserting before line 12, the
19 following:
20 "Sec. 200. 2001 Iowa Acts, House File 259, shall
21 not take effect July 1, 2001, but shall take effect
22 January 1, 2002.
23 Sec.____. EFFECTIVE DATE. Section 200 of this
24 division of this Act, being deemed of immediate
25 importance, takes effect upon enactment."
26 15. By renumbering, relettering, or redesignating
27 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-2039.

Millage 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. 755)

The ayes were, 52:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Brunkhorst	Carroll
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Gipp	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Kettering	Klemme	Larson	Manternach
Metcalf	Millage	Raecker	Rants
Rayhons	Rekow	Shey	Sievers
Sukup	Teig	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Mr. Speaker
			Siegrist

The nays were, 45:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Cormack	Dotzler
Falck	Fallon	Foege	Ford
Frevert	Garman	Greimann	Hatch
Huser	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Mertz
Myers	O'Brien	Osterhaus	Petersen
Quirk	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shoultz
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise
Witt			

Absent or not voting, 3:

Houser	Jochum	Murphy
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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

Rants of Woodbury asked and received unanimous consent that **House File 755** be immediately messaged to the Senate.

Millage of Scott called up for consideration **House File 746**, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations, amended by the Senate, and moved that the House concur in the following Senate amendment H-2040:

H-2040

- 1 Amend House File 746, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, lines 8 and 9, by striking the words
- 4 "but excluding the judicial branch of state
- 5 government".
- 6 2. Page 6, line 10, by striking the figure
- 7 "46,770,200" and inserting the following:
- 8 "61,270,200".
- 9 3. Page 7, by inserting after line 2 the
- 10 following:
- 11 "____. The collective bargaining agreement
- 12 negotiated pursuant to chapter 20 for employees in the
- 13 judicial branch of government bargaining unit."
- 14 4. By striking page 8, line 30, through page 9,
- 15 line 9.
- 16 5. Page 10, by striking line 6 and inserting the
- 17 following: "state except for employees of the state
- 18 board of regents. The funds appropriated from the
- 19 general fund of the state for employees of the state
- 20 board of regents shall exclude general university
- 21 indirect costs and general university federal funds."
- 22 6. Page 12, by striking lines 8 through 21, and
- 23 inserting the following:
- 24 "Sec.____. STATE EMPLOYEE BENEFIT PROGRAMS –
- 25 ADMINISTRATIVE COSTS.
- 26 1. For the fiscal year beginning July 1, 2001, and
- 27 ending June 30, 2002, the department of personnel
- 28 shall include a monthly administration charge of \$2.00
- 29 per contract on all health insurance plans
- 30 administered by the department. This is an
- 31 administration fee attributable only to the employer
- 32 share for those employees who are eligible for the
- 33 state share of insurance. If the contract holder is
- 34 without a state employer to pay the fee, the contract
- 35 holder shall not be assessed the fee of \$2.00 per
- 36 month.

37 2. For the fiscal year beginning July 1, 2001, and
38 ending June 30, 2002, the state board of regents, all
39 regional libraries, the state fair board, the
40 department of transportation, and the eight judicial
41 district departments of correctional services shall
42 report and remit the administration charge on a
43 monthly basis to the department of revenue and
44 finance. The report shall contain the number and type
45 of health insurance contracts held by each of its
46 employees whose health insurance is administered by
47 the department of personnel.
48 3. A health insurance administration fund is
49 created in the state treasury. The proceeds of the
50 monthly administration charge shall be remitted to the

Page 2

1 health insurance administration fund. The department
2 of revenue and finance shall collect from each
3 department on centralized payroll the administration
4 charge each month and shall remit the amount to the
5 health insurance administration fund. The department
6 of personnel may expend no more than \$600,000 from the
7 health insurance administration fund for the fiscal
8 year beginning July 1, 2001, and ending June 30, 2002.
9 Any unencumbered or unobligated balance in the health
10 insurance administration fund at the end of the fiscal
11 year shall be transferred to the health insurance
12 surplus fund."

13 7. Page 12, by inserting before line 22, the
14 following:

15 "Sec. ____ Section 80.8, unnumbered paragraphs 2
16 and 3, Code 2001, are amended to read as follows:

17 The commissioner may delegate to the ~~members of the~~
18 ~~Iowa state patrol~~ peace officers of the department
19 such additional duties in the enforcement of this
20 chapter as the commissioner may deem proper and
21 incidental to the duties now imposed upon them by law.

22 The salaries of all members and employees of the
23 department and the expenses of the department shall be
24 provided for by the legislative appropriation
25 therefor. The compensation of ~~the members of the Iowa~~
26 ~~state patrol~~ peace officers of the department shall be
27 fixed according to grades as to rank and length of
28 service by the commissioner with the approval of the
29 governor. The ~~members of the Iowa state patrol~~ peace
30 officers shall be paid additional compensation in
31 accordance with the following formula: When ~~members~~
32 ~~of the Iowa state patrol~~ peace officers have served
33 for a period of five years their compensation then
34 being paid shall be increased by the sum of twenty-
35 five dollars per month beginning with the month

36 succeeding the foregoing described five-year period;
37 when ~~members thereof~~ peace officers have served for a
38 period of ten years their compensation then being paid
39 shall be increased by the sum of twenty-five dollars
40 per month beginning with the month succeeding the
41 foregoing described ten-year period, such sums being
42 in addition to the increase provided herein to be paid
43 after five years of service; when ~~members thereof~~
44 peace officers have served for a period of fifteen
45 years their compensation then being paid shall be
46 increased by the sum of twenty-five dollars per month
47 beginning with the month succeeding the foregoing
48 described fifteen-year period, such sums being in
49 addition to the increases previously provided for
50 herein; when ~~members thereof~~ peace officers have

Page 3

1 served for a period of twenty years their compensation
2 then being paid shall be increased by the sum of
3 twenty-five dollars per month beginning with the month
4 succeeding the foregoing described twenty-year period,
5 such sums being in addition to the increases
6 previously provided for herein. While on active duty
7 each ~~member~~ peace officer shall also receive a flat
8 daily sum as fixed by the commissioner with the
9 approval of the governor for meals ~~while away from the~~
10 ~~office to which the member has been assigned and~~
11 ~~within the member's district."~~
12 8. By striking page 12, line 22, through page 13,
13 line 8, and inserting the following:
14 "Sec. ____ TERMINAL LIABILITY HEALTH INSURANCE
15 SURCHARGE. For the fiscal year beginning July 1,
16 2001, and ending June 30, 2002, the department of
17 personnel shall include in the rates for the Wellmark
18 Blue Cross/Blue Shield Program 3 Plus, Wellmark Blue
19 Cross/Blue Shield Program 3 plus with a comprehensive
20 major medical overlay, and Iowa Select Preferred
21 Provider Organization health insurance plans a
22 surcharge, as determined by the department of
23 management, on only the employer's share of the health
24 insurance premium cost to fund the state's share of
25 the terminal liability of the existing Wellmark health
26 insurance contract. The department of revenue and
27 finance shall collect the surcharge from state
28 agencies, the state fair board, state board of
29 regents, and the eight judicial district departments
30 of correctional services. The proceeds of the
31 surcharge shall be credited to the terminal liability
32 insurance fund. The health insurance plans provided
33 to state employees covered by the state police
34 officers council collective bargaining agreement are

35 exempt from the surcharge provided in this section.
36 Sec. ____ NEW SECTION. 421.46 TERMINAL LIABILITY
37 HEALTH INSURANCE FUND.
38 1. A terminal liability health insurance fund is
39 created in the state treasury under the control of the
40 department of personnel. The proceeds of the terminal
41 liability health insurance fund shall be used by the
42 department of personnel to pay the state's share of
43 the terminal liability of the existing health
44 insurance contract administered by the department of
45 personnel. The moneys appropriated to the terminal
46 liability health insurance fund plus any additional
47 moneys appropriated or collected pursuant to this Act
48 or other Acts of the general assembly shall constitute
49 the total amount due to pay the terminal liability
50 specified in this section.

Page 4

1 2. The proceeds of the terminal liability health
2 insurance fund shall also be used by the department of
3 revenue and finance to reimburse state agencies for
4 expenditures related to the payment of the health
5 insurance plans surcharge for the terminal liability
6 of the health insurance contract for state employees.
7 The department of revenue and finance shall provide
8 guidelines and forms for documentation that a state
9 agency shall submit for the health insurance
10 reimbursement. The reimbursement shall be restricted
11 to the amount of moneys appropriated from the general
12 fund of the state that is used to pay the terminal
13 liability of health insurance for state employees for
14 the fiscal year.
15 3. Notwithstanding section 8.33, any unencumbered
16 or unobligated balance remaining in the terminal
17 liability health insurance fund at the close of a
18 fiscal year shall not revert. However, upon total
19 payment of the terminal liability of the existing
20 health insurance contract administered by the
21 department of personnel, any remaining balance in the
22 terminal liability health insurance fund shall revert
23 to the credit of the unassigned revenue fund
24 administered by the Iowa comprehensive underground
25 storage tank fund board."
26 9. By renumbering, relettering, or redesignating
27 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-2040.

Millage 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. 746)

The ayes were, 51:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Carroll
Dix	Dolecheck	Drake	Eddie
Elgin	Finch	Gipp	Grundberg
Hahn	Hansen	Heaton	Hoffman
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Sievers	Sukup
Teig	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Mr. Speaker	
		Siegrist	

The nays were, 46:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Cormack	De Boef
Dotzler	Eichhorn	Falck	Fallon
Foege	Ford	Frevert	Garman
Greimann	Hatch	Huser	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Myers	O'Brien
Osterhaus	Petersen	Quirk	Reynolds
Richardson	Scherrman	Schrader	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

Absent or not voting, 3:

Houser	Jochum	Murphy
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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

Rants of Woodbury asked and received unanimous consent that House File 746 be immediately messaged to the Senate.

SPECIAL PRESENTATION

Jenkins of Black Hawk and Alons of Sioux introduced to the House, Major General Gennady Ivanovich Bakharev, head of the Ministry of Emergency Management for the Rostov Region, Russia. The Ministry of Emergency Management in Russia hosted National Guard members, including Representative Alons, and Emergency Management and Emergency Response members. General Bakharev spoke briefly regarding his country and the reasons they were visiting Iowa and presented Speaker Siegrist a painting by a local Russian artist.

The House rose and expressed its welcome.

ADOPTION OF SENATE CONCURRENT RESOLUTION 2

Carroll of Poweshiek called up for consideration **Senate Concurrent Resolution 2**, a concurrent resolution to approve and confirm the appointment of the Citizens' Aide, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 46

Teig of Hamilton called up for consideration **House Resolution 46**, a resolution relating to an annual budget for the daily operations of the House of Representatives, and moved its adoption.

The motion prevailed and the resolution was adopted.

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 May 7, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 739, a bill for an act relating to the application of sales and services tax receipts by a political subdivision to the payment of principal and interest of certain bonds.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **Senate Concurrent Resolution 26** be immediately messaged to the Senate.

RULE 57 SUSPENDED

Rants of Woodbury asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda for a meeting of the committee on administration and rules immediately upon recess.

On motion by Rants of Woodbury, the House was recessed at 10:00 a.m., until 10:30 a.m.

LATE MORNING SESSION

The House reconvened at 10:45 a.m., Speaker Siegrist in the chair.

On motion by Rants of Woodbury, the House was recessed at 10:47 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:11 p.m., Speaker pro tempore Sukup 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 May 8, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 720, a bill for an act relating to the taking of fish and game by increasing fees for nonresident hunting, fishing, fur harvesting, and related licenses, providing for additional licenses and fees, and providing effective and applicability dates.

Also: That the Senate has on May 8, 2001, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 211, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship.

MICHAEL E. MARSHALL, Secretary

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.

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.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 486, a bill for an act relating to the assessment of a law enforcement initiative surcharge on certain criminal offenses.

Fiscal Note is not required.

Recommended Do Pass May 8, 2001.

Rants of Woodbury asked and received unanimous consent for the immediate consideration of Senate File 486.

CONSIDERATION OF BILLS Ways and Means Calendar

Senate File 486, a bill for an act relating to the assessment of a law enforcement initiative surcharge on certain criminal offenses, with report of committee recommending passage, was taken up for consideration.

The House stood at ease at 1:18 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 486 at 1:25 p.m., Speaker Siegrist in the chair.

Fallon of Polk offered the following amendment H-2043 filed by him from the floor and moved its adoption:

H-2043

- 1 Amend Senate File 486, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, line 17, by striking the figure
- 4 "725.1,".
- 5 2. Page 2, by inserting after line 17 the
- 6 following:
- 7 "1A. The surcharge assessed in this section shall
- 8 also be assessed against a person who sells or offers
- 9 for sale the person's services as a partner in a sex
- 10 act, or who purchases or offers to purchase such
- 11 services in violation of section 725.1."
- 12 3. By renumbering as necessary.

Amendment H-2043 lost.

Fallon of Polk offered the following amendment H-2044 filed by him from the floor and moved its adoption:

H-2044

- 1 Amend Senate File 486, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by striking lines 14 through 17, and
- 4 inserting the following: "judgment has been entered
- 5 for a criminal violation under section 321J.2."

Roll call was requested by Fallon of Polk and D. Taylor of Linn.

On the question "Shall amendment H-2044 be adopted?" (S.F. 486)

The ayes were, 19:

Atteberry	Chiodo	Connors	Falck
Fallon	Foege	Ford	Frevert
Hatch	Houser	Kreiman	Larkin
O'Brien	Reynolds	Seng	Shoultz
Taylor, D.	Tremmel	Witt	

The nays were, 79:

Alons	Arnold	Barry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Cohoon	Cormack

De Boef	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Finch	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Johnson
Kettering	Klemme	Kuhn	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Myers
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Richardson
Roberts	Scherrman	Schrader	Shey
Sievers	Smith	Stevens	Sukup
Taylor, T.	Teig	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Winckler	Wise	Mr. Speaker	
		Siegrist	

Absent or not voting, 2:

Jochum Murphy

Amendment H-2044 lost.

The House stood at ease at 1:53 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 486 at 1:55 p.m., Speaker Siegrist in the chair.

Shey 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. 486)

The ayes were, 94:

Alons	Arnold	Atteberry	Barry
Baudler	Bell	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Falck
Finch	Foege	Ford	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Houser	Hoversten
Huseman	Huser	Jacobs	Jenkins

Johnson	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Winckler
Wise	Mr. Speaker		
	Siegrist		

The nays were, 4:

Fallon	Taylor, D.	Taylor, T.	Witt
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Absent or not voting, 2:

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

SPECIAL PRESENTATION

Wise of Lee introduced to the House Janet Adams, former state representative from Webster County.

The House rose and expressed its welcome.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate File 486 and Senate Concurrent Resolution 2.**

The House stood at ease at 2:15 p.m., until the fall of the gavel.

The House resumed session at 3:08 p.m., Speaker pro tempore Sukup in the chair.

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.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

Senate Joint Resolution 7, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

Fiscal Note is not required.

Recommended **Do Pass** May 8, 2001.

Regular Calendar

Senate Joint Resolution 7, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation, with report of committee recommending passage, was taken up for consideration.

Jacobs of Polk moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 7)

The ayes were, 76:

Arnold	Atteberry	Barry	Baudler
Bell	Boggess	Bradley	Brauns
Broers	Bukta	Carroll	Chiodo
Cohoon	Connors	Dix	Dolecheck
Dotzler	Eddie	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Gipp	Greimann	Grundberg
Hansen	Hatch	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Kettering	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Myers	O'Brien	Osterhaus	Petersen
Raecker	Rants	Rayhons	Reynolds
Richardson	Scherrman	Schrader	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Taylor, T.	Teig
Tymeson	Tyrell	Van Fossen	Weidman

Winckler

Wise

Witt

Sukup,
Presiding

The nays were, 18:

Alons
Cormack
Hahn
Kreiman
TremmelBoal
De Boef
Heaton
Quirk
WarnstadtBoddicker
Eichhorn
Johnson
RekowBrunkhorst
Garman
Klemme
Roberts

Absent or not voting, 6:

Drake
Taylor, D.Houser
Van Engelenhoven

Jochum

Murphy

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

ADOPTION OF HOUSE RESOLUTION 42

T. Taylor of Linn called up for consideration **House Resolution 42**, a resolution urging the Iowa Department of Education's program, the Regional Autism Services program, to continue compiling and maintaining yearly records regarding individuals with autism and related disorders, and moved its adoption.

The motion prevailed and the resolution was adopted.

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.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

Senate Joint Resolution 8, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol at a dinner held in conjunction with a national educational program relating to food safety and genetic engineering organized by the State Legislative Leaders Foundation and Iowa State University.

Fiscal Note is not required.

Recommended **Do Pass** May 8, 2001.

Regular Calendar

Senate Joint Resolution 8, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol at a dinner held in conjunction with a national educational program relating to food safety and genetic engineering organized by the State Legislative Leaders Foundation and Iowa State University, with report of committee recommending passage, was taken up for consideration.

Jacobs of Polk moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 8)

The ayes were, 73:

Arnold	Atteberry	Barry	Baudler
Bell	Bogess	Bradley	Brauns
Broers	Bukta	Carroll	Chiodo
Connors	Dix	Dotzler	Eddie
Elgin	Fallon	Finch	Foege
Ford	Frevert	Gipp	Greimann
Grundberg	Hansen	Hatch	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Kettering	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Myers	O'Brien	Osterhaus
Petersen	Raecker	Rants	Rayhons
Reynolds	Richardson	Scherrman	Schrader
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Taylor, D.
Taylor, T.	Teig	Tymeson	Tyrrell
Van Fossen	Weidman	Winckler	Wise
Sukup, Presiding			

The nays were, 20:

Alons	Boal	Boddicker	Brunkhorst
Cormack	De Boef	Dolecheck	Eichhorn
Garman	Hahn	Heaton	Johnson
Klemme	Kreiman	Quirk	Rekow
Roberts	Tremmel	Van Engelenhoven	Warnstadt

Absent or not voting, 7:

Cohoon
Jochum

Drake
Murphy

Falck
Witt

Houser

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

The House stood at ease at 3:31 p.m., until the fall of the gavel.

The House resumed session at 3:35 p.m., Speaker pro tempore Sukup in the chair.

MOTION TO RECONSIDER PREVAILED

Rants of Woodbury called up for consideration the motion to reconsider Senate File 531, filed on April 26, 2001, and moved to reconsider the vote by which **Senate File 531**, 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, passed the House and was placed on its last reading on April 26, 2001.

A non-record roll call was requested.

The ayes were 71, nays 1.

The motion prevailed and the House reconsidered Senate File 531.

Rants of Woodbury asked and received unanimous consent to reconsider the vote by which amendment H-1677, found on pages 1555 through 1556 of the House Journal, was adopted by the House.

Raecker of Polk offered the following amendment H-2041, to amendment H-1677, filed by him from the floor and moved its adoption:

H-2041

- 1 Amend the amendment, H-1677, to Senate File 531, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 " ____ Page 1, line 9, by striking the figure

6 "1,161,514" and inserting the following:

7 "1,211,514".

8 2. Page 1, by inserting after line 4 the
9 following:

10 "____. Page 3, line 6, by striking the figure

11 "5,738,784" and inserting the following: "5,988,784".

12 ____ Page 3, line 12, by striking the figure

13 "1,178,248" and inserting the following:

14 "1,228,248".

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

17 "____. Page 4, by inserting after line 35 the
18 following:

19 "Sec. ____ DEPARTMENT OF COMMERCE – PROFESSIONAL
20 LICENSING AND REGULATION – LICENSE FEE REFUND.

21 1. As used in this section, "department of
22 commerce, professional licensing boards" means the
23 boards or commissions for the engineers and land
24 surveyors under chapter 542B, accountants under
25 chapter 542C, real estate brokers and salespersons
26 under chapter 543B, real estate appraisers under 543D,
27 architects under chapter 544A, and landscape
28 architects under chapter 544B.

29 2. Notwithstanding the obligation to collect fees
30 pursuant to the provisions of sections 542B.12,
31 542C.15, 543B.14, 543D.6, 544A.11, and 544B.14, for
32 the fiscal year beginning July 1, 2001, and ending
33 June 30, 2002, the professional licensing and
34 regulation division may refund all or a portion of
35 these fees to the filer pursuant to rules established
36 by the department of commerce, professional licensing
37 boards. The decision of the division not to issue a
38 refund under rules established by the department of
39 commerce, professional licensing boards is final and
40 not subject to review pursuant to the provisions of
41 the Iowa administrative procedure Act."

42 ____ Page 5, line 17, by striking the figure

43 "215,129" and inserting the following: "259,129".

44 4. Page 1, line 8, by striking the figure

45 "1,330,592" and inserting the following: "1,418,735".

46 5. Page 1, by inserting after line 8 the
47 following:

48 "____. Page 8, line 9, by striking the figure

49 "126,369" and inserting the following: "143,117".

50 ____ Page 8, line 14, by striking the figure

Page 2

1 "68,800" and inserting the following: "70,030".

2 ____ Page 8, line 19, by striking the figure

3 "246,859" and inserting the following: "279,576".

4 6. Page 1, by inserting after line 10 the

5 following:

6 " _____. Page 11, line 31, by striking the figure
7 "1,959,844" and inserting the following: "2,260,531".

8 _____. Page 11, by striking lines 33 through 35."

9 _____. Page 12, line 4, by striking the figure
10 "74,765" and inserting the following: "90,078".

11 7. Page 1, line 50, by striking the figure
12 "10,125,794" and inserting the following:
13 "10,525,794".

14 8. Page 1, by inserting after line 50 the
15 following:

16 " _____. Page 15, line 23, by striking the figure
17 "10,237,208" and inserting the following:
18 "10,837,208".

19 _____. Page 17, line 9, by striking the figure
20 "655,234" and inserting the following: "755,234".

21 _____. Page 17, by inserting after line 14 the
22 following:

23 "Of the moneys appropriated in this subsection, not
24 more than \$2,500 shall be used to pay the expenses of
25 the Marshall county deputy auditor to serve on a task
26 force for elections reform for the elections center.
27 The Marshall county deputy auditor shall show proof of
28 expense incurred to the secretary of state to receive
29 reimbursement."

30 _____. Page 17, by inserting after line 23 the
31 following:

32 "Sec. _____. Notwithstanding the requirement in
33 section 9.6, that the secretary of state publish in
34 odd-numbered years the Iowa official register, the
35 secretary of state shall not publish the Iowa official
36 register in the 2001 calendar year. Any references in
37 the Code to the distribution and contents of the Iowa
38 official register shall not apply to the 2001 and 2002
39 calendar years.

40 Sec. _____. SECRETARY OF STATE FILING FEES REFUND.

41 Notwithstanding the obligation to collect fees
42 pursuant to the provisions of section 490.122,
43 subsection 1, paragraphs "a" and "s" and section
44 504A.85, subsections 1 and 9, for the fiscal year
45 beginning July 1, 2001, and ending June 30, 2002, the
46 secretary of state may refund these fees to the filer
47 pursuant to rules established by the secretary of
48 state. The decision of the secretary of state not to
49 issue a refund under rules established by the
50 secretary of state is final and not subject to review

Page 3

1 pursuant to the provisions of the Iowa administrative
2 procedure Act."

- 3 ____ Page 17, line 32, by striking the figure
 4 "815,580" and inserting the following: "865,580".

Amendment H-2041 was adopted.

On motion by Raecker of Polk amendment H-1677, as amended, was adopted.

Ford of Polk offered the following amendment H-2045 filed by him from the floor and moved its adoption:

H-2045

- 1 Amend Senate File 531, as passed by the Senate, as
 2 follows:
 3 1. Page 17, line 6, by inserting before the word
 4 "For" the following: "a."
 5 2. Page 17, by inserting after line 10, the
 6 following:
 7 "b. For support and administration for voter
 8 registration and elections provided by the secretary
 9 of state:
 10 \$ 54,000"

Roll call was requested by Ford of Polk and Huser of Polk.

On the question "Shall amendment H-2045 be adopted?" (S.F. 531)

The ayes were, 43:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Cormack	Dotzler	Falck
Fallon	Foege	Ford	Frevert
Gipp	Greimann	Hansen	Hatch
Huser	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Mertz
Myers	O'Brien	Osterhaus	Petersen
Quirk	Reynolds	Richardson	Scherrman
Schrader	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	

The nays were, 51:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Boguess	Bradley
Broers	Brunkhorst	Carroll	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Garman

Grundberg	Hahn	Heaton	Hoffman
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Siegrist, Spkr.	Sievers
Teig	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Sukup,	
		Presiding	

Absent or not voting, 6:

Brauns	Connors	Houser	Jochum
Murphy	Witt		

Amendment H-2045 lost.

Falck of Fayette offered the following amendment H-2042 filed by him from the floor and moved its adoption:

H-2042

1 Amend Senate File 531, as passed by the Senate, as
 2 follows:
 3 1. Page 17, line 16, by inserting before the word
 4 "For" the following: "a."
 5 2. Page 17, by inserting after line 20, the
 6 following:
 7 "b. For support and administration for filing and
 8 processing of business documents and services:
 9 \$ 213,932"

Roll call was requested by Kuhn of Floyd and Falck of Fayette.

On the question "Shall amendment H-2042 be adopted?" (S.F. 531)

The ayes were, 42:

Atteberry	Bell	Bukta	Carroll
Chiodo	Cohoon	Connors	Dotzler
Falck	Foege	Ford	Frevert
Greimann	Hatch	Huser	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Myers	O'Brien
Osterhaus	Petersen	Quirk	Reynolds
Richardson	Scherrman	Schrader	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

The nays were, 52:

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Bogges	Brauns
Broers	Brunkhorst	Cormack	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Garman
Gipp	Grundberg	Hahn	Hansen
Hoffman	Horbach	Hoversten	Huseman
Jacobs	Jenkins	Johnson	Kettering
Klemme	Larson	Manternach	Metcalf
Millage	Raecker	Rants	Rayhons
Rekow	Roberts	Shey	Siegrist, Spkr.
Sievers	Teig	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Sukup, Presiding

Absent or not voting, 6:

Bradley	Fallon	Heaton	Houser
Jochum	Murphy		

Amendment H-2042 lost.

Brunkhorst of Bremer offered the following amendment H-2046 filed by him from the floor and moved its adoption:

H-2046

- 1 Amend Senate File 531, as passed by the Senate, as
- 2 follows:
- 3 1. Page 17, by inserting after line 35 the
- 4 following:
- 5 "Sec. ____ 2001 Iowa Acts, House File 413, section
- 6 2, if enacted, is amended to read as follows:
- 7 SEC. 2. SURPLUS FUNDS TRANSFERRED TO THE ENDOWMENT
- 8 FOR IOWA'S HEALTH ACCOUNT.
- 9 1. Notwithstanding section 8.55, subsection 2, any
- 10 moneys in excess of the maximum balance in the
- 11 economic emergency fund after the distribution of the
- 12 surplus in the general fund of the state at the
- 13 conclusion of the fiscal year beginning July 1, 2000,
- 14 shall not be transferred to the general fund of the
- 15 state but shall be transferred to the endowment for
- 16 Iowa's health account of the tobacco settlement trust
- 17 fund. The amount transferred under this subsection
- 18 shall not exceed forty million dollars. in the
- 19 following order as follows:
- 20 a. The first one hundred sixty-three million eight
- 21 hundred thousand dollars to the general fund of the
- 22 state.

- 23 b. The next forty million dollars to the endowment
 24 for Iowa's health account of the tobacco settlement
 25 trust fund.
 26 c. The remaining amount to the general fund of the
 27 state.
 28 2. Notwithstanding section 8.55, subsection 2, any
 29 moneys in excess of the maximum balance in the
 30 economic emergency fund after the distribution of the
 31 surplus in the general fund of the state at the
 32 conclusion of the fiscal year beginning July 1, 2001,
 33 shall not be transferred to the general fund of the
 34 state but shall be transferred to the endowment for
 35 Iowa's health account of the tobacco settlement trust
 36 fund. The amount transferred under this subsection
 37 shall not exceed the difference between forty million
 38 dollars and the amount transferred to the endowment
 39 for Iowa's health account pursuant to subsection 1.
 40 3. This section is contingent upon the
 41 establishment of the endowment for Iowa's health
 42 account of the tobacco settlement trust fund by 2001
 43 Iowa Acts, Senate File 532, if enacted."

Amendment H-2046 was adopted.

Raecker 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. 531)

The ayes were, 58

Alons	Arnold	Barry	Baudler
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Brunkhorst	Carroll
Connors	De Boef	Dix	Dolecheck
Drake	Eddie	Elgin	Finch
Gipp	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Johnson	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Myers
O'Brien	Raecker	Rants	Rayhons
Rekow	Roberts	Shey	Siegrist, Spkr.
Sievers	Smith	Teig	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Witt	Sukup,		
	Presiding		

The nays were, 39:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Cormack	Dotzler	Eichhorn
Falck	Fallon	Foege	Ford
Frevert	Garman	Greimann	Hatch
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Osterhaus
Petersen	Quirk	Reynolds	Richardson
Scherrman	Schrader	Seng	Shoultz
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	

Absent or not voting, 3:

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

The House stood at ease at 4:10 p.m., until the fall of the gavel.

The House resumed session at 4:42 p.m., Speaker Siegrist 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 May 8, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 413, a bill for an act making an appropriation and establishing a teacher compensation reform and student achievement savings account fund.

Also: That the Senate has on May 8, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 737, a bill for an act providing an Iowa individual income tax checkoff for deposit in the keep Iowa beautiful fund, making an appropriation, and providing a retroactive applicability date.

Also: That the Senate has on May 8, 2001, amended and passed the following bill in which the concurrence of the House is asked:

House File 742, a bill for an act relating to and making appropriations from the rebuild Iowa infrastructure fund to state departments and agencies, including the department of corrections, the department of cultural affairs, the department of

economic development, the department of general services, the Iowa state fair foundation, the legislative council, the department of natural resources, the department of public defense, the department of public safety, the state board of regents, the state department of transportation, and the office of treasurer of state, and making appropriations from the environment first fund for environmental purposes to the department of agriculture and land stewardship, the department of economic development, the department of natural resources, the state department of transportation, and the Iowa resources enhancement and protection fund, making related statutory changes, and providing effective dates.

Also: That the Senate has on May 8, 2001, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 476, a bill for an act relating to the establishment of a student achievement and teacher quality program.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that Senate File 531 be immediately messaged to the Senate.

QUORUM CALL

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

REMARKS BY MINORITY LEADER MYERS

Minority Leader Myers offered the following remarks:

We started this session 121 days ago, and it was one wild ride.

The budget, of course, took center stage immediately. The revenue nosedive forced the Governor and the Legislature to make the kind of difficult budget choices that we have not faced in many years. And I respect the fact that Republicans made tough choices.

I did not agree with a lot of those choices. I think it was a mistake, for example, to renege on our commitments to improve school technology and to reduce class sizes in the elementary grades. I think it was also a mistake to cut taxes for certain corporations and investors when so many other needs are going unmet.

I am not sure what the future holds for your budget. Having not reached a budget agreement with Governor Vilsack, you will likely find your budget changed by his veto

pen. But I was encouraged that in these final days you began to move closer toward the Governor on budget issues.

On January 8, I said the key issue of this session for Democrats was teacher compensation. With so many teachers approaching retirement, we must be sure that the next generation of teachers is as good or better than this last one. It was a struggle to find the money – first there was a lockbox, then there was not. But the Governor would not let us throw in the towel, and eventually the money was found. The plan did not meet everyone's expectations, but it was a start. A start. Next year we must take the next steps.

One hundred and twenty-one days ago I said we must lower prescription drug costs. We must provide insurance coverage for mental illness. And we must pay our workers better by raising the minimum wage. We failed to do any of those things.

And we spent far too much time debating bills that everyone knew would be vetoed by Governor Vilsack.

But on the positive side, I asked this body to allow judges more judgment in sentencing, and we took a small first step. I asked us to promote ethanol use and production, and we provided an incentive. I said we needed more child abuse caseworkers, and we authorized more. We took steps to prevent the spread of foot and mouth disease to Iowa. And while no one expected it when we convened in January, I am very pleased that we achieved our long-held goal of phasing out the sales tax on utility bills.

Today we really do not say goodbye. It is more like see you later. Redistricting remains to be done, and we will all reconvene next month to do it. We should have passed the first plan. It met the law's requirements and it was impartial.

By rejecting that plan and by asking the Service Bureau to draw a new map that takes into account matters outside the scope of the statute, I am afraid the Senate may have injected partisanship into the next plan. We shall see.

On a personal level, I have enjoyed working with members of the majority party – in particular Representative Rants and Speaker Siegrist – even though at times we strongly disagreed with each other. I want to thank the staff of the House and of both caucuses for their long and hard work on our behalf.

I want to thank my assistant leaders for their patience and their advice, and finally the members of the Democratic caucus for giving me the honor of serving as their leader. I hope that I have proven worthy of their trust.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate Joint Resolutions 7 and 8** be immediately messaged to the Senate.

REMARKS BY MAJORITY LEADER RANTS

Majority Leader Rants offered the following remarks:

Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House,

I don't know about you, but I'm tired. In the nine years that I have served in this House, this has truly been the most trying for me. Republicans came into this session with high expectations, and many were fulfilled. Others have been waylaid due to fiscal constraints as they should be.

Mr. Speaker, the fiscal predicament this General Assembly has faced is unprecedented. The state of Iowa has not seen a revenue shortfall of this magnitude in the last thirty years. Many saw the signs back in January, but it wasn't until March that Governor Vilsack recognized the scope of the problem and was forced to act. That has certainly made for a longer year and more tiring year.

In response to this revenue shortfall, Governor Vilsack and the Democrats demanded that we use our reserve funds to increase the size of the budget. Republicans resisted that idea. But ladies and gentlemen, because Republicans did not appropriate money from those reserve funds for new spending programs does not mean that they were not used. In fact they were. When state tax collection dipped into negative territory and a poor child needed medical care – those reserve funds paid the bills. During the four months the state's receipts were three hundred million dollars below expected levels – those reserve funds made monthly payments to our local school districts. Those reserve funds helped keep the heat on for Iowa families when we backfilled a federal shortfall in LIHEAP. Those funds served their purpose, and they did it well.

Mr. Speaker, we successfully avoided going to that "bank of bad habits" you warned us about, 121 days ago.

Despite the revenue shortfalls, Republicans followed through on our commitment to education. Despite all the rhetoric, and back and forth political barbs, we did make K-12 education in Iowa our number one funding priority. Allowable growth, the basic education funding stream was protected from the budget shortfall. Not only was it spared, but we made sure the payments to school districts will be issued on time. Some areas of education may not have received all that they wanted, but when the dust settles, our local schools will receive a net increase of \$106 million dollars over last year.

To help get our economy moving again we passed the five part Iowa Growth Initiative. To many, they were long over due tax code changes that had been standing in the way of economic development for years. Others, such as the stock options legislation should make Iowa a more attractive state for entrepreneurs. For others it was a way to incent consumers and retailers to purchase ethanol. For all, it was a way to get our economy moving again.

Mr. Speaker, while much of the press has focused on the budget and the teacher compensation packages in these closing weeks, I'd like to highlight for a moment those initiatives where this legislature took action to protect children. Whether it be the 24

hour waiting period, or providing "safe havens" we strove to protect those that are truly defenseless. For those that can't escape the abuse, we took action to hold non-parents to the same level of responsibility as parents. In a time of budget reductions we added 50 new people in the DHS to the front lines to assess and prevent child abuse situations. And we broadened the training programs for teachers, doctors and the like to better report instances of suspected abuse.

No doubt, Mr. Speaker, there were issues that were not addressed. But I'm not one to dwell on the "would haves" or "should haves". After all, that is why this legislature meets every year. We have opportunities to revisit issues. Over the summer we can work out the last kink in a bill. We can build a new coalition to muster the needed votes. No doubt when we reconvene in January we will finish work on limiting the growth of property taxes, we will address the unfairness of taxing our senior citizens; and Representative Baudler, Representative Brauns and I have a very special coalition we'd like you to become a part of. Let us all use our summer and fall wisely.

To my Republican colleagues, I want to thank you for your hard work, your tenacity, and probably most important, your patience with me. It's been an honor to work with you this year. We have many first term legislators in our caucus - and I know this year has been nothing like we billed it when we talked with you about running for office - but believe me you have made a difference this year, and Iowa is better off for having you in this the people's house.

I especially want to thank the leadership team - Steve, Libby, Danny, Donna, Russ and Bill. I couldn't ask for a better group of people to work with. You helped guide our agenda, corrected mistakes along the way, and provided the moral and intellectual support for the tough fights. Thank you.

Representative Myers. I have truly enjoyed our working relationship this year. I think we have set a new standard for communication and planning. No one seems surprised these days when I walk up those stairs to your office. Well, at least the alarms don't go off anymore when I walk through the door. I've enjoyed the give and take we've shared, both on the floor and off. And lastly, I appreciate the vote of confidence that we're going to do "whatever's right".

At the end of every year we often thank the staff for the work that they do to keep the House running. But Mr. Speaker, we need to take a moment to appreciate the work these folks do. When we adjourn in the evening, no matter how late, we legislators are the first to leave the building. Margaret and Kathy, Gayle, Sue, Doreen, Elaine, Betty, Peg; all the folks in the Journal Room, Legal counsel, Indexing, not to mention the Service and Fiscal Bureaus - they stay. Most are here a good hour after we leave - others are here longer. Others are here long before we arrive. I usually arrive at 6:30 and while I may be one of the first legislators here, there is always staff already working away. I want to say to those in the back office, to Wilbur and the door keepers, and of course the page - thank you, we do appreciate the time and your commitment to making this House operate.

Of course we can't forget our own staffs. This year we had many new additions to our caucus staff - but you'd never know by the quality of their work product. Again, I can't begin to guess at the hours you put in. In fact, Mr. Speaker, we've had one of our staff here for 24 hours straight working on a project. Thank you Bruce. And thank you Jeff, Kellie, Lew, Jason, Lon, Stacie, Pat, Stephanie, and of course Brad, who we all

wish a quick recovery and a return to work. You keep us on track, and make us look good, and are convenient scapegoats when things go wrong. ... Truly, thank you for all of your work.

To Gentry and Mary, the probationary period is over. You passed with flying colors. Thank you for keeping me on task, on track, and on time. To my Page Sara, thank you for keeping the caffeine, the true fuel of the legislature, flowing.

Mr. Speaker, what can I say. You charted the course of raising teacher compensation in this state. And in your typical fashion, you empowered members of this caucus to pursue that issue, and many others, in their own fashion, and by their own design. Whether it's education, senior living, or tobacco securitization, the list goes on you point out the path, you give them authority to act, and then you back them up. You work to build consensus where there appears to be none. Brent, you are a good leader for this state, and it has been an honor to serve with you.

Mr. Speaker, as I said before, I'm tired. Too many late nights and early mornings I guess. I can't imagine how old folks like you and Representative Myers are holding up. But it's time to go home. Only at home can I make my last thank you's in person - to my wife Trudy, and daughters Grace and Kait, who give me leave to serve. To each of you, I thank you, and I thank your families for your service. It's was a job well done. You've earned a rest, and your families deserve your attention. Enjoy the months of May and June, when we get together again.

REMARKS BY SPEAKER SIEGRIST

Speaker Siegrist offered the following remarks:

Ladies and Gentlemen of the House:

Like you, I had doubts that I would ever be giving an end-of-session speech. As I finish the 17th year of my legislative career, I can truthfully say that this session has been the most difficult by far. Early on in this session, I was reminded of the song of the Eagles called "Hotel California." The lyrics that stuck in my mind were "You can check in any time you want, but you can never leave." While many of us knew that our fiscal situation was deteriorating, none of us could have guessed that over halfway through the session, our revenue shortfall would be \$300 million. As a result, a difficult session got even tougher.

We had tough decisions to make, and we made them. There are significant and real cuts in the budget we have approved. Those were not easy things to undertake, but if we were to accomplish some new goals this session, as well as give us a fighting chance in next year's budget, reductions had to occur. The majority did not go about that task lightly. We listened and tried to respond in the best way available. To Appropriations Chairman Millage, and each of the budget subcommittee chairs, my deepest thanks. You did good work under the toughest and most thankless conditions I have seen. Your hard work will make next year's budget a little bit more manageable.

The budget is on its way downstairs to the Governor. I would urge Governor Vilsack to sign the budget. The majority party leadership met with the Governor numerous times over the past 3 ½ weeks trying to forge a budget compromise. We

were not totally successful in doing that, but we came very close. We have met the Governor halfway on most of the budget issues. We listened long and hard to his concerns and we attempted to react to those concerns. If we are faced with a special session on the budget, there is a glaring fact that must be faced. There is no more money for this budget. We have provided all the revenue that we can. I am hopeful that once we leave here, and Governor Vilsack has the opportunity to view our budget in its entirety and with the harsh fiscal realities facing our budget next year, he will sign it.

So, given the difficulties of this year, what did we accomplish? Quite a bit. Without a doubt, the teacher compensation package is the signature item of this legislative session. Over the next few years as this legislation is implemented and funded, Iowa's strong educational system will continue to move toward excellence. Iowa's citizens will see more money in their pockets as a result of the phase out of the sales tax on utilities. In addition, legislation like ethanol incentives, community development initiatives, brownfields, the boyfriend bill, safe houses, additional child abuse workers, the cyber stalking legislation, penalties for ecstasy, eco-terrorism, preparation for a hoof and mouth outbreak, and the list goes on. This body did good for all Iowans this year. When we get into the frenzy of the final week, we lose sight of that.

To the twenty new legislators, I want to tell you that this was not a typical session. I know that you have felt many frustrations throughout this session. It was a tough year. Please reserve judgment on your political future until we have a more normal session next year. I want to thank all the members of the House for your efforts this year. I thought that both parties handled their work very well this year. While there were some flashpoints, overall, I think we collectively demonstrated amazing cooperation.

Representative Myers, I very much appreciate your leadership this year, along with your leadership team. I enjoyed working with you, as Representative Rants said, I appreciate your openness. You and your leadership team did a good job for your caucus. You are a formidable opponent, but a good person to work with. And I think you've led them well and I appreciate your cooperation. I only wish for you a good tail wind and that your leathers stay supple.

To the Republican leadership team, I want to thank them also, to Libby, Donna, Danny, Bill, Steve and Russ. We had tough times this year, but we got some things done. I appreciated every bit of your counsel to me as the Speaker as we attempted to move through this session.

To the Republican and Democratic caucus, also, thank you again for your hard work, thank you for bestowing to me the opportunity to serve as the Speaker. I try my very best to do as good a job as I can in that position, and again I think working together we made good progress this year.

To Margaret, Kathy and Gayle, thank you, they tried to keep me pretty much informed of what's going on in the chamber. I want to thank you for your work. And I have to admit that one of my favorite things in the session is to wait until Margaret leaves and then bang the gavel and watch her run back in here. It never fails to amuse me.

To the members of my staff, Becky, Susan and Dan, I couldn't have asked for better. To keep me anywhere near organized is a big task and I very much appreciate all that they did for me.

And to Kyle, the big guy that's been sitting up here all year, I want to thank him. He did a great job as the Page for me this year and we appreciate all his hard work.

And everybody in the bill room and the journal room and indexing and the doormen and the pages and everybody else, we couldn't run this place without you. You make this place doable, you make this place livable, and we appreciate each and every one of your efforts.

Mr. Majority Leader, I don't think anybody's had a better organized session. I think your efforts to keep the members informed about what was going on, when we were debating bills, and your openness with that, was something to behold, something that I had never accomplished to the degree you did as the majority leader, and you need to be commended for that. Beyond that, I appreciate your friendship and your counsel. We had a tough year together. It's not easy to be taken to task in a very tough way in the paper as we worked our way through this legislative session, there were certainly some assaults upon us, and I know how that affects you and it affects me, but we got the job done, and I want to tell you I appreciate your leadership and I thank you for your leadership for our caucus and also for the entire General Assembly.

It's time to go home, we have one more bill to do, it is time to go home. I know my two young children have been with my mother-in-law because my wife is on a business trip. I want to get home and I want to kind of relax for a while and as I look at those things as I usually do, you'll have to forgive me for quoting my favorite poet, Jimmy Buffet, and it's only right because I have to go to a wedding next week in the Bahamas, so there won't be any special session next week. When I thought about the Bahamas, I had to go to Jimmy Buffet, and forgive me, of the difficulty this year there were two things that struck me, and one of these songs, called "Barometer Soup", says "For we have plowed the seas and smoothed the troubled waters; come along, let's have some fun, the hard work has been done." And indeed we did hard work this year. And lastly, as I hopefully get out of the state next week just for a few days, see, as the song "Changes in Latitudes, Changes in Attitudes," which I think symbolizes the feeling of family in here, which simply says, "If we couldn't laugh, we'd all go insane." And I think this is a family that laughs together, occasionally cries together when we have tragedies, but it is a family that does work together, makes a difference in the lives of Iowans; and so while we always hesitate to leave this family, we are excited to get back to our real families.

And so I wish everyone the best in the future. We will gather again next month, hopefully for just a very short session. I want to thank you once again for all your hard work. Go home to your families, go home to your friends, be proud of what you did, we'll fight another day on different issues, but as a body, the Iowa House of Representatives, we did good work this year and I thank you for that. Thank you very much.

SENATE AMENDMENT CONSIDERED

Gipp of Winneshiek called up for consideration House File 742, a

bill for an act relating to and making appropriations from the rebuild Iowa infrastructure fund to state departments and agencies, including the department of corrections, the department of cultural affairs, the department of economic development, the department of general services, the Iowa state fair foundation, the legislative council, the department of natural resources, the department of public defense, the department of public safety, the state board of regents, the state department of transportation, and the office of treasurer of state, and making appropriations from the environment first fund for environmental purposes to the department of agriculture and land stewardship, the department of economic development, the department of natural resources, the state department of transportation, and the Iowa resources enhancement and protection fund, making related statutory changes, and providing effective dates, amended by the Senate amendment H-2047:

H-2047

1 Amend House File 742, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 4 through 24.
4 2. Page 3, by striking lines 7 through 23.

5 3. Page 3, by inserting before line 24 the
6 following:

7 "DEPARTMENT OF EDUCATION

8 Sec. _____. There is appropriated from the rebuild
9 Iowa infrastructure fund to the department of
10 education for the fiscal year beginning July 1, 2001,
11 and ending June 30, 2002, the following amount, to be
12 used for the purpose designated:

13 To provide resources for structural and
14 technological improvements to local libraries,
15 notwithstanding section 8.57, subsection 5, paragraph
16 "c":

17\$ 500,000"

18 4. Page 4, by striking lines 6 through 23.

19 5. Page 4, line 32, by striking the figure
20 "400,000" and inserting the following: "0".

21 6. Page 4, line 35, by striking the figure
22 "1,700,000" and inserting the following: "0".

23 7. Page 5, by striking lines 9 through 20.

24 8. By striking page 5, line 28, through page 6,
25 line 2.

26 9. Page 6, by striking lines 9 through 11.

27 10. Page 6, line 14, by striking the figure
28 "400,000" and inserting the following: "0".

29 11. Page 6, by striking lines 17 through 26.

30 12. Page 6, line 35, by striking the figure

31 "4,200,000" and inserting the following: "0".
 32 13. Page 7, line 5, by striking the figure
 33 "4,453,000" and inserting the following: "0".
 34 14. Page 7, line 10, by striking the figure
 35 "3,990,000" and inserting the following: "0".
 36 15. Page 7, by striking lines 13 through 27.
 37 16. By striking page 7, line 35, through page 9,
 38 line 15.
 39 17. Page 10, line 23, by striking the word
 40 "section" and inserting the following: "subsection".
 41 18. Page 14, by striking line 29, and inserting
 42 the following:
 43 "Sec. ____ REVERSION.
 44 1. Except as provided in subsection 2, and
 45 notwithstanding section 8.33, moneys".
 46 19. Page 14, by inserting after line 35, the
 47 following:
 48 "2. Notwithstanding section 8.33, moneys
 49 appropriated to the department of agriculture and land
 50 stewardship to provide financial assistance for the

Page 2

1 establishment of permanent soil and water conservation
 2 practices as provided in section 20, that remain
 3 unencumbered or unobligated at the close of the fiscal
 4 year shall not revert but shall remain available for
 5 expenditure for the purposes designated until the
 6 close of the fiscal year that begins July 1, 2004."
 7 20. Page 15, by inserting after line 3, the
 8 following:

9 "DIVISION ____
 10 TOBACCO SETTLEMENT TRUST FUND

11 Sec. 501. 2000 Iowa Acts, chapter 1225, section
 12 10, is amended by striking the section.
 13 Sec. 502. 2000 Iowa Acts, chapter 1225, section
 14 15, subsections 1 through 3, are amended to read as
 15 follows:

16 1. For improvements to Gilman hall at Iowa state
 17 university of science and technology, including the
 18 replacement of the heating, ventilation, and air
 19 conditioning system, replacement of the fume hood
 20 exhaust system, and the construction of an addition to
 21 house mechanical equipment:

22 FY 2000-2001	\$ 8,500,000
23 FY 2001-2002	\$ 2,500,000
24	<u>0</u>
25 FY 2002-2003	\$ 0
26 2. For continued renovation of the biological	
27 sciences facility at the state university of Iowa:	
28 FY 2000-2001	\$ 4,400,000
29 FY 2001-2002	\$ 7,300,000

30		<u>0</u>
31	FY 2002-2003	\$ 3,000,000
32	3. For construction of an addition to McCollum	
33	science hall at the university of northern Iowa:	
34	FY 2000-2001	\$ 2,700,000
35	FY 2001-2002	\$ 5,800,000
36		<u>0</u>
37	FY 2002-2003	\$ 8,400,000
38	Sec. 503. 2000 Iowa Acts, chapter 1225, section	
39	18, unnumbered paragraph 2, is amended to read as	
40	follows:	
41	For deposit in the community attraction and tourism	
42	fund:	
43	FY 2001-2002	\$ 12,500,000
44		<u>0</u>
45	FY 2002-2003	\$ 12,500,000
46	FY 2003-2004	\$ 12,500,000
47	Sec. 504. There is appropriated from the tax-	
48	exempt bond proceeds restricted capital funds account	
49	of the tobacco settlement trust fund to the following	
50	departments and agencies for the fiscal year beginning	

Page 3

1 July 1, 2001, and ending June 30, 2002, the following
2 amounts, or so much thereof as is necessary, to be
3 used for the purposes designated:

4 1. DEPARTMENT OF CORRECTIONS.

5 a. To supplement funds appropriated in 1998 Iowa
6 Acts, chapter 1219, section 2, subsection 3, for
7 construction of a 200-bed facility at the Iowa state
8 penitentiary at Fort Madison:

9	\$ 6,400,000
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10 b. For costs associated with connecting the
11 correctional facility at Oakdale to the city of
12 Coralville water system:

13	\$ 100,000
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14 c. For the final phase of the state's share of the
15 construction costs associated with the Mitchellville
16 waste water treatment plant:

17	\$ 364,400
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18 d. For costs of entering into a lease-purchase
19 agreement to connect the electrical system supporting
20 the special needs unit at Fort Madison:

21	\$ 333,168
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22 2. DEPARTMENT OF ECONOMIC DEVELOPMENT.

23 For accelerated career education program capital
24 projects at community colleges that are authorized
25 under chapter 260G and that meet the definition of
26 "vertical infrastructure" in section 8.57, subsection
27 5, paragraph "c":

28	\$ 2,500,000
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29 The moneys appropriated in this subsection shall be
 30 allocated equally among the community colleges in the
 31 state. If any portion of the equal allocation to a
 32 community college is not obligated or encumbered by
 33 April 1, 2002, the unobligated and unencumbered
 34 portions shall be available for use by other community
 35 colleges.

36 3. DEPARTMENT OF GENERAL SERVICES.

37 a. For major renovation and major repair needs
 38 including health, life, and fire safety needs, and for
 39 compliance with the federal Americans With
 40 Disabilities Act, for state-owned buildings and
 41 facilities:

42 \$ 11,500,000

43 (1) Of the amount appropriated in this paragraph
 44 "a", up to \$375,000 may be used for costs associated
 45 with project management services in the division of
 46 design and construction of the department,
 47 notwithstanding section 8.57, subsection 5, paragraph
 48 "c".

49 (2) Of the amount appropriated in this paragraph
 50 "a", \$200,000 may be used for costs associated with

Page 4

1 the vertical infrastructure program, notwithstanding
 2 section 8.57, subsection 5, paragraph "c".

3 b. For the purchase of land and improvements to
 4 properties in the vicinity of the capitol complex:

5 \$ 200,000

6 Funds appropriated in this paragraph "b" may be
 7 expended to prepare purchased property for utilization
 8 by the state.

9 c. For the construction of a pedestrian bridge
 10 across Court avenue to provide pedestrian access
 11 across the capitol complex:

12 \$ 400,000

13 d. For capitol interior restoration:

14 \$ 1,700,000

15 e. For consideration for an option to purchase all
 16 or a portion of the following properties,
 17 notwithstanding section 8.57, subsection 5, paragraph
 18 "c": a 2.4-acre parcel located at the northwest
 19 corner of Pennsylvania avenue and Des Moines street,
 20 including a 26,319-square foot one-story masonry
 21 structure; a 0.17-acre site located at 1022 Des Moines
 22 street; a 2.2-acre site on the city block bounded by
 23 East Eleventh, East Twelfth, Des Moines, and Lyon
 24 streets, including an 11,058-square foot building; and
 25 a 7.5-acre parcel consisting of two contiguous city
 26 blocks bounded by East Twelfth, East Fourteenth, Des
 27 Moines, and Lyon streets, including five buildings:

28 \$ 500,000

29 The consideration for the option to purchase shall
30 be applied to the contract purchase price in the event
31 the option to purchase any or all of the properties
32 described in this paragraph "e" is exercised. The
33 option to purchase shall be for a period of at least
34 one year beginning on or after July 1, 2001, and shall
35 be exercised only after a specific appropriation by
36 the general assembly for the purchase of all or a
37 portion of the properties described in this paragraph
38 "e".

39 f. For an appraisal, environmental assessment, and
40 feasibility study of the properties described in
41 paragraph "e":

42 \$ 250,000

43 4. IOWA STATE FAIR AUTHORITY.

44 For vertical infrastructure projects on the state
45 fairgrounds:

46 \$ 500,000

47 For purposes of this subsection, "vertical
48 infrastructure" means the same as defined in section
49 8.57, subsection 5, paragraph "c".

50 5. JUDICIAL BRANCH.

Page 5

1 For construction of a new judicial building:

2 \$ 10,300,000

3 The judicial branch is authorized to enter into
4 contracts for the full cost of the planning, design,
5 and construction of a new judicial building for which
6 appropriations are made in this subsection and in 1998
7 Iowa Acts, chapter 1223, section 8, and 1999 Iowa
8 Acts, chapter 204, section 6. The state shall not be
9 obligated for costs associated with contracts
10 identified in this paragraph in excess of funds
11 appropriated by the general assembly. Notwithstanding
12 any provision of this Act to the contrary or section
13 8.33, moneys appropriated in this subsection that
14 remain unencumbered or unobligated at the close of the
15 fiscal year that begins July 1, 2004, shall revert at
16 the close of that fiscal year. However, if the
17 project for which the moneys are appropriated is
18 completed in an earlier fiscal year, unencumbered or
19 unobligated moneys shall revert at the close of that
20 fiscal year.

21 6. DEPARTMENT OF NATURAL RESOURCES.

22 a. For continuation of the restore the outdoors
23 program:

24 \$ 2,500,000

25 b. For costs associated with the planning and
26 design of a premier destination park, notwithstanding

27	section 8.57, subsection 5, paragraph "c", as follows:	
28	.....	\$ 1,000,000
29	7. DEPARTMENT OF PUBLIC DEFENSE.	
30	a. For maintenance and repair of national guard armories	
31	and facilities:	
32	.....	\$ 700,000
33	b. For construction of a new national guard armory	
34	at Estherville:	
35	.....	\$ 400,000
36	8. DEPARTMENT OF PUBLIC SAFETY.	
37	For the location and purchase of land, a site	
38	survey, soil sampling, and site preparation for the	
39	construction of a new Iowa state patrol post in Mason	
40	City:	
41	.....	\$ 250,000
42	9. STATE BOARD OF REGENTS.	
43	a. For construction of a new business college	
44	building at Iowa state university of science and	
45	technology:	
46	.....	\$ 4,200,000
47	b. For phase I of construction of the art building	
48	at the state university of Iowa:	
49	\$ 4,453,000
50	c. For upgrading the steam distribution system at	

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1	the university of northern Iowa:	
2	\$ 3,990,000
3	d. For utility system replacement at the Iowa	
4	school for the deaf:	
5	.....	\$ 250,000
6	e. For tuckpointing at the Iowa school for the	
7	deaf:	
8	.....	\$ 185,000
9	f. For upgrading the heating, ventilation, and air	
10	conditioning system at the Iowa braille and sight	
11	saving school:	
12	.....	\$ 400,000
13	g. For improvements to Gilman hall at Iowa state	
14	university of science and technology, including the	
15	replacement of the heating, ventilation, and air	
16	conditioning system, replacement of the fume hood	
17	exhaust system, and the construction of an addition to	
18	house mechanical equipment:	
19	.....	\$ 2,500,000
20	h. For continued renovation of the biological	
21	sciences facility at the state university of Iowa:	
22	.....	\$ 7,300,000
23	i. For construction of an addition to McCollum	
24	science hall at the university of northern Iowa:	
25	.....	\$ 5,800,000

26 The state board of regents is authorized to enter
27 into contracts for the full cost of carrying out the
28 projects listed in paragraphs "a" through "c" and "g"
29 through "i", for which appropriations are made in
30 those paragraphs. The state shall not be obligated
31 for costs associated with contracts identified in this
32 paragraph in excess of the funds appropriated by the
33 general assembly.

34 10. STATE DEPARTMENT OF TRANSPORTATION.

35 a. For vertical infrastructure improvements at all
36 10 of the commercial air service airports within the
37 state:

38 \$ 1,000,000

39 One-half of the funds appropriated in this
40 paragraph "a" shall be allocated equally between each
41 commercial service airport, 40 percent of the funds
42 shall be allocated based on the percentage that the
43 number of enplaned passengers at each commercial
44 service airport bears to the total number of enplaned
45 passengers in the state during the previous fiscal
46 year, and 10 percent of the funds shall be allocated
47 based on the percentage that the air cargo tonnage at
48 each commercial service airport bears to the total air
49 cargo tonnage in the state during the previous fiscal
50 year. In order for a commercial service airport to

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1 receive funding under this paragraph "a", the airport
2 shall be required to submit applications for funding
3 of specific projects to the department for approval by
4 the state transportation commission.

5 b. For an aviation hangar grant program for
6 improvements to and design and construction of hangars
7 at general aviation airports within the state:

8 \$ 500,000

9 c. For acquiring, constructing, and improving
10 recreational trails within the state:

11 \$ 1,000,000

12 Of the amount appropriated in this paragraph "c",
13 \$500,000 shall be used for funding, on a matching
14 basis, recreational trail projects, with priority
15 given to completion of trail connections and sections
16 between existing trails and parks within the
17 established state recreational trails system. Such
18 projects shall be matched by \$1 of private or other
19 funds for each \$3 of state funds.

20 Of the amount appropriated in this paragraph "c",
21 \$50,000 shall be allocated for planning and
22 development of the Iowa portion of the Mississippi
23 river trail.

24 11. OFFICE OF TREASURER OF STATE.

25 a. For county fair infrastructure improvements for
 26 distribution in accordance with chapter 174 to
 27 qualified fairs which belong to the association of
 28 Iowa fairs:
 29 \$ 1,060,000
 30 b. For deposit in the community attraction and
 31 tourism fund:
 32 \$ 12,500,000
 33 Payment of moneys from the appropriations in this
 34 section shall be made in a manner that does not
 35 adversely affect the tax-exempt status of any
 36 outstanding bonds issued by the tobacco settlement
 37 authority.
 38 Sec. ____ CONTINGENT AND ALTERNATIVE
 39 APPROPRIATIONS – EFFECTIVE DATE. The appropriations
 40 in section 504 of this division of this Act shall be
 41 made from the tax-exempt bond proceeds restricted
 42 capital funds account of the tobacco settlement trust
 43 fund on or after the effective date of the receipt of
 44 tax-exempt bond proceeds by the tobacco settlement
 45 authority and the deposit of the proceeds of the tax-
 46 exempt bonds in the tax-exempt bond proceeds
 47 restricted capital funds account of the tobacco
 48 settlement trust fund. However, if any of the
 49 following occurs, the appropriations in section 504 of
 50 this division of this Act shall be made from the

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1 rebuild Iowa infrastructure fund to the extent they
 2 cannot be made from the tax-exempt bond proceeds
 3 restricted capital funds account of the tobacco
 4 settlement trust fund:
 5 1. 2001 Iowa Acts, Senate File 532 is not enacted.
 6 2. 2001 Iowa Acts, Senate File 532 is enacted, but
 7 the tobacco settlement authority established in
 8 chapter 12E does not securitize tobacco master
 9 settlement agreement payments sold to the authority
 10 pursuant to 2001 Iowa Acts, Senate File 532 prior to
 11 June 30, 2002.
 12 3. 2001 Iowa Acts, Senate File 532 is enacted and
 13 the tobacco settlement authority securitizes tobacco
 14 master settlement agreement payments sold to the
 15 authority pursuant to 2001 Iowa Acts, Senate File 532,
 16 but the bond proceeds are not received by the tobacco
 17 settlement authority and deposited in the tax-exempt
 18 bond proceeds restricted capital funds account of the
 19 tobacco settlement trust fund on or before June 30,
 20 2002.
 21 4. For any other reason, any of the amounts in
 22 section 504 cannot be paid from the tax-exempt bond
 23 proceeds restricted capital funds account of the

24 tobacco settlement trust fund.

25 Sec. 505. There is appropriated from the tax-
26 exempt bond proceeds restricted capital funds account
27 of the tobacco settlement trust fund to the following
28 departments and agencies for the fiscal year beginning
29 July 1, 2001, and ending June 30, 2002, the following
30 amounts, or so much thereof as is necessary, to be
31 used for the purposes designated:

32 1. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
33 COMMISSION.

34 For conversion of the Iowa communications network
35 to asynchronous transfer mode technology,
36 notwithstanding section 8.57, subsection 5, paragraph
37 "c", and section 12E.12, subsection 1, paragraph "b",
38 subparagraph (1), as enacted by 2001 Iowa Acts, Senate
39 File 532, if enacted:

40 \$ 3,500,000

41 2. DEPARTMENT OF EDUCATION.

42 For allocation to the public broadcasting division
43 for completion of the conversion to high-definition
44 television, notwithstanding section 8.57, subsection
45 5, paragraph "c", and section 12E.12, subsection 1,
46 paragraph "b", subparagraph (1), as enacted by 2001
47 Iowa Acts, Senate File 532, if enacted:

48 \$ 2,400,000

49 Payment of moneys from the appropriations in this
50 section shall be made in a manner that does not

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1 adversely affect the tax-exempt status of any
2 outstanding bonds issued by the tobacco settlement
3 authority.

4 Sec. 701. There is appropriated from the tax-
5 exempt bond proceeds restricted capital funds account
6 of the tobacco settlement trust fund to the department
7 of general services for the following fiscal years,
8 the following amounts, or so much thereof as is
9 necessary, to be used for the purposes designated:

10 For the planning, design, and construction of a
11 multipurpose laboratory facility:

12 FY 2001-2002 \$ 16,670,000

13 FY 2002-2003 \$ 16,670,000

14 FY 2003-2004 \$ 16,660,000

15 The department is authorized to enter into
16 contracts for the full cost of the project for which
17 appropriations are made in this section. The state
18 shall not be obligated for costs associated with
19 contracts identified in this paragraph in excess of
20 the funds appropriated by the general assembly.
21 Payment of moneys from the appropriations in this
22 section shall be made in a manner that does not

23 adversely affect the tax-exempt status of any
24 outstanding bonds issued by the tobacco settlement
25 authority.

26 Sec. ____ CONTINGENT APPROPRIATIONS – EFFECTIVE

27 DATE. The appropriations in sections 505 and 701 of
28 this division of this Act shall be made from the tax-
29 exempt bond proceeds restricted capital funds account
30 of the tobacco settlement trust fund on or after the
31 effective date of the receipt of tax-exempt bond
32 proceeds by the tobacco settlement authority and the
33 deposit of the proceeds of the tax-exempt bonds in the
34 tax-exempt bond proceeds restricted capital funds
35 account of the tobacco settlement trust fund.
36 However, if any of the following occurs, the
37 appropriations in sections 505 and 701 of this
38 division of this Act shall not be made from the tax-
39 exempt bond proceeds restricted capital funds account
40 of the tobacco settlement trust fund:

41 1. 2001 Iowa Acts, Senate File 532 is not enacted.

42 2. 2001 Iowa Acts, Senate File 532 is enacted, but
43 the tobacco settlement authority established in
44 chapter 12E does not securitize tobacco master
45 settlement agreement payments sold to the authority
46 pursuant to 2001 Iowa Acts, Senate File 532 prior to
47 June 30, 2002.

48 3. 2001 Iowa Acts, Senate File 532 is enacted and
49 the tobacco settlement authority securitizes tobacco
50 master settlement agreement payments sold to the

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1 authority pursuant to 2001 Iowa Acts, Senate File 532,
2 but the bond proceeds are not received by the tobacco
3 settlement authority and deposited in the tax-exempt
4 bond proceeds restricted capital funds account of the
5 tobacco settlement trust fund on or before June 30,
6 2002.

7 4. For any other reason, any of the amounts in
8 section 505 cannot be paid from the tax-exempt bond
9 proceeds restricted capital funds account of the
10 tobacco settlement trust fund.

11 Sec. ____ REVERSION. Notwithstanding section
12 8.33, moneys appropriated in this division of this Act
13 shall not revert at the close of the fiscal year for
14 which they were appropriated but shall remain
15 available for the purposes designated until the close
16 of the fiscal year that begins July 1, 2004, or until
17 the project for which the appropriation was made is
18 completed, whichever is earlier.

19 Sec. ____ EFFECTIVE DATES. Sections 501 through
20 503 of this division of this Act, amending 2000 Iowa
21 Acts, chapter 1224, sections 10, 15, and 18, being

22 deemed of immediate importance, take effect upon
23 enactment."

24 21. Page 16, by striking lines 1 through 7, and
25 inserting the following:

26 "Sec. 101. Section 8.57, subsection 5, paragraph
27 e, Code 2001, is amended by adding the following new
28 unnumbered paragraph:

29 **NEW UNNUMBERED PARAGRAPH.** If the total amount of
30 moneys directed to be deposited in the general fund of
31 the state under sections 99D.17 and 99F.11 in a fiscal
32 year is less than the total amount of moneys directed
33 to be deposited in the vision Iowa fund and the school
34 infrastructure fund in the fiscal year pursuant to
35 this paragraph "e", the difference shall be paid from
36 lottery revenues in the manner provided in section
37 99E.10, subsection 3.

38 Sec. __. Section 12.73, Code 2001, is amended to
39 read as follows:

40 12.73 VISION IOWA FUND MONEYS – ADMINISTRATIVE
41 COSTS.

42 During the term of the vision Iowa program
43 established in section 15F.302, ~~one~~ two hundred
44 thousand dollars of the moneys deposited each fiscal
45 year in the vision Iowa fund and appropriated for the
46 vision Iowa program shall be allocated each fiscal
47 year to the department of economic development for
48 administrative costs incurred by the department for
49 purposes of administering the vision Iowa program.

50 Sec. 102. Section 12.74, subsection 2, Code 2001,

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1 is amended by striking the subsection.

2 Sec. 103. Section 12.84, subsection 2, Code 2001,

3 is amended by striking the subsection.

4 Sec. 104. Section 15F.202, subsection 2,

5 unnumbered paragraph 1, Code 2001, is amended to read
6 as follows:

7 A city or county in the state or public
8 organization may submit an application to the board
9 for financial assistance for a project under the
10 program. The assistance shall be provided only from
11 funds, rights, and assets legally available to the
12 board and shall be in the form of grants, loans,
13 forgivable loans, and ~~loan guarantees~~ credit
14 enhancement and financing instruments. The
15 application shall include, but not be limited to, the
16 following information:

17 Sec. 105. Section 15F.202, subsection 3, Code
18 2001, is amended to read as follows:

19 3. A school district, in cooperation with a city
20 or county, may submit a joint application for

21 financial assistance for a project under the program.
22 The assistance shall be provided only from funds,
23 rights, and assets legally available to the board and
24 shall be in the form of grants, loans, forgivable
25 loans, and loan-guarantees credit enhancement and
26 financing instruments. In addition to the information
27 required in subsection 2, the application shall
28 include a demonstration that the intended future use
29 of the project shall be by both joint applicants.

30 Sec. 106. Section 15F.204, subsection 3, Code
31 2001, is amended to read as follows:

32 3. The fund shall be used to provide assistance
33 only from funds, rights, and assets legally available
34 to the board in the form of grants, loans, forgivable
35 loans, and loan-guarantees credit enhancements and
36 financing instruments under the community attraction
37 and tourism program established in section 15F.202.
38 An applicant under the community attraction and
39 tourism program shall not receive financial assistance
40 from the fund in an amount exceeding fifty percent of
41 the total cost of the project.

42 Sec. 107. Section 15F.302, subsection 2,
43 unnumbered paragraph 1, Code 2001, is amended to read
44 as follows:

45 A city or county or a public organization in the
46 state may submit an application to the board for
47 financial assistance for a project under the program.
48 For purposes of this subsection, "public organization"
49 means a nonprofit economic development organization or
50 other nonprofit organization that sponsors or supports

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1 community or tourism attractions and activities. The
2 financial assistance from the fund shall be provided
3 only from funds, rights, and assets legally available
4 to the board and shall be in the form of grants,
5 loans, forgivable loans, pledges, and guarantees
6 credit enhancements and financing instruments. The
7 application shall include, but not be limited to, the
8 following information:

9 Sec. 108. Section 15F.302, subsection 3, Code
10 2001, is amended to read as follows:

11 3. A school district, in cooperation with a city
12 or county, may submit a joint application for
13 financial assistance for a project under the program.
14 The financial assistance shall be provided only from
15 funds, rights, and assets legally available to the
16 board and shall be in the form of grants, loans,
17 forgivable loans, and loan-guarantees credit
18 enhancements and financing instruments. In addition
19 to the information required in subsection 2, the

20 application shall include a demonstration that the
21 intended future use of the project shall be by both
22 joint applicants.

23 Sec. 109. NEW SECTION. 15F.303A PUBLIC
24 ORGANIZATIONS – COMPETITIVE BIDDING OF PROJECTS.

25 A public organization, as defined in section
26 15F.302, subsection 2, whose application for financial
27 assistance under the program is approved by the board
28 shall advertise for sealed bids for the construction
29 portion of the proposed project by publishing a notice
30 to bidders as provided in this section. The notice to
31 bidders shall be published in a newspaper of general
32 circulation in the county where the construction is to
33 be performed not less than twenty days but not more
34 than forty-five days before the date for filing bids.

35 1. NOTICE TO BIDDERS. The notice to bidders must
36 state the following items:

- 37 a. The time and place for filing sealed proposals.
- 38 b. The time and place sealed proposals will be
39 opened and considered on behalf of the public
40 organization.
- 41 c. The general nature of the project on which bids
42 are requested.
- 43 d. In general terms when the work must be
44 commenced and when it must be completed.
- 45 e. That each bidder shall accompany the bid with a
46 bid security as prescribed in this paragraph and as
47 specified by the public organization, as security that
48 the successful bidder will enter into a contract for
49 the work bid upon and will furnish after the award of
50 contract a corporate surety bond, acceptable to the

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1 public organization, for the faithful performance of
2 the contract, in an amount equal to one hundred
3 percent of the amount of the contract. The bidder's
4 security shall be in an amount fixed by the public
5 organization, and shall be in the form of a cashier's
6 or certified check drawn on a bank in Iowa or a bank
7 chartered under the laws of the United States, or a
8 certified share draft drawn on a credit union in Iowa
9 or chartered under the laws of the United States, or
10 the public organization may provide for a bidder's
11 bond with corporate surety satisfactory to the public
12 organization. The bid bond shall contain no
13 conditions except for those provided in this
14 subsection.

15 f. Any further information that the public
16 organization deems pertinent.

17 The notice to bidders may provide that bids will be
18 received for the furnishing of all labor and materials

19 and furnishing or installing equipment under one
20 contract, or for parts thereof in separate sections.
21 2. BID SECURITY. The amount of bid security must
22 be fixed by the public organization prior to ordering
23 publication of the notice to bidders and must equal at
24 least five percent, but may not exceed ten percent of
25 either the estimated total contract cost of the
26 construction portion of the project, or the amount of
27 each bid.

28 3. AWARD OF CONTRACT. The contract for the
29 construction portion of the project must be awarded to
30 the lowest responsible bidder. This subsection shall
31 not be construed to prohibit a public organization in
32 the award of a contract for the construction portion
33 of a project from providing, an enhancement of
34 payments upon early completion of the construction
35 portion of the project if the availability of the
36 enhancement payments is included in the notice to
37 bidders, the enhancement payments are competitively
38 neutral to potential bidders, and the total value of
39 the enhancement payments does not exceed ten percent
40 of the value of the contract.

41 Sec. 110. Section 15F.304, subsection 4, Code
42 2001, is amended to read as follows:

43 4. Upon review of the recommendations of the
44 review committee, the board shall approve, defer, or
45 deny the applications. If an application is approved,
46 the board may enter into an agreement with the
47 applicant to provide financial assistance authorized
48 under section 15F.302.

49 Sec. 111. Section 99E.10, Code 2001, is amended by
50 adding the following subsection:

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1 NEW SUBSECTION. 3. a. Notwithstanding subsection
2 1, if gaming revenues under sections 99D.17 and 99F.11
3 are insufficient in a fiscal year to meet the total
4 amount of such revenues directed to be deposited in
5 the vision Iowa fund and the school infrastructure
6 fund during the fiscal year pursuant to section 8.57,
7 subsection 5, paragraph "e", the difference shall be
8 paid from lottery revenues prior to deposit of the
9 lottery revenues in the general fund. If lottery
10 revenues are insufficient during the fiscal year to
11 pay the difference, the remaining difference shall be
12 paid from lottery revenues in subsequent fiscal years
13 as such revenues become available.

14 b. The treasurer of state shall, each quarter,
15 prepare an estimate of the gaming revenues and lottery
16 revenues that will become available during the
17 remainder of the appropriate fiscal year for the

18 purposes described in paragraph "a". The department
19 of management and the department of revenue and
20 finance shall take appropriate actions to provide that
21 the amount of gaming revenues and lottery revenues
22 that will be available during the remainder of the
23 appropriate fiscal year is sufficient to cover any
24 anticipated deficiencies."

25 22. Page 17, by striking lines 18 through 28, and
26 inserting the following:

27 "Sec. ____ 2001 Iowa Acts, House File 755, section
28 30, if enacted, is amended to read as follows:

29 SEC. 30. Notwithstanding any contrary provision in
30 section 455E.11, subsection 1, Code 2001, any
31 ~~unencumbered or unobligated~~ cash balance in the
32 groundwater protection fund and in any of the accounts
33 within the groundwater protection fund ~~on June 30,~~
34 ~~2001 not needed for expenditure in the fiscal year~~
35 beginning July 1, 2001, and ending June 30, 2002,
36 shall be transferred to the general fund of the state.

37 Sec. ____ USE OF TAX-EXEMPT BOND PROCEEDS –
38 REIMBURSEMENT.

39 1. Notwithstanding any provision of law to the
40 contrary, moneys deposited in the tax-exempt bond
41 proceeds restricted capital funds account of the
42 tobacco settlement trust fund that are subject to an
43 appropriation pursuant to section 12E.10, subsection
44 1, paragraph "b", as amended by 2001 Iowa Acts, Senate
45 File 532, if enacted, shall remain in the tax-exempt
46 bond proceeds restricted capital funds account until
47 such time as costs are properly incurred and due for
48 the purpose for which the appropriation was made.
49 Payments for such properly incurred costs shall be
50 made consistent with the requirements of federal law,

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1 chapter 12E, as amended by 2001 Iowa Acts, Senate File
2 532, if enacted, and the sales agreement, as defined
3 in section 12E.2.

4 2. Until bond proceeds are received by the tobacco
5 settlement authority and deposited in the tax-exempt
6 bond proceeds restricted capital funds account of the
7 tobacco settlement trust fund, payments for costs
8 incurred for projects for which appropriations are
9 made in section 504 of this division of this Act may
10 be made from the rebuild Iowa infrastructure fund.
11 Upon receipt of bond proceeds and deposit of the
12 proceeds in the tax-exempt bond proceeds restricted
13 capital funds account, such payments shall be
14 reimbursed to the rebuild Iowa infrastructure fund
15 from the tax-exempt bond proceeds restricted capital
16 funds account, subject, however, to any applicable

17 limitations on the use of the proceeds as provided in
 18 the Internal Revenue Code and this Act.
 19 Sec. __. EFFECTIVE DATE. The following
 20 provisions of this division of this Act, being deemed
 21 of immediate importance, take effect upon enactment:
 22 Sections 101 through 111 of this division of this
 23 Act, amending sections 8.57, 12.74, 12.84, 15F.202,
 24 15F.204, and 15F.302, enacting section 15F.303A, and
 25 amending sections 15F.304, and 99E.10."
 26 23. Title page, lines 1 and 2, by striking the
 27 words "from the rebuild Iowa infrastructure fund".
 28 24. Title page, line 9, by striking the word
 29 "and".
 30 25. Title page, by striking lines 10 through 14,
 31 and inserting the following: "state, and the
 32 department of agriculture and land stewardship, and to
 33 the Iowa resources".
 34 26. Title page, line 16, by inserting after the
 35 word "changes," the following: "providing for
 36 alternative and contingent appropriations,".
 37 27. By renumbering, relettering, or redesignating
 38 and correcting internal references as necessary.

Wise of Lee asked and received unanimous consent to withdraw amendment H-2048, to the Senate amendment H-2047, filed by him from the floor.

On motion by Gipp of Winneshiek the House concurred in the Senate amendment H-2047.

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. 742)

The ayes were, 92:

Alons	Arnold	Atteberry	Barry
Baudler	Boal	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
De Boef	Dix	Dolecheck	Dotzler
Drake	Eddie	Elgin	Falck
Fallon	Finch	Foege	Ford
Frevert	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Houser	Hoversten

Huseman	Huser	Jenkins	Jochum
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalfe	Millage	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Winckler	Wise	Witt	Mr. Speaker Siegrist

The nays were, 4:

Boddicker	Cormack	Eichhorn	Garman
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Absent or not voting, 4:

Bell	Jacobs	Murphy	Rayhons
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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

Rants of Woodbury asked and received unanimous consent that **House File 742** be immediately messaged to the Senate.

MOTIONS TO RECONSIDER WITHDRAWN (Senate File 527)

Rants of Woodbury asked and received unanimous consent to withdraw the motion to reconsider **Senate File 527**, a bill for an act relating to and making appropriations to the judicial branch, filed by him on April 26, 2001.

(Senate File 530)

Rants of Woodbury asked and received unanimous consent to withdraw the motion to reconsider **Senate File 530**, a bill for an act relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date, filed by him on May 1, 2001.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 527 and 530.**

ADOPTION OF HOUSE CONCURRENT RESOLUTION 39

Rants of Woodbury asked and received unanimous consent for the immediate consideration of **House Concurrent Resolution 39**, a concurrent resolution to provide for adjournment sine die, and moved its adoption.

- 1 HOUSE CONCURRENT RESOLUTION 39
- 2 By Rants and Myers
- 3 A Concurrent Resolution to provide for adjournment sine
- 4 die.
- 5 *Be It Resolved By The House Of Representatives, The*
- 6 *Senate Concurring,* That when adjournment is had on
- 7 Tuesday, May 8, 2001, it be the final adjournment of
- 8 the 2001 Regular Session of the Seventy-ninth General
- 9 Assembly.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House Concurrent Resolution 39** be immediately messaged to the Senate.

EXPLANATIONS OF VOTE

I inadvertently voted "aye" on amendment H-2043 to Senate File 486. I meant to vote "nay".

FREVERT of Palo Alto

I was necessarily absent from the House chamber on May 7, 2001. Had I been present, I would have voted "aye" on House Files 637, 687, Senate Files 537, 543 and "nay" on Senate File 476.

O'BRIEN of Boone

PRESENTATION OF VISITORS

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

Students from Clayton Ridge, Guttenberg, accompanied by Robin Althoff and Judy Puls. By Rekow of Allamakee.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|-----------|--|
| 2001\1174 | Sue Brock, Humeston – For her 33 years of dedicated service to the Mormon Trail Community School District. |
| 2001\1175 | Charles and Emily Russell, Oskaloosa – For winning the 2001 Spirit of Main Street Award. |
| 2001\1176 | Leonard Greiner, Keota – For celebrating his 90 th birthday. |
| 2001\1177 | Dr. Lloyd and Nancy Phillips, Oskaloosa – For winning the 2001 Main Street Award to Stapp Building. |
| 2001\1178 | Waneta and Duane Johnson, Bayard – For celebrating their 55 th wedding anniversary. |
| 2001\1179 | Myrnell Masters, Guthrie Center – For celebrating her 90 th birthday. |
| 2001\1180 | Floyd Wilson, Guthrie Center – For celebrating his 80 th birthday. |
| 2001\1181 | Colleen and Roger Anderson, Greenfield – For celebrating their 60 th wedding anniversary. |
| 2001\1182 | Charles Hart, Denver – For celebrating his 80 th birthday. |
| 2001\1183 | Lorna and Henry Peterman, Arlington – For celebrating their 50 th wedding anniversary. |
| 2001\1184 | Adeline Vogel, Jesup – For celebrating her 85 th birthday. |
| 2001\1185 | George Hood, Independence – For celebrating his 80 th birthday. |

- 2001\1186 Lois and Jack Braby, Independence – For celebrating their 50th wedding anniversary.
- 2001\1187 Tony Clark, Oelwein – For receiving 2nd place nationally in the USA News Bowl Competition.
- 2001\1188 Cory Hursey, Oelwein – For receiving 2nd place nationally in the USA News Bowl Competition.
- 2001\1189 Alex Ernst, Oelwein – For receiving 2nd place nationally in the USA News Bowl Competition.
- 2001\1190 Michael Rueber, Oelwein – For receiving 2nd place nationally in the USA News Bowl Competition.
- 2001\1191 Katie Perry, Oelwein – For receiving 2nd place nationally in the USA News Bowl Competition.
- 2001\1192 Alison Joslyn, Oelwein – For receiving 2nd place nationally in the USA News Bowl Competition.
- 2001\1193 Matt Heath, Oelwein – For receiving 2nd place nationally in the USA News Bowl Competition.
- 2001\1194 Tara Nelson, Oelwein – For receiving 2nd place nationally in the USA News Bowl Competition.
- 2001\1195 Bradley Loughren, Oelwein – For receiving 2nd place nationally in the USA News Bowl Competition.
- 2001\1196 Austin Forsyth, Oelwein – For receiving 2nd place nationally in the USA News Bowl Competition.
- 2001\1197 Marjory and Maurice Gould, Richland – For celebrating their 69th wedding anniversary and to Marjory for celebrating her 90th birthday and Maurice for celebrating his 89th birthday.
- 2001\1198 Mr. and Mrs. Samuel Sauer, Fremont – For celebrating their 75th wedding anniversary.
- 2001\1199 Leland Staton, Storm Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2001\1200 Edith Byrnes, Waterloo – For celebrating her 90th birthday.
- 2001\1201 Ralph Annette, Waterloo – For celebrating his 90th birthday.
- 2001\1202 Robert Klingaman, Waterloo – For celebrating his 85th birthday.
- 2001\1203 Katherine Lewin, Davenport – For being named a member of the Academic All-State Team.

The House stood at ease at 5:48 p.m., until the fall of the gavel.

The House resumed session at 11:08 a.m., Speaker Siegrist 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 May 3, 2001, 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 670, a bill for an act relating to practitioner preparation programs by providing for the establishment of nontraditional practitioner preparation and licensure and by providing for a study of practitioner preparation programs.

Also: That the Senate has on May 7, 2001, 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 719, 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 support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing an effective date.

Also: That the Senate has on April 27, 2001, passed the following bill in which the concurrence of the Senate was asked:

House File 725, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources, providing for fees, and providing an effective date.

Also: That the Senate has on May 3, 2001, 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 732, a bill for an act relating to appropriations for the department of human services and including other provisions and appropriations involving human services and health care, and providing effective dates.

Also: That the Senate has on May 8, 2001, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 39, a concurrent resolution to provide for adjournment sine die.

Also: That the Senate has on April 24, 2001, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 81, a bill for an act relating to limitations on the disbursement of economic development financial assistance moneys by state agencies.

Also: That the Senate has on May 8, 2001, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 531, 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 May 3, 2001, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 535, 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.

MICHAEL E. MARSHALL, Secretary

FINAL DISPOSITION OF MOTIONS TO RECONSIDER

Pursuant to House Rule 73.7, the following motions to reconsider which remain on the House Calendar upon adjournment of the 2001 Regular Session of the Seventy-ninth General Assembly will be considered to have failed:

By Rants of Woodbury to House File 718, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, making related statutory changes, and providing effective dates, filed on May 1, 2001. (Bill passed the House on May 1, 2001.)

By Millage of Scott to House File 743, a bill for an act providing for fees for the remediation of sites evidencing contamination from a release of fertilizers and soil conditioners or pesticides, and proving an effective date, filed on May 1, 2001, placing amendment H-1908 filed by Teig of Hamilton on May 2, 2001, out of order. (Bill passed the House on May 1, 2001.)

HOUSE AND SENATE FILES REREFERRED TO COMMITTEE

Under the provisions of House Rule 45, the following House Files and Senate Files were rereferred to the committees listed:

House File 2	Ways and Means
House File 453	Natural Resources
House File 614	Judiciary
House File 638	Transportation
House File 688	Human Resources
House File 728	Ways and Means
House File 729	Appropriations
House File 738	Ways and Means
House File 744	Ways and Means
House File 747	Ways and Means
House File 748	State Government
House File 751	Ways and Means
House File 752	Ways and Means
House File 753	Ways and Means
House File 754	Ways and Means
House Concurrent Resolution 10	Appropriations
House Concurrent Resolution 15	Transportation
Senate File 99	Human Resources
Senate File 104	Education
Senate File 106	Judiciary
Senate File 165	Local Government
Senate File 196	State Government
Senate File 240	Education
Senate File 348	Education
Senate File 415	Judiciary
Senate File 419	Judiciary
Senate File 425	Commerce and Regulation
Senate File 450	Ways and Means
Senate File 485	Judiciary
Senate File 514	Ways and Means
Senate File 529	Ways and Means
Senate Concurrent Resolution 14	Appropriations

Senate Files previously passed on file were referred to the following committees:

Senate File 437	Natural Resources
Senate File 461	Transportation

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in enrolling bills the following corrections were made:

House File 413

1. Page 10, line 1, by deleting "16" and inserting "17".
2. Page 10, line 8, by deleting "22" and inserting "23".

House File 502

1. Page 4, line 29, by extending underscore to read "c. This"

House File 567

1. Page 2, line 34, by deleting quotes around "6".
2. Page 3, line 2, by deleting line under period after NEW SECTION.

House File 582

1. Page 6, line 31, by deleting a quotation mark before the word "services".
2. Page 6, line 33, by inserting a comma after the word "supply".

House File 637

1. Page 5, line 6, by indenting the text.
2. Page 14, lines 30 and 31, by underscoring all of sentence.

House File 670

1. Page 2, line 20, by changing the "f" to an "e".
2. Page 3, line 38, by changing the "f" to an "e".

House File 713

1. Page 1, line 3, should read "following new unnumbered paragraph:".
2. Page 3, line 6, by underscoring final "t".

House File 720

1. Page 1, line 23, by underscoring "e".

House File 732

1. Page 38, lines 31 and 32, "Sec. 17. COMMUNITY-BASED PROGRAMS. There is appropriated... (don't indent text)"

House File 742

1. Page 4, line 2, "section 6" should remain as "section 7".
2. Page 4, line 10, by removing subsection 1 as subsection 2 was eliminated by amendment.
3. Page 10, line 4, "sections 19 through 21" should remain as "sections 25 through 27".
4. Page 11, line 2, by changing reference to "Section 17" to refer to "Section 18".
5. Page 21, line 21, by deleting "1224" and inserting "1225".
6. Page 26, line 33, should read "following new subsection".

House File 746

1. Page 1, line 9, by deleting "section 9" and inserting "section 6".

House File 755

1. Page 13, line 33, by deleting "299.8" and inserting "299A.8".

MARGARET A. THOMSON
Chief Clerk of the House

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 8th day of May, 2001: House Files 349, 413, 564, 579, 637, 670, 687, 695, 713, 714, 718, 719, 720, 723, 724, 725, 726, 727, 731, 732, 736, 737, 739, 740, 742, 745, 746 and 755.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

COMMUNICATION RECEIVED

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

COLLEGE STUDENT AID COMMISSION

The 2000 Annual Report, pursuant to Chapter 7A.4, 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.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|-----------|--|
| 2001\1204 | Isaac Hollingsworth, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2001\1205 | Carl Healey, Dubuque – For his 32 years of dedicated service to the community of Dubuque and to the Dubuque Community School District. |
| 2001\1206 | Cleone Cunningham, Clarinda – For celebrating her 90 th birthday. |
| 2001\1207 | Marian and Robert Tyler, Shenandoah – For celebrating their 60 th wedding anniversary. |
| 2001\1208 | Denise Sue Stormer, Corning – For being a US Achievement Academy Nation Award winner in History and Government. |
| 2001\1209 | Florence Espinoza, Rockwell City – For celebrating her 85 th birthday. |
| 2001\1210 | Evelyn Gass, Lake City – For celebrating her 94 th birthday. |
| 2001\1211 | Anna Mills, Lake City – For celebrating her 91 st birthday. |
| 2001\1212 | Lou and Bob Green, Lake City – For celebrating their 50 th wedding anniversary. |
| 2001\1213 | Donna and Robert Jenkins, Lake City – For celebrating their 50 th wedding anniversary. |
| 2001\1214 | Ruth and Harold Lantz, Pomeroy – For celebrating their 50 th wedding anniversary. |

- 2001\1215 Lorna and Henry "Lee" Peterman, Arlington – For celebrating their 50th wedding anniversary.
- 2001\1216 Germaine and Nick Winter, St. Lucas – For celebrating their 50th wedding anniversary.
- 2001\1217 Clifford Bates, Fairbank – For celebrating his 80th birthday.
- 2001\1218 James Rochford, Sumner – For celebrating his 80th birthday.
- 2001\1219 Ann Cowlham, Odebolt – For celebrating her 80th birthday.
- 2001\1220 Marian Johnson, Holstein – For celebrating her 80th birthday.
- 2001\1221 Burndetta Olson-Phillips, Nemaha – For celebrating her 80th birthday.
- 2001\1222 Ina Weber, Danbury – For celebrating her 87th birthday.
- 2001\1223 Joseph Krieger, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2001\1224 Pocahontas Area Community School, Pocahontas – For winning the National Mock Trial Championship.
- 2001\1225 Betty and Keith Wirt, Panora – For celebrating their 50th wedding anniversary.
- 2001\1226 Myrtle Rumelhart, Guthrie Center – For celebrating her 90th birthday.
- 2001\1227 Barb and Floyd Meacham, Stuart – For celebrating their 60th wedding anniversary.
- 2001\1228 Berniece and Leon Peckumn, Panora – For celebrating their 60th wedding anniversary.
- 2001\1229 Dorothy and Everett Perry, Marshalltown – For celebrating their 50th wedding anniversary.
- 2001\1230 Melvine and John Strever, Marshalltown – For celebrating their 65th wedding anniversary.
- 2001\1231 Evelyn Detrich, Le Grand – For celebrating her 90th birthday.
- 2001\1232 Brian McEnaney, Shenandoah – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2001\1233 Bernice and Jim Hughes, Sioux City – For celebrating their 50th wedding anniversary.

- 2001\1234 Mrs. Mary Gansemer, Heritage Manor – For celebrating her 100th birthday.
- 2001\1235 Justin Christofel, Dubuque – For being named Best Of The Class by the University of Iowa and KWWL.
- 2001\1236 Nicholas Frommelt, Dubuque – For being named Best Of The Class by the University of Iowa and KWWL.
- 2001\1237 Corey Mayne, Dubuque – For being named Best Of The Class by the University of Iowa and KWWL.
- 2001\1238 Laura Helmke, Dubuque – For being named Best Of The Class by the University of Iowa and KWWL.
- 2001\1239 Len Morgan, Battle Creek – For celebrating his 90th birthday.
- 2001\1240 Dick and Barbara Glau, Lake View – For celebrating their 50th wedding anniversary.
- 2001\1241 Carl and Mildred Smidt, Lake View – For celebrating their 50th wedding anniversary.
- 2001\1242 Eleanor Mulholland, De Witt – For celebrating her 97th birthday.
- 2001\1243 Edwina and Waldo Foley, New Virginia – For celebrating their 60th wedding anniversary.
- 2001\1244 Mick and Arlene Slack, Chariton – For celebrating their 50th wedding anniversary.
- 2001\1245 Darwin and Elaine Hall, Chariton – For celebrating their 60th wedding anniversary.
- 2001\1246 Bill and Ann Volzka, Seymour – For celebrating their 50th wedding anniversary.
- 2001\1247 Wayne and Ruth Ann Dayton, Grinnell – For celebrating their 50th wedding anniversary.
- 2001\1248 Lucille Butler, Grinnell – For celebrating her 90th birthday.
- 2001\1249 Maxine Dunnick, Grinnell – For celebrating her 90th birthday.
- 2001\1250 Walter and Marie Beck, Malcom – For celebrating their 65th wedding anniversary.
- 2001\1251 Harry and Neva Lanser, Sully – For celebrating their 50th wedding anniversary.
- 2001\1252 Audrey Martin, Muscatine – For winning the 2001 Class 3-A State Shot Put with a throw of 43 feet, 8 ¼ inches.

- 2001\1253 Dale Eichor, Fort Dodge – For being inducted into the Country Music D.J. Hall of Fame.
- 2001\1254 Lawrence Ewing, Lehigh – For celebrating his 92nd birthday.
- 2001\1255 Donald and Norma Rich, Lehigh – For celebrating their 50th wedding anniversary.
- 2001\1256 Jenni Elbert, Laurens Marathon School – For winning the 2001 Class 1-A State High Jump.
- 2001\1257 Danny Kuhle, Dubuque – For being a state finalist in the Junior Division for the State History Day, sponsored by the Iowa State Historical Society of Iowa.
- 2001\1258 Nicholas Kuhle and Joe Hubanks, Dubuque – For being a state finalist of a group exhibit in the Junior Division for the State History Day, sponsored by the Iowa State Historical Society of Iowa.
- 2001\1259 Allison Kuhle and Molly Gau, Dubuque – For being a state finalist of a group exhibit in the Junior Division for the State History Day, sponsored by the Iowa State Historical Society of Iowa.
- 2001\1260 Lauren Gibbons, Dubuque – For being a state finalist in the Junior Division for the State History Day, sponsored by the Iowa State Historical Society of Iowa.
- 2001\1261 Robyn Odegard, Dubuque – For being a state finalist in the Junior Division for the State History Day, sponsored by the Iowa State Historical Society of Iowa.
- 2001\1262 Jonathan Armstrong, Dubuque – For being a state finalist in the Junior Division for the State History Day, sponsored by the Iowa State Historical Society of Iowa.
- 2001\1263 Alexa Armstrong, Dubuque – For being a state finalist in the Junior Division for the State History Day, sponsored by the Iowa State Historical Society of Iowa.
- 2001\1264 David Scott, Dubuque – For being a state finalist in the Junior Division for the State History Day, sponsored by the Iowa State Historical Society of Iowa.
- 2001\1265 Adam Fenton, Eddyville – For being named one of the top four in the Ottumwa Courier "Salute to Academics & Achievement."
- 2001\1266 Amber DeJong, Oskaloosa – For being named one of the top four in the Ottumwa Courier "Salute to Academics & Achievement."
- 2001\1267 Alexis Greiner, Keota – For achieving "Best of the Class" designation by the University of Iowa.

- 2001\1268 Kim McCoy, Riverside – For achieving "Best of the Class" designation by the University of Iowa.
- 2001\1269 Katie Thomas, What Cheer – For achieving "Best of the Class" designation by the University of Iowa.
- 2001\1270 Lester and Katie Ann Miller, Kalona – For celebrating their 60th wedding anniversary.
- 2001\1271 Kenneth and Carol Fry, Thornburg – For celebrating their 50th wedding anniversary.
- 2001\1272 Viola and Charles Brown, Osceola – For celebrating their 60th wedding anniversary.
- 2001\1273 Dwayne and Darlene Henrichs, Thayer – For celebrating their 50th wedding anniversary.
- 2001\1274 Jim and JoAnn Garrett, Chariton – For celebrating their 50th wedding anniversary.
- 2001\1275 Wayne and Em Kissler, Melrose – For celebrating their 60th wedding anniversary.
- 2001\1276 Wilmar and Evelyn Nelson, Sioux City – For celebrating their 50th wedding anniversary.
- 2001\1277 Lambert and Alice Struzynski, Oxford – For celebrating their 50th wedding anniversary.
- 2001\1278 Ruth Kruse, Lisbon – For celebrating her 85th birthday.
- 2001\1279 Joseph Ruzicka, Cedar Rapids – For celebrating his 90th birthday.
- 2001\1280 Elaine Stallman, Walford – For celebrating her 80th birthday.
- 2001\1281 Virgil Stoner, Mount Vernon – For celebrating his 85th birthday.
- 2001\1282 John Brogaard, Oxford – For celebrating his 86th birthday.
- 2001\1283 Iva Thibodeau, Cedar Rapids – For celebrating her 90th birthday.
- 2001\1284 Hilda Collins, Denison – For celebrating her 90th birthday.
- 2001\1285 Gladys Hansen, Denison – For celebrating her 90th birthday.
- 2001\1286 Vivian Lee, Mapleton – For celebrating her 100th birthday.
- 2001\1287 Raymond and Goldie Baker, Kiron – For celebrating their 60th wedding anniversary.

- 2001\1288 Harry and Nellie Petersen, Denison – For celebrating their 60th wedding anniversary.
- 2001\1289 Glenn and Donna Freese, Vail – For celebrating their 50th wedding anniversary.
- 2001\1290 Ed and Lenora Bohlmann, Onawa – For celebrating their 50th wedding anniversary.
- 2001\1291 Kelsey R. Ulmer, Arion – For receiving a \$20,000 Iowa West Foundation Scholarship.
- 2001\1292 Margaret and Grant Peterson, Marshalltown – For celebrating their 60th wedding anniversary.
- 2001\1293 Eleanor and Gene Robb, Marshalltown – For celebrating their 50th wedding anniversary.
- 2001\1294 Rita and Andy Wiebers, Denison – For celebrating their 60th wedding anniversary.
- 2001\1295 Jeanette and Charles Mathies, Denison – For celebrating their 50th wedding anniversary.
- 2001\1296 Virginia and Frank Jorgensen, Denison – For celebrating their 60th wedding anniversary.
- 2001\1297 JoAnn and Don Solberg, Moorhead – For celebrating their 50th wedding anniversary.
- 2001\1298 Madge and Larry Solorio, Onawa – For celebrating their 53rd wedding anniversary.
- 2001\1299 Helen Kracht, Denison – For celebrating her 86th birthday.
- 2001\1300 Hazel Kuhl, Denison – For celebrating her 90th birthday.
- 2001\1301 Philip C. Derr, Whiting – For being named a State of Iowa Scholar.
- 2001\1302 Lorna and Howard Landas, Fayette – For celebrating their 50th wedding anniversary.
- 2001\1303 Esther Reisner, Oelwein – For celebrating her 95th birthday.
- 2001\1304 John Stolka, Randalia – For celebrating his 82nd birthday.
- 2001\1305 Lyman Albaugh, Independence – For celebrating his 90th birthday.
- 2001\1306 Helen McCullow, Independence – For celebrating her 80th birthday.
- 2001\1307 Angie and Merrill Miller, Clarinda – For celebrating their 60th wedding anniversary.

- 2001\1308 Winnie Spring, Lenox – For celebrating her 90th birthday.
- 2001\1309 Irma Pender, Galva – For celebrating her 80th birthday.
- 2001\1310 Jean and Wendell Wilcke, Battle Creek – For celebrating their 50th wedding anniversary.
- 2001\1311 Ruth and Lee Witte, Alta – For celebrating their 50th wedding anniversary.
- 2001\1312 Hulda and Edgar Oltrogge, Maynard – For celebrating their 50th wedding anniversary.
- 2001\1313 Velda and Galen Griffin, Elkader – For celebrating their 50th wedding anniversary.
- 2001\1314 Else Dannen, Mason City – For celebrating his 85th birthday.
- 2001\1315 Bonnie Determan, Mason City – For celebrating her 90th birthday.
- 2001\1316 Ilona Paulsen, Mason City – For celebrating her 90th birthday.
- 2001\1317 George Ashlock, Mason City – For celebrating his 90th birthday.
- 2001\1318 Helen and Armin Kohler, Mason City – For celebrating their 50th wedding anniversary.
- 2001\1319 Anna Mae and Robert Lugar, Mason City – For celebrating their 50th wedding anniversary.
- 2001\1320 Ruth Johnston, Packwood – For celebrating her 95th birthday.
- 2001\1321 Marcella and Raymond Snyder, Sioux City – For celebrating their 50th wedding anniversary.
- 2001\1322 Aubrey Martin, Muscatine – For winning the Class 3A Shot Put Division of the 2001 Girls' State Track Meet, with her throw of 43 feet, 8 ¼ inches.
- 2001\1323 Fred Machholz, Muscatine – For being named Outstanding Special Olympics Athlete of the Year.
- 2001\1324 Wayne and Em Rissler, Promise City – For celebrating their 60th wedding anniversary.
- 2001\1325 Don and Joan Kingsbury, Chariton – For celebrating their 50th wedding anniversary.
- 2001\1326 Wesley Doyle and Josephine Kinser, Corydon – For celebrating their 50th wedding anniversary.

- 2001\1327 Evanell and Arthur Withwort, Winterset – For celebrating their 50th wedding anniversary.
- 2001\1328 Shirley and Harold Haag, Orient – For celebrating their 50th wedding anniversary.
- 2001\1329 Phyllis and Robert Gideon, Winterset – For celebrating their 50th wedding anniversary.
- 2001\1330 Betty and Keith Wirt, Panora – For celebrating their 50th wedding anniversary.
- 2001\1331 Francis and Bernice Vislisl, Solon – For celebrating their 50th wedding anniversary.
- 2001\1332 Frances and August Gross, Fontanelle – For celebrating their 50th wedding anniversary.
- 2001\1333 Evelyn and Forest Sipe, Yale – For celebrating their 60th wedding anniversary.
- 2001\1334 Lila Gay and Carl Kirkpatrick, Casey – For celebrating their 60th wedding anniversary.
- 2001\1335 Lillian Aldrich, Stuart – For celebrating her 95th birthday.
- 2001\1336 Orpha Foreman, Winterset – For celebrating her 90th birthday.
- 2001\1337 Juanita and Donald Schofield, Manson – For celebrating their 50th wedding anniversary.
- 2001\1338 Donna and Lawrence Clough, Manson – For celebrating their 50th wedding anniversary.
- 2001\1339 Eldora Larson, Pomeroy – For celebrating her 80th birthday.
- 2001\1340 Virgil and Jean Stoner, Mount Vernon – For celebrating their 60th wedding anniversary.
- 2001\1341 James and Joanne Trcka, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 2001\1342 Delores and Donald Riley, Solon – For celebrating their 50th wedding anniversary.
- 2001\1343 Paul and Mary McNutt, Iowa City – For celebrating their 50th wedding anniversary.
- 2001\1344 Raymond and Maxine Hennessy, Solon – For celebrating their 55th wedding anniversary.
- 2001\1345 Donald and Irma Gibbs, Bellevue – For celebrating their 50th wedding anniversary.

- 2001\1346 Ralph and Donna Heinzel, Maquoketa – For celebrating their 50th wedding anniversary.
- 2001\1347 Pete and Rosie Feller, Preston – For celebrating their 50th wedding anniversary.
- 2001\1348 Jerry and Dorothy Rasmussen, Maquoketa – For celebrating their 60th wedding anniversary.
- 2001\1349 Nicole Cueno, Maquoketa – For winning the 2001 NCAA Division III 1500 meter run.
- 2001\1350 Clovis Smith, Hartwick – For celebrating her 80th birthday.
- 2001\1351 Nellie Dixon, Gilman – For celebrating her 90th birthday.
- 2001\1352 Neva and Harry Lanser, Sully – For celebrating their 50th wedding anniversary.
- 2001\1353 Dixie and Bob Sanders, Montezuma – For celebrating their 50th wedding anniversary.
- 2001\1354 Ralph Reams, Grinnell – For celebrating his 90th birthday.
- 2001\1355 Shirley and Gene Bartachek, Brooklyn – For celebrating their 50th wedding anniversary.
- 2001\1356 Coletta and Herb Auen, Lake View – For celebrating their 50th wedding anniversary.
- 2001\1357 Lura and Verlyn Smith, Lytton – For celebrating their 65th wedding anniversary.
- 2001\1358 Will and Honora Tovrea, Norwalk – For celebrating their 60th wedding anniversary.
- 2001\1359 Sharon and Clifford Robbins, Marshalltown – For celebrating their 50th wedding anniversary.
- 2001\1360 Lorna and Charles Brierly, Green Mountain – For celebrating their 50th wedding anniversary.
- 2001\1361 Dolly and Les Flathers, Marshalltown – For celebrating their 50th wedding anniversary.
- 2001\1362 Irene and Harry Mikkelson, Newton – For celebrating their 50th wedding anniversary.
- 2001\1363 Joyce and Harry Jochems, Newton – For celebrating their 50th wedding anniversary.

- 2001\1364 Phyllis and J.D. Wood, Newton – For celebrating their 50th wedding anniversary.
- 2001\1365 Mayme Eastman, Clinton – For celebrating her 100th birthday.
- 2001\1366 Edith Abrahams, Mason City – For celebrating her 89th birthday.
- 2001\1367 Glen Hambly, Mason City – For celebrating his 85th birthday.
- 2001\1368 Dorothy Francis, Clear Lake – For celebrating her 85th birthday.
- 2001\1369 Mr. and Mrs. Dean Nelson, Mason City – For celebrating their 50th wedding anniversary.
- 2001\1370 Joan and Carl Tatone, Mason City – For celebrating their 50th wedding anniversary.
- 2001\1371 Beryl L. and Earl M. Jorgensen, Mason City – For celebrating their 50th wedding anniversary.
- 2001\1372 Alfina and Lee Jones, Mason City – For celebrating their 72nd wedding anniversary.
- 2001\1373 Hannah and Herald Thompson, Rockwell – For celebrating their 60th wedding anniversary.
- 2001\1374 Evelyn and Paul Jones, Sr., Shenandoah – For celebrating their 60th wedding anniversary.
- 2001\1375 Virginia Swartzendruber, Kalona – For celebrating her 80th birthday.
- 2001\1376 Arch Haberman, Kalona – For celebrating his 85th birthday.
- 2001\1377 Chester Rice, Keota – For celebrating his 90th birthday.
- 2001\1378 Thelma Walton Linder, Sigourney – For celebrating her 90th birthday.
- 2001\1379 Reuvena and Stanley Bruxvoort, Oskaloosa – For celebrating their 50th wedding anniversary.
- 2001\1380 Gladys and Robert Fisher, Kalona – For celebrating their 50th wedding anniversary.
- 2001\1381 Alma and Raymond Oswald, Kalona – For celebrating their 60th wedding anniversary.
- 2001\1382 Neal Campbell, Wellman – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 2001\1383 Colin Houseal, Wellman – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2001\1384 Lucille and Wayne Sewell, Guthrie – For celebrating their 50th wedding anniversary.
- 2001\1385 Ila (Linn) Silverthorn, Winterset – For celebrating her 80th birthday.
- 2001\1386 Edith Renshaw, Bagley – For celebrating her 85th birthday.
- 2001\1387 Durl and Barbara Westrum, Norwalk – For celebrating their 50th wedding anniversary.
- 2001\1388 Lillian Partlow, Norwalk – For celebrating her 104th birthday.
- 2001\1389 Mary Jane and John Pray, Indianola – For celebrating their 60th wedding anniversary.
- 2001\1390 Lou and Dwight Nickelson, Indianola – For celebrating their 50th wedding anniversary.
- 2001\1391 Gladys and Don Courtney, Norwalk – For celebrating their 60th wedding anniversary.
- 2001\1392 Mr. and Mrs. Ray Koehler, Oelwein – For celebrating their 61st wedding anniversary.
- 2001\1393 Helen and Joe McSweeney, Oelwein – For celebrating their 60th wedding anniversary.
- 2001\1394 Vernita and Victor Pape, Stanley – For celebrating their 50th wedding anniversary.
- 2001\1395 Iva and Don "Sparky" Martindale, Oelwein – For celebrating their 50th wedding anniversary.
- 2001\1396 Elsie and Dell Hanson, Oelwein – For celebrating their 50th wedding anniversary.
- 2001\1397 Arlene and Heinz Lehs, Oelwein – For celebrating their 50th wedding anniversary.
- 2001\1398 Arlis and Norvin Wilharm, Sumner – For celebrating their 50th wedding anniversary.
- 2001\1399 June Sanders, Arlington – For celebrating her 80th birthday.
- 2001\1400 Jim Donahue, Independence – For celebrating his 80th birthday.
- 2001\1401 Marion Skibbe, Oelwein – For celebrating his 80th birthday.

- 2001\1402 Tyler R. Rasmussen, Independence – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2001\1403 Janet and Wayne Richards, Newton – For celebrating their 50th wedding anniversary.
- 2001\1404 Gladys Tweedt, Story City – For celebrating her 100th birthday.
- 2001\1405 Jacob and Ruth Lee, Huxley – For celebrating their 50th wedding anniversary.
- 2001\1406 James Lewis, Huxley – For receiving The Robert C. Byrd Honors Scholarship.
- 2001\1407 Wes Abney, Slater – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2001\1408 Ben Walter, Kelley – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2001\1409 Patrick Turner, Huxley – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2001\1410 Ben Tweedt, Slater – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2001\1411 Chris Tweedt, Slater – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2001\1412 Garland and Alice Schmidt, Sac City – For celebrating their 60th wedding anniversary.
- 2001\1413 Alice and Richard Seagren, Pomeroy – For celebrating their 50th wedding anniversary.
- 2001\1414 Wanda and Alvie Bergman, Stratford – For celebrating their 60th wedding anniversary.
- 2001\1415 Gertrude Walter, Lohrville – For celebrating her 90th birthday.
- 2001\1416 Bryona and Champe Ridgely, Rockwell City – For celebrating their 65th wedding anniversary.
- 2001\1417 Marion Stanfield, Dayton – For celebrating his 80th birthday.
- 2001\1418 Verlyn Fry, Stratford – For celebrating his 90th birthday.
- 2001\1419 Harold Sommerfeld, Lohrville – For celebrating his 80th birthday.
- 2001\1420 Charles and LaVonne Misfeldt, Solon – For celebrating their 50th wedding anniversary.

- 2001\1421 Paul and Carol Whitters, Cedar Rapids – For celebrating their 50th wedding anniversary.
- 2001\1422 Dale and Joan Hackett, Anamosa – For celebrating their 50th wedding anniversary.
- 2001\1423 Clete Younger, Ankeny – For being named All-State Champion in the One Hundred and Ten-Meter Hurdle, Class 4A competition.
- 2001\1424 Harriet Meyer, Clarinda – For celebrating her 90th birthday.
- 2001\1425 Wanda and Donald Rockwell, Maquoketa – For celebrating their 50th wedding anniversary.
- 2001\1426 Nellie and Carlyle Stender, Maquoketa – For celebrating their 60th wedding anniversary.
- 2001\1427 Dorothea and Duane Miller, Maquoketa – For celebrating their 60th wedding anniversary.
- 2001\1428 Genevieve and Arthur Merck, Deep River – For celebrating their 50th wedding anniversary.
- 2001\1429 Jeanette and Everett Sterrett, What Cheer – For celebrating their 50th wedding anniversary.
- 2001\1430 Beverly and Hubert Christner, Sigourney – For celebrating their 50th wedding anniversary.
- 2001\1431 Reithel and Chester Rice, Keota – For celebrating their 60th wedding anniversary.
- 2001\1432 Mabel and J. John J. Miller, Kalona – For celebrating their 60th wedding anniversary.
- 2001\1433 Ruth and Henry Kauffman, Kalona – For celebrating their 60th wedding anniversary.
- 2001\1434 Lora and Willard Utterback, Sigourney – For celebrating their 62nd wedding anniversary.
- 2001\1435 Phyllis and Don Hall, North English – For celebrating their 65th wedding anniversary.
- 2001\1436 Dorothy and George Sorden, Webster – For celebrating their 65th wedding anniversary.
- 2001\1437 Marjorie Lasley, Sigourney – For celebrating her 95th birthday.

COMMITTEE TO NOTIFY THE GOVERNOR

Jacobs of Polk moved that a committee of two be appointed to notify the Governor that the House was ready to adjourn in accordance with House Concurrent Resolution 39, duly adopted.

The motion prevailed and the Speaker appointed as such committee Metcalf of Polk and Myers of Johnson.

COMMITTEE TO NOTIFY THE SENATE

Jacobs of Polk moved that a committee of two be appointed to notify the Senate that the House was ready to adjourn in accordance with House Concurrent Resolution 39, duly adopted.

The motion prevailed and the Speaker appointed as such committee Jacobs of Polk and Fallon 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 and that the Governor had sent the following message:

COMMUNICATION FROM THE GOVERNOR

June 14, 2001

The Honorable Brent Siegrist
Speaker of the House
State Capitol Building
LOCAL

Dear Mr. Speaker:

The one shining light in this legislative session was the full funding of our new teacher compensation/student achievement plan. This package is a truly revolutionary approach to training and compensating teachers, and ensuring that Iowa schoolchildren get the very best possible education. Nowhere else has this been done

on a statewide basis. It makes us national leaders and it has important and very positive consequences for public education and workforce development in our state.

We understand that some teachers are nervous about this program. It does represent a fundamental change. We are convinced that we can make this new plan work in a way that serves teachers, students, and parents.

We are hopeful the special legislative session scheduled for June 19 will consider legislative action to that which was left incomplete at the end of the regular session. In addition to redistricting, I urge lawmakers to maintain the operations of Iowa's rural workforce development centers, to provide the option for community colleges to raise additional revenue to meet their obligations, and to provide for additional in-state electric power generation.

Sincerely,
Thomas J. Vilsack
Governor

The communication was received and the committee discharged.

FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 39, duly adopted, the day of May 8, 2001 having arrived, the Speaker of the House of Representatives declared the 2001 Regular Session of the Seventy-ninth General Assembly adjourned sine die.

AMENDMENTS FILED

Amendments filed during the Seventy-ninth General Assembly, 2001 Session, not otherwise printed in the House Journal:

H-1001

- 1 Amend House File 43 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "section." the following: "If an open season is
- 4 established for mourning doves, the commission shall
- 5 prohibit the use of lead shot for the taking of
- 6 mourning doves."

DOTZLER of Black Hawk
FORD of Polk

H-1010

- 1 Amend the amendment, H-1003, to House File 43 as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word
- 4 "bobwhite,".
- 5 2. Page 1, line 5, by striking the word
- 6 "woodcock," and inserting the following: "woodcock".

MASCHER of Johnson

H-1013

- 1 Amend House File 2 as follows:
- 2 1. Page 1, by striking lines 3 through 29 and
- 3 inserting the following:
- 4 "13. Subtract, to the extent included, the amount
- 5 of additional social security benefits taxable under
- 6 the Internal Revenue Code for tax years beginning on
- 7 or after January 1, 1994. The amount of social
- 8 security benefits taxable as provided in section 86 of
- 9 the Internal Revenue Code, as amended up to and
- 10 including January 1, 1993, continues to apply for
- 11 state income tax purposes for tax years beginning on
- 12 or after January 1, 1994, except that the base amounts
- 13 used in that section shall be forty thousand dollars
- 14 for married taxpayers filing jointly, zero dollars for
- 15 a married taxpayer who does not file jointly and does
- 16 not live apart from the taxpayer's spouse at all times
- 17 during the tax year, and thirty-one thousand for all
- 18 other taxpayers. Married taxpayers, who file a joint
- 19 federal income tax return and who elect to file
- 20 separate returns or who elect separate filing on a
- 21 combined return for state income tax purposes, shall

22 allocate between the spouses the amount of benefits
23 subtracted from net income in the ratio of the social
24 security benefits received by each spouse to the total
25 of these benefits received by both spouses."
26 2. Title page, line 1, by striking the words
27 "phasing out" and inserting the following: "relating
28 to".

OSTERHAUS of Jackson

H-1014

1 Amend House File 1 as follows:
2 1. Page 1, by inserting after line 17 the
3 following:
4 "Sec. __. Section 476.6, Code 2001, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 25. LOW-INCOME FUNDING. To
7 provide funds to assist low-income customers of gas
8 public utilities, amounts collected by rate-regulated
9 gas utilities pursuant to subsection 19, paragraph
10 "e", that represent unrecovered amounts for the gas
11 portions of energy efficiency plans approved prior to
12 July 1, 1996, shall be paid, up to a maximum of twenty
13 million dollars per year, to the department of human
14 rights to provide eligible customers of gas public
15 utilities, as defined by the department of human
16 rights, with assistance in paying their natural gas
17 bills. The board shall adopt rules specifying each
18 rate-regulated gas utility's share of the fund and
19 each utility's allocation methods among residential
20 and other firm customers, but in no event shall rates
21 increase for any customer as a result of this
22 subsection. These funds shall be paid to the
23 department until July 1, 2003, at which time rate-
24 regulated gas utilities may continue recovery of any
25 remaining amounts for the gas portions of energy
26 efficiency plans approved prior to July 1, 1996.
27 The board may direct, upon the department of human
28 rights' request, all rate-regulated gas utilities to
29 advance a maximum of twenty million dollars, pursuant
30 to the allocation methods adopted by the board, to
31 allow immediate assistance to eligible customers. A
32 rate-regulated gas utility advancing funds shall have
33 the amount of the advance added to the unpaid amount
34 for the gas portion of its energy efficiency plan
35 approved prior to July 1, 1996, and interest shall be
36 paid on any funds advanced at a rate equal to the
37 interest paid on the unrecovered gas portions of
38 energy efficiency plans approved prior to July 1,
39 1996."
40 2. Title page, line 4, by inserting after the

41 word "dwellings" the following: "and to providing
42 funds from rate-regulated gas utilities for assisting
43 low-income customers in paying their natural gas
44 bills".

SHOULTZ of Black Hawk

H-1016

1 Amend the committee amendment, H-1011, to House
2 File 1 as follows:

3 1. Page 1, by striking lines 2 through 20 and
4 inserting the following:

5 "___ By striking everything after the enacting
6 clause and inserting the following:
7 "Section 1. Section 422.45, Code 2001, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. 60. a. Subject to paragraph "b",
10 the gross receipts from the sale, furnishing, or
11 service of metered gas and electricity for residential
12 customers and the gross receipts from the sale,
13 furnishing, or service of fuel, including propane and
14 heating oil, used to provide heat for residential
15 customers.

16 b. The exemption in this subsection shall be
17 phased in by means of a reduction in the tax rate as
18 follows:

19 (1) If the date of the utility billing of the
20 customer for the sale, furnishing, or service of
21 metered gas and electricity is between March 1, 2001,
22 and December 31, 2001, or the sale, furnishing, or
23 service of fuel for heating purposes occurs between
24 March 1, 2001, and December 31, 2001, the rate of tax
25 is four percent of the gross receipts.

26 (2) If the date of the utility billing of the
27 customer for the sale, furnishing, or service of
28 metered gas and electricity is between January 1,
29 2002, and December 31, 2002, or the sale, furnishing,
30 or service of fuel for heating purposes occurs between
31 January 1, 2002, and December 31, 2002, the rate of
32 tax is three percent of the gross receipts.

33 (3) If the date of the utility billing of the
34 customer for the sale, furnishing, or service of
35 metered gas and electricity is between January 1,
36 2003, and December 31, 2003, or the sale, furnishing,
37 or service of fuel for heating purposes occurs between
38 January 1, 2003, and December 31, 2003, the rate of
39 tax is two percent of the gross receipts.

40 (4) If the date of the utility billing of the
41 customer for the sale, furnishing, or service of
42 metered gas and electricity is between January 1,
43 2004, and December 31, 2004, or the sale, furnishing,

44 or service of fuel for heating purposes occurs between
45 January 1, 2004, and December 31, 2004, the rate of
46 tax is one percent of the gross receipts.

47 (5) If the date of the utility billing of the
48 customer for the sale, furnishing, or service of
49 metered gas and electricity is on or after January 1,
50 2005, or the sale, furnishing, or service of fuel for

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1 heating purposes occurs on or after January 1, 2005,
2 the rate of tax is zero percent of the gross receipts.
3 Sec. 2. **EFFECTIVE DATE.** This Act, being deemed of
4 immediate importance, takes effect upon enactment."
5 2. Title page, by striking lines 1 through 5 and
6 inserting the following: "An Act relating to the
7 phasing in of an exemption from state sales and use
8 taxes on the gross receipts from the sale, furnishing,
9 or service of metered gas and electricity and heating
10 fuel used by residential customers and including an
11 effective date."

RICHARDSON of Warren

H-1018

1 Amend the committee amendment, H-1011, to House
2 File 1 as follows:

3 1. Page 1, by inserting after line 16 the
4 following:

5 " _____. Page 1, by inserting after line 17 the
6 following:

7 "Sec. ____. **NEW SECTION. 476.67 UTILITY**
8 **CONTRIBUTION FUND.**

9 Commencing July 1, 2001, rate-regulated electric
10 and gas utilities shall allocate fifty million dollars
11 annually to a utility contribution fund for the same
12 purposes described in section 476.66. The Iowa
13 utilities board shall promulgate rules to implement
14 this section. The board shall allocate the fifty
15 million dollars based upon each utility's share of
16 Iowa retail peak demand. A utility shall not charge
17 these costs to its ratepayers.""

18 2. Page 1, by inserting after line 20 the
19 following:

20 " _____. Title page, by inserting after line 4 the
21 following: "requiring utilities to contribute to a
22 fund to assist low-income energy users and"".

FALLON of Polk

H-1019

1 Amend the Committee amendment, H-1011, to House
2 File 1 as follows:

3 1. Page 1, by inserting after line 16 the
4 following:

5 "____. Page 1, by inserting after line 17 the
6 following:

7 "Sec.____. Section 476.44, Code 2001, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. 3. Commencing with the 2003
10 calendar year, an amount equal to four percent of the
11 annual kilowatt-hours of power supply services sold to
12 consumers by each rate regulated electric and gas
13 utility shall be attributable to an alternative energy
14 production facility. Commencing in the 2005 calendar
15 year, the amount shall be increased to six percent and
16 commencing in the 2007 calendar year the amount shall
17 increase to eight percent. The Iowa utilities board
18 shall promulgate rules to implement this subsection.""

19 2. Page 1, by inserting after line 20 the
20 following:

21 "____. Title page, by inserting after line 4 the
22 following: "requiring utilities to invest in
23 alternative production facilities and"."

FALLON of Polk

H-1021

1 Amend the Committee amendment, H-1011, to House
2 File 1 as follows:

3 1. Page 1, by striking lines 2 through 20 and
4 inserting the following:

5 "____. By striking everything after the enacting
6 clause and inserting the following:

7 "Section 1. NEW SECTION. 422.105 LIHEAP
8 APPROPRIATION.

9 1. The department shall certify by June 1, 2001,
10 to the treasurer of state the amount of sales and use
11 taxes estimated to be collected from both of the
12 following:

13 a. The gross receipts from the sale, furnishing,
14 or service of metered gas to provide energy for
15 residential customers where the date of the utility
16 billing of the customer is during March 2001 or April
17 2001.

18 b. The gross receipts from the sale, furnishing,
19 or service of fuel, including propane and heating oil,
20 used to provide heat for residential dwellings and
21 units of apartment and condominium complexes used for
22 human occupancy where the sale, furnishing, or service

23 of fuel used for heating purposes occurs during
24 February 2001 or March 2001.

25 2. There is appropriated from the general fund of
26 the state to the department of human rights, division
27 of community action agencies, for the fiscal year
28 beginning July 1, 2000, an amount equal to the
29 estimated sales and use tax revenues certified by the
30 department pursuant to subsection 1, for purposes of
31 the low-income home energy assistance program.

32 3. Notwithstanding section 8.33, unencumbered or
33 unobligated moneys remaining from the appropriation in
34 subsection 2 at the end of the fiscal year shall not
35 revert but shall be available for expenditure for the
36 same purposes during the succeeding fiscal year.

37 Sec. 2. Section 476.6, Code 2001, is amended by
38 adding the following new subsection:

39 **NEW SUBSECTION. 25. LOW-INCOME FUNDING.** To

40 provide funds to assist low-income customers of gas
41 public utilities, amounts collected by rate-regulated
42 gas utilities pursuant to subsection 19, paragraph
43 "e", that represent unrecovered amounts for the gas
44 portions of energy efficiency plans approved prior to
45 July 1, 1996, shall be paid, up to a maximum of ten
46 million dollars per year, to the department of human
47 rights to provide eligible customers of gas public
48 utilities, as defined by the department of human
49 rights, with assistance in paying their natural gas
50 bills. The board shall adopt rules specifying each

Page 2

1 rate-regulated gas utility's share of the fund and
2 each utility's allocation methods among residential
3 and other firm customers, but in no event shall rates
4 increase for any customer as a result of this
5 subsection. These funds shall be paid to the
6 department until July 1, 2003, at which time rate-
7 regulated gas utilities may continue recovery of any
8 remaining amounts for the gas portions of energy
9 efficiency plans approved prior to July 1, 1996.

10 The board may direct, upon the department of human
11 rights' request, all rate-regulated gas utilities to
12 advance a maximum of ten million dollars, pursuant to
13 the allocation methods adopted by the board, to allow
14 immediate assistance to eligible customers. A rate-
15 regulated gas utility advancing funds shall have the
16 amount of the advance added to the unpaid amount for
17 the gas portion of its energy efficiency plan approved
18 prior to July 1, 1996, and interest shall be paid on
19 any funds advanced at a rate equal to the interest
20 paid on the unrecovered gas portions of energy
21 efficiency plans approved prior to July 1, 1996.

22 Sec. 3. This Act, being deemed of immediate
23 importance, takes effect upon enactment."
24 _____. Title page, by striking lines 1 through 4
25 and inserting the following: "An Act appropriating
26 sales and use tax revenues derived from the sale,
27 furnishing, or service of metered gas and of fuel used
28 in residential-type dwellings and providing funds from
29 rate-regulated gas utilities for assisting low-income
30 customers in paying their natural gas bills and".

SHOULTZ of Black Hawk

H-1022

1 Amend House File 2 as follows:
2 1. Page 1, by striking lines 2 through 29 and
3 inserting the following: "amended by striking the
4 subsection and inserting in lieu thereof the
5 following:
6 13. a. For a person who is disabled, or is fifty-
7 five years of age or older, or is the surviving spouse
8 of an individual or a survivor having an insurable
9 interest in an individual who would have qualified for
10 the exemption under this paragraph for the tax year,
11 subtract, to the extent included, the total amount of
12 a governmental or other pension or retirement pay,
13 including, but not limited to, defined benefit or
14 defined contribution plans, annuities, individual
15 retirement accounts, plans maintained or contributed
16 to by an employer, or maintained or contributed to by
17 a self-employed person as an employer, and deferred
18 compensation plans or any earnings attributable to the
19 deferred compensation plans, up to a maximum of eight
20 thousand five hundred dollars for tax years beginning
21 in the 2001 calendar year, twelve thousand dollars for
22 tax years beginning in the 2002 calendar year, and the
23 total amount of pension included for tax years
24 beginning on or after January 1, 2003, for a person,
25 other than a husband or wife, who files a separate
26 state income tax return and up to a maximum of
27 seventeen thousand dollars for tax years beginning in
28 the 2001 calendar year, twenty-four thousand dollars
29 for tax years beginning in the 2002 calendar year, and
30 the total amount of pension included for tax years
31 beginning on or after January 1, 2003, for a husband
32 and wife who file a joint state income tax return.
33 However, a surviving spouse who is not disabled or
34 fifty-five years of age or older can only exclude the
35 amount of pension or retirement pay received as a
36 result of the death of the other spouse. A husband
37 and wife filing separate state income tax returns or
38 separately on a combined state return are allowed a

39 combined maximum exclusion under this paragraph of up
40 to seventeen thousand dollars for tax years beginning
41 in the 2001 calendar year, and twenty-four thousand
42 dollars for tax years beginning in the 2002 calendar
43 year. The seventeen thousand dollar or twenty-four
44 thousand dollar exclusion, as applicable, shall be
45 allocated to the husband or wife in the proportion
46 that each spouse's respective pension and retirement
47 pay received bears to total combined pension and
48 retirement pay received.

49 b. Subtract, to the extent included, the amount of
50 additional social security benefits taxable under the

Page 2

1 Internal Revenue Code for tax years beginning on or
2 after January 1, 1994, but before January 1, 2006.
3 The amount of social security benefits taxable as
4 provided in section 86 of the Internal Revenue Code,
5 as amended up to and including January 1, 1993,
6 continues to apply for state income tax purposes for
7 tax years beginning on or after January 1, 1994, but
8 before January 1, 2006.

9 c. Subtract, to the extent included after the
10 subtraction in paragraph "b", the following:

11 (1) For tax years beginning in the 2004 calendar
12 year, one-third of taxable social security benefits
13 received.

14 (2) For tax years beginning in the 2005 calendar
15 year, two-thirds of taxable social security benefits
16 received.

17 d. Married taxpayers, who file a joint federal
18 income tax return and who elect to file separate
19 returns or who elect separate filing on a combined
20 return for state income tax purposes, shall allocate
21 between the spouses the amount of benefits subtracted
22 under paragraphs "b" and "c" from net income in the
23 ratio of the social security benefits received by each
24 spouse to the total of these benefits received by both
25 spouses.

26 e. Subtract, to the extent included, the amount of
27 social security benefits taxable under section 86 of
28 the Internal Revenue Code for tax years beginning on
29 or after January 1, 2006.

30 Sec. __. Section 422.7, subsection 31, Code 2001,
31 is amended by striking the subsection."

32 2. Title page, line 1, by striking the words
33 "social security" and inserting the following:
34 "pension".

H-1026

- 1 Amend Senate File 65, as passed by the Senate, as
2 follows:
- 3 1. Page 1, by striking lines 1 through 14.
 - 4 2. Page 1, by striking lines 15 through 29.
 - 5 3. By striking page 1, line 30 through page 2,
6 line 9.
 - 7 4. Page 2, by striking lines 10 through 21.
 - 8 5. By striking page 2, line 22 through page 3,
9 line 4.
 - 10 6. Page 3, by striking lines 5 through 14.
 - 11 7. Page 3, by striking lines 15 through 23.
 - 12 8. By renumbering as necessary.

MURPHY of Dubuque

H-1028

- 1 Amend House File 2 as follows:
- 2 1. Page 1, line 6, by striking the figure "2003"
3 and inserting the following: "2004".
 - 4 2. Page 1, line 11, by striking the figure "2003"
5 and inserting the following: "2004".
 - 6 3. Page 1, line 15, by striking the word "one-
7 third" and inserting the following: "one-fourth".
 - 8 4. Page 1, line 17, by striking the word "two-
9 thirds" and inserting the following: "two-fourths".
 - 10 5. Page 1, by inserting after line 17 the
11 following:
12 "(3) For tax years beginning in the 2003 calendar
13 year, three-fourths of taxable social security
14 benefits received."
 - 15 6. Page 1, line 29, by striking the figure "2003"
16 and inserting the following: "2004".

SHEY of Linn

H-1035

- 1 Amend House File 2 as follows:
- 2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 25B.7, subsection 2, paragraph
5 c, Code 2001, is amended to read as follows:
6 c. Military service property tax credit and
7 exemption pursuant to chapter 426A, ~~to the extent of~~
8 ~~six dollars and ninety-two cents per thousand dollars~~
9 ~~of assessed value of the exempt property.~~"
 - 10 2. Page 1, line 6, by striking the figure "2003"
11 and inserting the following: "2004".
 - 12 3. Page 1, line 11, by striking the figure "2003"

13 and inserting the following: "2004".

14 4. Page 1, line 14, by striking the figure "2001"

15 and inserting the following: "2002".

16 5. Page 1, line 16, by striking the figure "2002"

17 and inserting the following: "2003".

18 6. Page 1, line 29, by striking the figure "2003"

19 and inserting the following: "2004".

20 7. Page 1, by inserting after line 29 the

21 following:

22 "Sec. ____ Section 426A.2, Code 2001, is amended

23 to read as follows:

24 426A.2 MILITARY SERVICE TAX CREDIT.

25 The moneys shall be apportioned each year so as to
26 replace all or a portion of the tax which would be due
27 on property eligible for military service tax

28 exemption in the state, if the property were subject
29 to taxation, ~~the amount of the credit to be not more~~
30 ~~than six dollars and ninety-two cents per thousand~~
31 ~~dollars of assessed value of property which would be~~
32 ~~subject to the tax, except for the military service~~
33 ~~tax exemption.~~

34 Sec. ____ Section 426A.5, Code 2001, is amended to
35 read as follows:

36 426A.5 PROPORTIONATE SHARES TO DISTRICTS.

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

Page 2

1 receiving the credit, if the property were subject to
2 taxation."

3 8. Page 1, by striking line 30 and inserting the
4 following:

5 "Sec. ____ EFFECTIVE AND APPLICABILITY DATE. This
6 Act, being deemed of immediate importance, takes
7 effect upon enactment. The sections of this Act
8 amending sections 25B.7, 426A.2, and 426A.5 apply to
9 the military service property tax exemption allowed
10 for property taxes due and payable during fiscal years
11 beginning on or after July 1, 2001. The section of

- 12 this Act amending section 422.7 applies".
13 9. Title page, line 1, by inserting after the
14 word "Act" the following: "increasing the state
15 reimbursement for the military service property tax
16 exemption and".
17 10. Title page, line 2, by striking the words "a
18 retroactive" and inserting the following: "an
19 effective and".

WARNSTADT of Woodbury

H-1036

- 1 Amend House File 2 as follows:
2 1. Page 1, line 6, by striking the figure "2003"
3 and inserting the following: "2004".
4 2. Page 1, line 11, by striking the figure "2003"
5 and inserting the following: "2004".
6 3. Page 1, line 14, by striking the figure "2001"
7 and inserting the following: "2002".
8 4. Page 1, line 16, by striking the figure "2002"
9 and inserting the following: "2003".
10 5. Page 1, line 29, by striking the figure "2003"
11 and inserting the following: "2004".
12 6. Page 1, by inserting after line 29 the
13 following:
14 "Sec. ____ Section 422.73, Code 2001, is amended
15 by adding the following new subsection:
16 NEW SUBSECTION. 4. Notwithstanding subsection 2,
17 a claim for refund of individual income tax paid for
18 any tax year beginning on or after January 1, 1985,
19 and before January 1, 1989, is considered timely if
20 filed with the department on or before October 31,
21 2001, if the taxpayer's claim is the result of the
22 unconstitutional taxation of federal pension benefits
23 based upon the decision in Davis v. Michigan
24 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
25 (1989).
26 A taxpayer entitled to a refund of tax paid under
27 this subsection shall receive an amount equal to one
28 hundred percent of the refund without interest. The
29 claim for refund must be filed separately from any
30 income tax return and a refund shall not be allowed as
31 a credit for income taxes owed. A claim must be filed
32 between the effective date of this Act and October 31,
33 2001. An extension for filing shall not be allowed
34 and claims disallowed on the basis of timeliness shall
35 not be allowed upon appeal to any other state agency
36 notwithstanding any other provision of law.
37 The claim for refund must be made on claim forms to
38 be made available by the department. In order for a
39 taxpayer to have a valid refund claim, the taxpayer

40 must supply legible copies of documents the director
41 deems necessary to show entitlement to the refund,
42 including but not limited to income tax forms and W-2P
43 forms, which will establish the state income tax that
44 was paid on the federal pension benefits for the tax
45 years in question. The burden of proof is on the
46 taxpayer to show that the claim for refund is valid.
47 Estates are not entitled to file a claim for refund
48 under this subsection, except a spouse of a deceased
49 taxpayer who was the spouse of the taxpayer when the
50 unconstitutional tax was imposed may file a claim for

Page 2

1 refund without reopening the deceased taxpayer's
2 estate. If a taxpayer has filed a claim under this
3 subsection and subsequently dies before receipt of the
4 refund, the taxpayer's estate is entitled to receipt
5 of any valid refund claim.
6 The department shall make a reasonable attempt to
7 notify individuals who are entitled to a refund under
8 this subsection".
9 7. Page 1, by striking line 30 and inserting the
10 following: "Sec. ____ EFFECTIVE AND APPLICABILITY
11 DATES. This Act, being deemed of immediate
12 importance, takes effect upon enactment. Section 1 of
13 this Act applies".
14 8. Title page, line 1, by inserting after the
15 word "Act" the following "relating to the time and
16 the criteria for filing of claims for refund under the
17 state individual income tax by retired federal
18 employees as a result of the unconstitutional taxation
19 of federal pensions and".
20 9. Title page, line 2, by inserting after the
21 word "including" the following: "an effective date
22 provision and".

WARNSTADT of Woodbury

H-1037

1 Amend House File 89 as follows:
2 1. Page 1, by striking lines 2 through 15 and
3 inserting the following: "paragraph 3, Code 2001, is
4 amended by striking the unnumbered paragraph."

KREIMAN of Davis

H-1038

1 Amend Senate File 63, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 1, by inserting after line 19 the
4 following:
5 "Sec. ____ Section 726.6, subsection 1, paragraph
6 f, Code 2001, is amended to read as follows:
7 f. Abandons the child or minor to fend for the
8 child or minor's self, knowing that the child or minor
9 is unable to do so. This paragraph is only applicable
10 to a person who is the parent, guardian, or person
11 having custody of the child or minor."
12 2. By renumbering as necessary.

SHEY of Linn

H-1044

- 1 Amend House File 81 as follows:
2 1. Page 1, line 16, by inserting after the word
3 "barbering" the following: "in Iowa".
4 2. Page 1, line 17, by striking the words "on a
5 full-time basis".
6 3. Page 1, line 17, inserting after the word
7 "barbering" the following: "in Iowa".

Committee on State Government

H-1051

- 1 Amend House File 268 as follows:
2 1. Page 1, by striking lines 5 through 9 and
3 inserting the following: "access, divided, multilaned
4 highways including is sixty-five miles per hour.
5 However, the speed limit for all vehicular traffic on
6 highways that are a part of the national system of
7 interstate highways is sixty-five seventy miles per
8 hour, except that the speed limit on such highways for
9 vehicles with a gross weight exceeding ten thousand
10 pounds is sixty-five miles per hour."

LARKIN of Lee

H-1052

- 1 Amend House File 268 as follows:
2 1. Page 1, line 25, by striking the word "forty"
3 and inserting the following: "forty fifty".

BAUDLER of Adair

H-1053

- 1 Amend House File 268 as follows:
2 1. Page 1, by inserting after line 26 the

3 following:

4 "Sec. ____ Section 805.8, subsection 2, paragraph
5 g, subparagraph (4), Code 2001, is amended to read as
6 follows:

7 (4) Notwithstanding subparagraphs (1) and (3), for
8 excessive speed violations in speed zones greater than
9 fifty-five miles per hour when in excess of the limit
10 by five ~~ten~~ miles per hour or less the fine is ~~ten~~ one
11 ~~hundred dollars, by more than five and not more than~~
12 ~~ten miles per hour the fine is twenty dollars, by more~~
13 ~~than ten and not more than fifteen~~ twenty miles per
14 hour the fine is ~~forty~~ two hundred dollars, which is
15 in addition to the one hundred dollar fine for
16 speeding up to ten miles an hour over the limit, by
17 ~~more than fifteen and not more than twenty miles per~~
18 ~~hour the fine is sixty dollars, and by more than~~
19 ~~twenty miles per hour the fine is sixty~~ two hundred
20 dollars, which is in addition to the one hundred
21 dollar fine for speeding up to ten miles an hour over
22 the limit, plus two ~~twenty-five~~ dollars for each mile
23 per hour of excessive speed over twenty miles per hour
24 over the limit."

25 2. Page 1, by inserting after line 26 the
26 following:

27 "Sec. ____ SPEEDING FINE INCREASES - ADDITIONAL
28 STATE TROOPERS. Notwithstanding sections 602.8106 and
29 602.8108, any funds received annually resulting from
30 the increase in fines for speeding under section
31 805.8, subsection 2, paragraph "g", subparagraph (4),
32 as amended by this Act, are appropriated and shall be
33 available to the department of public safety for the
34 support of up to twenty-five additional full-time
35 equivalent positions. The full-time equivalent
36 positions authorized in this paragraph shall be used
37 to hire twenty-five additional Iowa state patrol
38 troopers. The director of revenue and finance shall
39 draw warrants upon the treasurer of state from the
40 funds appropriated as provided in this section and
41 shall make the funds resulting from the increase in
42 fines available during the fiscal year to the
43 department of public safety on a monthly basis."

44 3. Title page, line 3, by striking the word
45 "highways." and inserting the following: "highways,
46 and increasing fines and making an appropriation."

47 4. By renumbering as necessary.

BAUDLER of Adair

H-1054

1 Amend House File 268 as follows:

2 1. Page 1, by inserting after line 26 the

3 following:

4 "Sec. ____ Section 805.8, subsection 2, paragraph
5 g, subparagraph (4), Code 2001, is amended to read as
6 follows:

7 (4) Notwithstanding subparagraphs (1) and (3), for
8 excessive speed violations in speed zones greater than
9 fifty-five miles per hour when in excess of the limit
10 by ~~five ten~~ miles per hour or less the fine is ~~ten one~~
11 ~~hundred dollars, by more than five and not more than~~
12 ~~ten miles per hour the fine is twenty dollars, by more~~
13 ~~than ten and not more than fifteen~~ twenty miles per
14 hour the fine is ~~forty two hundred~~ dollars, which is
15 in addition to the one hundred dollar fine for
16 speeding up to ten miles an hour over the limit, by
17 ~~more than fifteen and not more than twenty miles per~~
18 ~~hour the fine is sixty dollars, and by more than~~
19 ~~twenty miles per hour the fine is sixty two hundred~~
20 ~~dollars, which is in addition to the one hundred~~
21 ~~dollar fine for speeding up to ten miles an hour over~~
22 ~~the limit, plus two twenty-five dollars for each mile~~
23 ~~per hour of excessive speed over twenty miles per hour~~
24 ~~over the limit."~~

25 2. Title page, line 3, by striking the word
26 "highways." and inserting the following: "highways,
27 and increasing fines."

28 3. By renumbering as necessary.

BAUDLER of Adair

H-1055

1 Amend the amendment, H-1044, to House File 81 as
2 follows:

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

5 " ____ Page 1, line 13, by inserting after the
6 word "barber" the following: "and a licensed
7 cosmetologist"."

8 2. Page 1, line 3, by striking the words "in
9 Iowa" and inserting the following: "or cosmetology in
10 Iowa".

11 3. Page 1, line 7, by striking the words "in
12 Iowa" and inserting the following: "or cosmetology in
13 Iowa".

14 4. Page 1, by inserting after line 7 the
15 following:

16 " ____ Title page, line 2, by inserting after the
17 word "barbers" the following: "and cosmetologists".

18 5. By renumbering as necessary.

RICHARDSON of Warren

H-1056

- 1 Amend House File 81 as follows:
- 2 1. Page 1, line 14, by inserting after the word
- 3 "requirements" the following: "pursuant to subsection
- 4 1".
- 5 2. Page 1, line 19, by inserting after the word
- 6 "date," the following: "A licensed barber meeting the
- 7 requirements of this subsection shall, however, attend
- 8 one hour of continuing education every five years
- 9 following the attainment of twenty years of practice."

RICHARDSON of Warren

H-1057

- 1 Amend House File 81 as follows:
- 2 1. Page 1, by striking line 14 and inserting the
- 3 following: "be required to complete a minimum of six
- 4 hours of continuing education every four years as".
- 5 2. Title page, line 1, by striking the words
- 6 "providing an exemption from" and inserting the
- 7 following: "relating to".

ALONS of Sioux

H-1058

- 1 Amend House File 268 as follows:
- 2 1. Page 1, by inserting after line 26 the
- 3 following:
- 4 "Sec. ____ Section 805.8, subsection 2, paragraph
- 5 g, subparagraph (4), Code 2001, is amended to read as
- 6 follows:
- 7 (4) Notwithstanding subparagraphs (1) and (3), for
- 8 excessive speed violations in speed zones greater than
- 9 fifty-five miles per hour when in excess of the limit
- 10 by five miles per hour or less the fine is ~~ten~~ twenty
- 11 dollars, by more than five and not more than ten miles
- 12 per hour the fine is ~~twenty~~ forty dollars, by more
- 13 than ten and not more than fifteen miles per hour the
- 14 fine is ~~forty~~ eighty dollars, by more than fifteen and
- 15 not more than twenty miles per hour the fine is ~~sixty~~
- 16 one hundred twenty dollars, and by more than twenty
- 17 miles per hour the fine is ~~sixty one hundred twenty~~
- 18 dollars plus ~~two~~ four dollars for each mile per hour
- 19 of excessive speed over twenty miles per hour over the
- 20 limit."
- 21 2. Page 1, by inserting after line 26 the
- 22 following:
- 23 "Sec. ____ SPEEDING FINE INCREASES -
- 24 APPROPRIATIONS FOR SAFETY, ENFORCEMENT, AND HEALTH-

25 RELATED COSTS. Notwithstanding sections 602.8106 and
26 602.8108, any funds received annually resulting from
27 the increase in fines for speeding under section
28 805.8, subsection 2, paragraph "g", subparagraph (4),
29 as amended by this Act, are appropriated and shall be
30 available to the following agencies as follows:

31 1. Twenty percent of the funds to the department
32 of public health for deposit in the emergency medical
33 services fund.

34 2. Twenty percent of the funds to the department
35 of public safety for increased enforcement measures.

36 3. Thirty percent of the funds to the state
37 department of transportation for safety and
38 intelligent transportation system efforts.

39 4. Thirty percent of the funds to the department
40 of human services for the development of comprehensive
41 treatment services for persons with brain or spinal
42 cord injuries.

43 The director of revenue and finance shall draw
44 warrants upon the state treasury from the funds
45 appropriated as provided in this section and shall
46 make the funds resulting from the increase in fines
47 available during the fiscal year to the appropriate
48 departments on a monthly basis."

49 3. Title page, line 3, by striking the word
50 "highways." and inserting the following: "highways,

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1 and increasing fines and making appropriations."

2 4. By renumbering as necessary.

WARNSTADT of Woodbury

H-1059

1 Amend House File 116 as follows:

2 1. Page 1, by striking lines 1 and 2, and
3 inserting the following:

4 "Section 1. Section 144.29A, subsection 1,
5 paragraph c, Code 2001, is amended to read as
6 follows:"

7 2. Page 1, by striking lines 6 and 7.

8 3. Page 1, line 9, by striking the word
9 "paragraphs" and inserting the following:
10 "paragraph".

11 4. Page 1, by striking lines 10 and 11.

12 5. Page 1, line 12, by striking the letter "l"
13 and inserting the following: "k".

Committee on Human Resources

H-1060

1 Amend House File 259 as follows:

- 2 1. Page 1, by striking lines 12 through 15, and
- 3 inserting the following: "section 9E.10 may acquire
- 4 and use a stamp or seal as provided in this chapter.
- 5 2. A seal or stamp must contain the words
- 6 "Notarial Seal" and the word "Iowa". The stamp or
- 7 seal may also contain all of the following:"
- 8 2. Page 1, by striking line 18.
- 9 3. Page 1, by striking line 30.
- 10 4. Page 1, by inserting after line 33, the
- 11 following:
- 12 "A notarial act is not invalid if a seal or stamp
- 13 used in the performance of a notarial act fails to
- 14 meet the requirements of this subsection."
- 15 5. By striking page 1, line 34, through page 2,
- 16 line 11.
- 17 6. Page 2, line 26, by striking the words "Seal,
- 18 if any" and inserting the following: "Seal, if any".
- 19 7. Page 3, line 5, by striking the words "Seal,
- 20 if any" and inserting the following: "Seal, if any".
- 21 8. Page 3, line 18, by striking the words "Seal,
- 22 if any" and inserting the following: "Seal, if any".
- 23 9. Page 3, line 30, by striking the words "Seal,
- 24 if any" and inserting the following: "Seal, if any".
- 25 10. Page 4, line 7, by striking the words "Seal,
- 26 if any" and inserting the following: "Seal, if any".
- 27 11. Page 4, line 31, by striking the figure:
- 28 "9E.6" and inserting the following: "9E.6A".
- 29 12. Page 5, by striking lines 1 through 6.
- 30 13. By renumbering as necessary.

KREIMAN of Davis

H-1061

1 Amend House File 229 as follows:

- 2 1. By striking page 3, line 27, through page 4,
- 3 line 1, and inserting the following:
- 4 "Sec. ____ Section 910.1, subsection 4, Code 2001,
- 5 is amended to read as follows:
- 6 4. "Restitution" means payment of pecuniary
- 7 damages to a victim in an amount and in the manner
- 8 provided by the offender's plan of restitution.
- 9 "Restitution" also includes fines, penalties, and
- 10 surcharges, the contribution of funds to a local
- 11 anticrime organization which provided assistance to
- 12 law enforcement in an offender's case, the payment of
- 13 crime victim compensation program reimbursements,
- 14 payment of restitution to public agencies pursuant to
- 15 section 321J.2, subsection 9, paragraph "b", payment

16 of fees pursuant to section 905.14, court costs
17 including correctional fees approved pursuant to
18 section 356.7, court-appointed attorney's attorney
19 fees, or the expense of a public defender, and the
20 performance of a public service by an offender in an
21 amount set by the court when the offender cannot
22 reasonably pay all or part of the court costs
23 including correctional fees approved pursuant to
24 section 356.7, court-appointed attorney's attorney
25 fees, or the expense of a public defender.
26 Sec.____. Section 910.2, Code 2001, is amended to
27 read as follows:
28 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE
29 ORDERED BY SENTENCING COURT.
30 In all criminal cases in which there is a plea of
31 guilty, verdict of guilty, or special verdict upon
32 which a judgment of conviction is rendered, the
33 sentencing court shall order that restitution be made
34 by each offender to the victims of the offender's
35 criminal activities, to the clerk of court for fines,
36 penalties, surcharges, and, to the extent that the
37 offender is reasonably able to pay, for crime victim
38 assistance reimbursement, restitution to public
39 agencies pursuant to section 321J.2, subsection 9,
40 paragraph "b", fees pursuant to section 905.14, court
41 costs including correctional fees approved pursuant to
42 section 356.7, court-appointed attorney's fees ordered
43 pursuant to section 815.9 including the expense of a
44 public defender when applicable, or contribution to a
45 local anticrime organization. However, victims shall
46 be paid in full before fines, penalties, and
47 surcharges, crime victim compensation program
48 reimbursement, public agencies, fees pursuant to
49 section 905.14, court costs including correctional
50 fees approved pursuant to section 356.7, court-

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1 appointed attorney's fees, the expenses of a public
2 defender, or contributions to a local anticrime
3 organization are paid. In structuring a plan of
4 restitution, the court shall provide for payments in
5 the following order of priority: victim, fines,
6 penalties, and surcharges, crime victim compensation
7 program reimbursement, public agencies, fees pursuant
8 to section 905.14, court costs including correctional
9 fees approved pursuant to section 356.7, court-
10 appointed attorney's fees, or the expense of a public
11 defender, and contribution to a local anticrime
12 organization.
13 When the offender is not reasonably able to pay all
14 or a part of the crime victim compensation program

15 reimbursement, public agency restitution, fees
16 pursuant to section 905.14, court costs including
17 correctional fees approved pursuant to section 356.7,
18 court-appointed attorney's fees, the expense of a
19 public defender, or contribution to a local anticrime
20 organization, the court may require the offender in
21 lieu of that portion of the crime victim compensation
22 program reimbursement, public agency restitution, fees
23 pursuant to section 905.14, court costs including
24 correctional fees approved pursuant to section 356.7,
25 court-appointed attorney's fees, expense of a public
26 defender, or contribution to a local anticrime
27 organization for which the offender is not reasonably
28 able to pay, to perform a needed public service for a
29 governmental agency or for a private nonprofit agency
30 which provides a service to the youth, elderly, or
31 poor of the community. When community service is
32 ordered, the court shall set a specific number of
33 hours of service to be performed by the offender
34 which, for payment of court-appointed attorney's fees
35 or expenses of a public defender, shall be
36 approximately equivalent in value to those costs. The
37 judicial district department of correctional services
38 shall provide for the assignment of the offender to a
39 public agency or private nonprofit agency to perform
40 the required service.
41 Sec. _____. Section 910.3, Code 2001, is amended to
42 read as follows:
43 910.3 DETERMINATION OF AMOUNT OF RESTITUTION.
44 The county attorney shall prepare a statement of
45 pecuniary damages to victims of the defendant and, if
46 applicable, any award by the crime victim compensation
47 program and expenses incurred by public agencies
48 pursuant to section 321J.2, subsection 9, paragraph
49 "b", and shall provide the statement to the
50 presentence investigator or submit the statement to

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1 the court at the time of sentencing. The clerk of
2 court shall prepare a statement of court-appointed
3 attorney's attorney fees, the expense of a public
4 defender, and court costs including correctional fees
5 claimed by a sheriff pursuant to section 356.7, which
6 shall be provided to the presentence investigator or
7 submitted to the court at the time of sentencing. If
8 these statements are provided to the presentence
9 investigator, they shall become a part of the
10 presentence report. If pecuniary damage amounts are
11 not available at the time of sentencing, the county
12 attorney shall provide a statement of pecuniary
13 damages incurred up to that time to the clerk of

14 court. The statement shall be provided no later than
15 thirty days after sentencing. If a defendant believes
16 no person suffered pecuniary damages, the defendant
17 shall so state. If the defendant has any mental or
18 physical impairment which would limit or prohibit the
19 performance of a public service, the defendant shall
20 so state. The court may order a mental or physical
21 examination, or both, of the defendant to determine a
22 proper course of action. At the time of sentencing or
23 at a later date to be determined by the court, the
24 court shall set out the amount of restitution
25 including fees that may be incurred pursuant to
26 section 905.14, and the amount of public service to be
27 performed as restitution and the persons to whom
28 restitution must be paid. If the full amount of
29 restitution cannot be determined at the time of
30 sentencing, the court shall issue a temporary order
31 determining a reasonable amount for restitution
32 identified up to that time. At a later date as
33 determined by the court, the court shall issue a
34 permanent, supplemental order, setting the full amount
35 of restitution. The court shall enter further
36 supplemental orders, if necessary. These court orders
37 shall be known as the plan of restitution.
38 Sec. ____ Section 910.9, unnumbered paragraph 3,
39 Code 2001, is amended to read as follows:
40 Fines, penalties, and surcharges, crime victim
41 compensation program reimbursement, public agency
42 restitution, court costs including correctional fees
43 claimed by a sheriff pursuant to section 356.7, fees
44 incurred pursuant to section 905.14, court-appointed
45 attorney's attorney fees, and expenses for public
46 defenders, shall not be withheld by the clerk of court
47 until all victims have been paid in full. Payments to
48 victims shall be made by the clerk of court at least
49 quarterly. Payments by a clerk of court shall be made
50 no later than the last business day of the quarter,

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1 but may be made more often at the discretion of the
2 clerk of court. The clerk of court receiving final
3 payment from an offender shall notify all victims that
4 full restitution has been made. Each office or
5 individual charged with supervising an offender who is
6 required to perform community service as full or
7 partial restitution shall keep records to assure
8 compliance with the portions of the plan of
9 restitution and restitution plan of payment relating
10 to community service and, when the offender has
11 complied fully with the community service requirement,
12 notify the sentencing court."

- 13 2. Title page, line 2, by striking the word
14 "judgment" and inserting the following:
15 "restitution".

LARSON of Linn
KREIMAN of Davis
TREMMELE of Wapello

H-1062

- 1 Amend House File 268 as follows:
2 1. Page 1, by inserting after line 26 the
3 following:
4 "Sec. ____ Section 805.8, subsection 2, paragraph
5 g, subparagraph (4), Code 2001, is amended to read as
6 follows:
7 (4) Notwithstanding subparagraphs (1) and (3), for
8 excessive speed violations in speed zones greater than
9 fifty-five miles per hour when in excess of the limit
10 by ~~five ten~~ miles per hour or less the fine is ~~ten one~~
11 ~~hundred dollars, by more than five and not more than~~
12 ~~ten miles per hour the fine is twenty dollars,~~ by more
13 than ten and not more than ~~fifteen~~ twenty miles per
14 hour the fine is ~~forty two hundred~~ dollars, ~~by more~~
15 ~~than fifteen and not more than twenty miles per hour~~
16 ~~the fine is sixty dollars,~~ and by more than twenty
17 miles per hour the fine is ~~sixty~~ two hundred dollars
18 ~~plus two~~ twenty-five dollars for each mile per hour of
19 excessive speed over twenty miles per hour over the
20 limit."
21 2. Title page, line 3, by striking the word
22 "highways." and inserting the following: "highways,
23 and increasing fines."
24 3. By renumbering as necessary.

WEIDMAN of Cass

H-1063

- 1 Amend House File 324 as follows:
2 1. Page 16, line 2, by inserting after the word
3 "address." the following: "The application provided
4 by the department shall include a statement for the
5 applicant to sign that acknowledges the applicant's
6 knowledge of the requirement to notify the department
7 of a mailing address change."

REYNOLDS of Van Buren

H-1064

- 1 Amend House File 324 as follows:

- 2 1. Page 15, by striking line 14 and inserting the
- 3 following: "REQUIREMENTS FOR DRIVER'S LICENSEES".
- 4 2. Page 15, by striking lines 15 through 26.
- 5 3. By striking page 16, line 3, through page 17,
- 6 line 32.
- 7 4. Title page, lines 2 and 3, by striking the
- 8 words "mailing of notices," and inserting the
- 9 following: "driver's licensee requirements,".
- 10 5. By renumbering and correcting internal
- 11 references as necessary.

TREMMELE of Wapello

H-1067

- 1 Amend House File 349 as follows:
- 2 1. Page 1, by inserting after line 27 the
- 3 following:
- 4 "Sec. ____ Section 15E.193B, subsection 2, Code
- 5 2001, is amended to read as follows:
- 6 2. An eligible housing business under this section
- 7 includes a housing developer, housing contractor, or
- 8 nonprofit organization that builds or rehabilitates a
- 9 minimum of four single-family homes with a value,
- 10 ~~after completion of the building or rehabilitation,~~
- 11 ~~not exceeding one hundred twenty thousand dollars for~~
- 12 ~~each home~~ located in that part of a city or county in
- 13 which there is a designated enterprise zone or one
- 14 multiple dwelling unit building containing three or
- 15 more individual dwelling units ~~with a total value per~~
- 16 ~~unit, after completion of the building or~~
- 17 ~~rehabilitation, not exceeding one hundred twenty~~
- 18 ~~thousand dollars~~ located in that part of a city or
- 19 county in which there is a designated enterprise zone.
- 20 Sec. ____ Section 15E.193B, subsection 6,
- 21 paragraph a, Code 2001, is amended to read as follows:
- 22 a. An eligible housing business may claim a tax
- 23 credit up to a maximum of ten percent of the new
- 24 investment which is directly related to the building
- 25 or rehabilitating of a minimum of four single-family
- 26 homes located in that part of a city or county in
- 27 which there is a designated enterprise zone or one
- 28 multiple dwelling unit building containing three or
- 29 more individual dwelling units located in that part of
- 30 a city or county in which there is a designated
- 31 enterprise zone. The new investment that may be used
- 32 to compute the tax credit shall not exceed the new
- 33 investment used for the first one hundred forty
- 34 thousand dollars of value for each single-family home
- 35 or for each unit of a multiple dwelling unit building
- 36 containing three or more units. The tax credit may be
- 37 used to reduce the tax liability imposed under chapter

38 422, division II, III, or V. Any credit in excess of
39 the tax liability for the tax year may be credited to
40 the tax liability for the following seven years or
41 until depleted, whichever occurs earlier. If the
42 business is a partnership, S corporation, limited
43 liability company, or estate or trust electing to have
44 the income taxed directly to the individual, an
45 individual may claim the tax credit allowed. The
46 amount claimed by the individual shall be based upon
47 the pro rata share of the individual's earnings of the
48 partnership, S corporation, limited liability company,
49 or estate or trust."

50 2. Page 5, by inserting after line 28 the

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1 following:

2 "Sec. __. Section 15E.194, subsection 4, Code
3 2001, is amended to read as follows:
4 4. A city of any size or any county may designate
5 an enterprise zone at any time prior to July 1, 2010,
6 when a business closure occurs involving the loss of
7 full-time employees, not including retail employees,
8 at one place of business totaling at least one
9 thousand employees or four percent or more of the
10 county's resident labor force based on the most recent
11 annual resident labor force statistics from the
12 department of workforce development, whichever is
13 lower. The enterprise zone may be established on the
14 property of the place of business that has closed and
15 the enterprise zone may include an area up to an
16 additional ~~one-mile~~ five miles adjacent to the
17 property. The area meeting the requirements for
18 enterprise zone eligibility under this subsection
19 shall not be included for the purpose of determining
20 the area limitation pursuant to section 15E.192,
21 subsection 4. The area included in an enterprise zone
22 designated under this subsection on or after June 1,
23 2000, may be amended to change the boundaries of the
24 enterprise zone. Such an amendment must be approved
25 by the department within three years of the date the
26 enterprise zone was certified."

27 3. By renumbering as necessary.

JENKINS of Black Hawk

H-1071

1 Amend House File 324 as follows:

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

4 "Section 1. Section 73A.2, Code 2001, is amended

5 to read as follows:

6 73A.2 NOTICE OF HEARING.

7 Before any municipality shall enter into any
8 contract for any public improvement to cost ~~twenty-~~
9 five fifty thousand dollars or more, the governing
10 body proposing to make the contract shall adopt
11 proposed plans and specifications and proposed form of
12 contract, fix a time and place for hearing at the
13 municipality affected or other nearby convenient
14 place, and give notice by publication in at least one
15 newspaper of general circulation in the municipality
16 at least ten days before the hearing.

17 Sec.____. Section 73A.18, Code 2001, is amended to
18 read as follows:

19 73A.18 WHEN BIDS REQUIRED – ADVERTISEMENT –
20 DEPOSIT.

21 When the estimated total cost of construction,
22 erection, demolition, alteration or repair of a public
23 improvement exceeds ~~twenty-five~~ fifty thousand
24 dollars, the municipality shall advertise for bids on
25 the proposed improvement by two publications in a
26 newspaper published in the county in which the work is
27 to be done. The first advertisement for bids shall be
28 not less than fifteen days prior to the date set for
29 receiving bids. The municipality shall let the work
30 to the lowest responsible bidder submitting a sealed
31 proposal. However, if in the judgment of the
32 municipality bids received are not acceptable, all
33 bids may be rejected and new bids requested. A bid
34 shall be accompanied, in a separate envelope, by a
35 deposit of money or a certified check or credit union
36 certified share draft in an amount to be named in the
37 advertisement for bids as security that the bidder
38 will enter into a contract for the doing of the work.
39 The municipality shall fix the bid security in an
40 amount equal to at least five percent, but not more
41 than ten percent of the estimated total cost of the
42 work. The checks, share drafts or deposits of money
43 of the unsuccessful bidders shall be returned as soon
44 as the successful bidder is determined, and the check,
45 share draft or deposit of money of the successful
46 bidder shall be returned upon execution of the
47 contract documents. This section does not apply to
48 the construction, erection, demolition, alteration or
49 repair of a public improvement when the contracting
50 procedure for the doing of the work is provided for in

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1 another provision of law."

2 2. Page 4, by inserting after line 16 the
3 following:

4 "Sec. ____ Section 384.96, Code 2001, is amended
5 to read as follows:

6 384.96 SEALED BIDS.

7 When the estimated total cost to a city of a public
8 improvement exceeds the sum of ~~twenty-five~~ fifty
9 thousand dollars, the governing body shall advertise
10 for sealed bids for the proposed improvement by
11 publishing a notice to bidders as provided in section
12 362.3, except that the notice to bidders may be
13 published more than twenty days but not more than
14 forty-five days before the date for filing bids.

15 Sec. ____ Section 384.102, Code 2001, is amended
16 to read as follows:

17 384.102 WHEN HEARING NECESSARY.

18 When the estimated total cost of a public
19 improvement exceeds the sum of ~~twenty-five~~ fifty
20 thousand dollars, the governing body shall not enter
21 into a contract for the improvement until it has held
22 a public hearing on the proposed plans,
23 specifications, and form of contract, and estimated
24 cost for the improvement. Notice of the hearing must
25 be published as provided in section 362.3. At the
26 hearing any interested person may appear and file
27 objections to the proposed plans, specifications,
28 contract, or estimated cost of the improvement. After
29 hearing objections, the governing body shall by
30 resolution enter its decision on the plans,
31 specifications, contract, and estimated cost."

32 3. Title page, line 1, by inserting after the
33 word "transportation" the following: "and
34 infrastructure".

35 4. By renumbering and correcting internal
36 references as necessary.

HATCH of Polk

H-1072

1 Amend House File 324 as follows:

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

4 "Section 1. Section 73A.2, Code 2001, is amended
5 to read as follows:

6 73A.2 NOTICE OF HEARING.

7 Before any municipality shall enter into any
8 contract for any public improvement to cost ~~twenty-~~
9 ~~five~~ one hundred thousand dollars or more, the
10 governing body proposing to make the contract shall
11 adopt proposed plans and specifications and proposed
12 form of contract, fix a time and place for hearing at
13 the municipality affected or other nearby convenient
14 place, and give notice by publication in at least one

15 newspaper of general circulation in the municipality
16 at least ten days before the hearing.

17 Sec. ____ Section 73A.18, Code 2001, is amended to
18 read as follows:

19 73A.18 WHEN BIDS REQUIRED – ADVERTISEMENT –
20 DEPOSIT.

21 When the estimated total cost of construction,
22 erection, demolition, alteration or repair of a public
23 improvement exceeds ~~twenty-five~~ one hundred thousand
24 dollars, the municipality shall advertise for bids on
25 the proposed improvement by two publications in a
26 newspaper published in the county in which the work is
27 to be done. The first advertisement for bids shall be
28 not less than fifteen days prior to the date set for
29 receiving bids. The municipality shall let the work
30 to the lowest responsible bidder submitting a sealed
31 proposal. However, if in the judgment of the
32 municipality bids received are not acceptable, all
33 bids may be rejected and new bids requested. A bid
34 shall be accompanied, in a separate envelope, by a
35 deposit of money or a certified check or credit union
36 certified share draft in an amount to be named in the
37 advertisement for bids as security that the bidder
38 will enter into a contract for the doing of the work.
39 The municipality shall fix the bid security in an
40 amount equal to at least five percent, but not more
41 than ten percent of the estimated total cost of the
42 work. The checks, share drafts or deposits of money
43 of the unsuccessful bidders shall be returned as soon
44 as the successful bidder is determined, and the check,
45 share draft or deposit of money of the successful
46 bidder shall be returned upon execution of the
47 contract documents. This section does not apply to
48 the construction, erection, demolition, alteration or
49 repair of a public improvement when the contracting
50 procedure for the doing of the work is provided for in

Page 2

1 another provision of law."

2 2. Page 4, by inserting after line 16 the
3 following:

4 "Sec. ____ Section 384.96, Code 2001, is amended
5 to read as follows:

6 384.96 SEALED BIDS.

7 When the estimated total cost to a city of a public
8 improvement exceeds the sum of ~~twenty-five~~ one hundred
9 thousand dollars, the governing body shall advertise
10 for sealed bids for the proposed improvement by
11 publishing a notice to bidders as provided in section
12 362.3, except that the notice to bidders may be
13 published more than twenty days but not more than

14 forty-five days before the date for filing bids.
15 Sec. ____ Section 384.102, Code 2001, is amended
16 to read as follows:
17 384.102 WHEN HEARING NECESSARY.
18 When the estimated total cost of a public
19 improvement exceeds the sum of ~~twenty-five~~ one hundred
20 thousand dollars, the governing body shall not enter
21 into a contract for the improvement until it has held
22 a public hearing on the proposed plans,
23 specifications, and form of contract, and estimated
24 cost for the improvement. Notice of the hearing must
25 be published as provided in section 362.3. At the
26 hearing any interested person may appear and file
27 objections to the proposed plans, specifications,
28 contract, or estimated cost of the improvement. After
29 hearing objections, the governing body shall by
30 resolution enter its decision on the plans,
31 specifications, contract, and estimated cost."
32 3. Title page, line 1, by inserting after the
33 word "transportation" the following: "and
34 infrastructure".
35 4. By renumbering, redesignating, and correcting
36 internal references as necessary.

HATCH of Polk

H-1081

1 Amend House Concurrent Resolution 15 as follows:
2 1. Page 2, line 11, by striking the figure "2002"
3 and inserting the following: "2001".

BRAUNS of Muscatine

H-1086

1 Amend House File 399 as follows:
2 1. Page 39, by striking lines 7 and 8 and
3 inserting the following:
4 "Sec. ____ EFFECTIVE DATE. Except for section 1
5 of this Act, providing an appropriation for compliance
6 activities of the department of revenue and finance,
7 which, being deemed of immediate importance, takes
8 effect upon enactment, the remainder of this Act shall
9 only take effect upon enactment of a statute
10 enumerating those specific services, local government
11 transfer payments, public protection employee
12 positions, college student funding streams, federally
13 matched funding sources, and other expenditure items
14 that are to be reduced, modified, or eliminated to
15 accomplish the reductions in appropriations made by

16 this Act."

MURPHY of Dubuque

H-1087

- 1 Amend House File 399 as follows:
- 2 1. Page 26, by striking lines 16 through 26.
- 3 2. By renumbering as necessary.

OSTERHAUS of Jackson

H-1088

- 1 Amend House File 399 as follows:
- 2 1. Page 39, by inserting before line 5 the
- 3 following:
- 4 "Sec. ____ LEGISLATIVE SALARIES. For the fiscal
- 5 year beginning July 1, 2000, and ending June 30, 2001,
- 6 the annual salaries paid in accordance with section
- 7 2.10 to members of the general assembly, the speaker
- 8 of the house, the presiding officer of the senate, and
- 9 the majority and minority floor leader of each house,
- 10 shall be reduced by one percent."
- 11 2. By renumbering as necessary.

O'BRIEN of Boone

H-1089

- 1 Amend House File 399 as follows:
- 2 1. Page 39, by striking lines 7 and 8 and
- 3 inserting the following:
- 4 "Sec. ____ CONTINGENT EFFECTIVE DATE. Except for
- 5 section 1 of this Act, providing an appropriation for
- 6 compliance activities of the department of revenue and
- 7 finance, which, being deemed of immediate importance,
- 8 takes effect upon enactment, the remainder of this Act
- 9 shall take effect only if the revenue estimating
- 10 conference created pursuant to section 8.22A, at its
- 11 meeting held in March 2001, agrees to a revenue
- 12 estimate for the fiscal year beginning July 1, 2000,
- 13 and ending June 30, 2001, projecting revenue growth
- 14 over the previous fiscal year of less than one
- 15 percent. If such a revenue estimate is issued, this
- 16 Act shall take effect upon the date that the estimate
- 17 is issued and filed in writing with the governor and
- 18 the general assembly."

O'BRIEN of Boone

H-1090

- 1 Amend House File 399 as follows:
- 2 1. Page 12, line 28, by striking the figure "2,".
- 3 2. Page 13, by striking lines 6 through 18.
- 4 3. By renumbering as necessary.

DOTZLER of Black Hawk

H-1091

- 1 Amend House File 399 as follows:
- 2 1. Page 12, by striking lines 5 through 16.
- 3 2. By renumbering as necessary.

DOTZLER of Black Hawk

H-1092

- 1 Amend House File 399 as follows:
- 2 1. Page 26, by striking lines 27 through 34.
- 3 2. By renumbering as necessary.

SMITH of Marshall

H-1093

- 1 Amend House File 399 as follows:
- 2 1. Page 6, by striking lines 17 through 32.
- 3 2. By renumbering as necessary.

CHIODO of Polk
T. TAYLOR of Linn
O'BRIEN of Boone
CONNORS of Polk

H-1094

- 1 Amend House File 399 as follows:
- 2 1. Page 20, by striking lines 4 through 9.
- 3 2. By renumbering as necessary.

SCHERRMAN of Dubuque
RICHARDSON of Warren

H-1095

- 1 Amend House File 399 as follows:
- 2 1. Page 15, by striking lines 5 through 14.
- 3 2. By renumbering as necessary.

WITT of Black Hawk

H-1096

- 1 Amend House File 399 as follows:
- 2 1. By striking page 30, line 21 through page 32,
- 3 line 15.
- 4 2. Page 34, line 14, by striking the figures and
- 5 word "5, 6, and 7" and inserting the following: "and
- 6 5".
- 7 3. Page 36, by striking lines 1 through 15.
- 8 4. By renumbering as necessary.

BELL of Jasper

H-1097

- 1 Amend House File 399 as follows:
- 2 1. Page 3, by striking lines 21 through 29.
- 3 2. By renumbering as necessary.

T. TAYLOR of Linn
CHIODO of Polk
O'BRIEN of Boone
CONNORS of Polk

H-1098

- 1 Amend House File 399 as follows:
- 2 1. By striking page 26, line 35 through page 27,
- 3 line 7.
- 4 2. By renumbering as necessary.

FOEGE of Linn

H-1099

- 1 Amend House File 399 as follows:
- 2 1. Page 6, by striking lines 8 through 16.
- 3 2. By renumbering as necessary.

MURPHY of Dubuque

H-1100

- 1 Amend House File 399 as follows:
- 2 1. Page 12, line 28, by striking the word and
- 3 figures "6, and 7" and inserting the following: "and
- 4 6".
- 5 2. Page 14, by striking lines 13 through 20.
- 6 3. By renumbering as necessary.

DOTZLER of Black Hawk

H-1101

- 1 Amend House File 399 as follows:
- 2 1. Page 18, by striking lines 22 through 34.
- 3 2. By renumbering as necessary.

MASCHER of Johnson

H-1102

- 1 Amend House File 399 as follows:
- 2 1. Page 16, line 1, by striking the word and
- 3 figures ", 16, and 23" and inserting the following:
- 4 "and 16".
- 5 2. By striking page 17, line 6, through page 18,
- 6 line 10.
- 7 3. By renumbering as necessary.

STEVENS of Dickinson

H-1103

- 1 Amend House File 399 as follows:
- 2 1. Page 23, by striking lines 16 through 25.
- 3 2. By renumbering as necessary.

FORD of Polk

H-1104

- 1 Amend House File 399 as follows:
- 2 1. Page 23, line 2, by striking the words and
- 3 figures "subsections 6 and 9, are" and inserting the
- 4 following: "subsection 9, is".
- 5 2. Page 23, by striking lines 3 through 7.
- 6 3. By renumbering as necessary.

FORD of Polk

H-1105

- 1 Amend House File 399 as follows:
- 2 1. Page 22, by striking lines 6 through 15.
- 3 2. By renumbering as necessary.

FORD of Polk

H-1106

- 1 Amend House File 399 as follows:
- 2 1. By striking page 23, line 35, through page 24,

3 line 9.

4 2. By renumbering as necessary.

FORD of Polk

H-1107

1 Amend House File 399 as follows:

2 1. By striking page 18, line 35 through page 20,

3 line 3.

4 2. By renumbering as necessary.

KUHN of Floyd

H-1108

1 Amend House File 399 as follows:

2 1. Page 2, by striking lines 3 through 12.

3 2. By striking page 2, line 13 through page 3,
4 line 11.

5 3. Page 3, by striking lines 12 through 20.

6 4. Page 4, line 34, by striking the word "is" and
7 inserting the following: "subsections 1, 2, 3, and 5,
8 are".

9 5. Page 5, by striking lines 1 through 6.

10 6. Page 5, by striking lines 30 through 34.

11 7. Page 6, by striking lines 17 through 32.

12 8. Page 29, by striking lines 3 through 16.

13 9. By striking page 32, line 16 through page 33,
14 line 3.

15 10. Page 38, by striking lines 20 through 26.

16 11. Page 38, by striking lines 27 through 32.

17 12. By striking page 38, line 33 through page 39,
18 line 4.

19 13. By renumbering as necessary.

WISE of Lee

H-1109

1 Amend House File 403 as follows:

2 1. Page 43, by inserting after line 7 the
3 following:

4 "Sec. ____ Section 359.17, Code 2001, is amended
5 to read as follows:

6 359.17 TRUSTEES – DUTIES – MEETINGS.

7 The board of township trustees in each township

8 shall consist of three ~~qualified electors registered~~

9 voters of the township. However, in townships with a

10 population of twenty-five thousand or more, the board

11 of township trustees shall consist of five registered

12 voters of the township. The trustees shall act as

13 fence viewers and shall perform other duties assigned
14 them by law. The board of trustees shall meet not
15 less than two times a year. At least one of the
16 meetings shall be scheduled to meet the requirements
17 of section 359.49."
18 2. By renumbering as necessary.

BOAL of Polk
HUSER of Polk

H-1112

1 Amend House File 399 as follows:

2 1. Page 39, by inserting after line 4 the
3 following:

4 "Sec. . NEW SECTION. 8.23A PROGRAM
5 PERFORMANCE-BASED BUDGETING.

6 1. DEFINITIONS. For the purposes of this section,
7 unless the context otherwise requires:

8 a. "New program" means a departmental program,
9 function, or service, whether the program is created
10 by statute, administrative rule, or internal
11 procedure, which is first implemented during the
12 fiscal year beginning July 1, 2001, or in a subsequent
13 fiscal year.

14 b. "State funds" means the same as provided in
15 section 8.2, and includes block grants, categorical
16 grants, private trust funds, repayment receipts,
17 special funds as defined in section 8.2, and education
18 research grants.

19 2. A department which uses state funds available
20 to the department in the fiscal year beginning July 1,
21 2001, or in a subsequent fiscal year, for a new
22 program shall implement the program in accordance with
23 the program performance-based budget provisions
24 required by this section.

25 3. In addition to the annual departmental estimate
26 information required to be submitted to the director
27 of the department of management pursuant to section
28 8.23, a department shall provide all of the following
29 program performance-based budget information to the
30 director and to the legislative fiscal bureau for each
31 new program implemented during the fiscal year
32 beginning July 1, 2001, or in a subsequent fiscal
33 year, which is included in the department's budget
34 estimates for the ensuing fiscal year:

35 a. A description of the public need the new
36 program is intended to address.

37 b. The new program's anticipated results,
38 including specific program objectives for both the
39 first and succeeding fiscal year of operation.

40 c. Plans for the new program's output, efficiency,

- 41 and effectiveness during both the first and succeeding
- 42 fiscal year of operation.
- 43 d. The financial, staffing, and infrastructure
- 44 resources committed to the new program in the first
- 45 fiscal year and the resources requested for the
- 46 succeeding fiscal year.
- 47 e. Other information concerning the new program
- 48 requested by the department of management or the
- 49 legislative fiscal bureau.
- 50 f. If, at the revenue estimating conference

Page 2

- 1 meeting held prior to December 15 pursuant to section
- 2 8.22A, subsection 3, a revenue estimate for the fiscal
- 3 year in progress is agreed to that is lower than the
- 4 revenue estimate used to develop the budget and
- 5 appropriations for the fiscal year in progress, each
- 6 department shall prepare a report describing the
- 7 impact on the department if a uniform reduction on all
- 8 appropriations were to be made in an amount equal to
- 9 the difference in the two estimates. The report shall
- 10 be submitted to the governor and the general assembly
- 11 prior to the next convening of the regular session of
- 12 the general assembly.
- 13 4. A department shall consult with the department
- 14 of management and the legislative fiscal bureau in
- 15 developing the program performance-based budget
- 16 information for a new program required by this
- 17 section."
- 18 2. By renumbering as necessary.

KREIMAN of Davis

H-1114

- 1 Amend House File 399 as follows:
- 2 1. Page 16, line 1, by striking the word and
- 3 figures "7, 16, and 23" and inserting the following:
- 4 "7 and 16".
- 5 2. By striking page 17, line 6, through page 18,
- 6 line 10.
- 7 3. Page 20, line 8, by inserting before the word
- 8 "twelve" the following: "eight hundred".
- 9 4. Page 22, by striking lines 6 through 15.
- 10 5. Page 23, line 6, by striking the figure
- 11 "10,824,803" and inserting the following:
- 12 "10,924,803".
- 13 6. Page 25, by striking lines 13 through 21.
- 14 7. By striking page 26, line 35, through page 27,
- 15 line 7.
- 16 8. By striking page 30, line 21, through page 32,

17 line 15.

18 9. Page 32, line 25, by striking the figure

19 "34,075,384" and inserting the following:

20 "34,715,384".

21 10. Page 33, by striking lines 2 and 3 and

22 inserting the following:

23 "..... \$ 21,204,376"

24 11. Page 34, line 14, by striking the figures "3,

25 4, 5, 6," and inserting the following: "4, 5,".

26 12. By striking page 34, line 31, through page

27 35, line 9.

28 13. Page 36 by striking lines 1 through 11.

29 14. Page 39, by inserting after line 4 the

30 following:

31 "Sec. 100. 2001 Iowa Acts, House File 1, section

32 1, is repealed.

33 Sec. ____ RETROACTIVE APPLICABILITY. Section 100

34 of this Act, relating to 2001 Iowa Acts, House File 1,

35 is retroactively applicable to February 5, 2001."

SHOULTZ of Black Hawk

H-1117

1 Amend Senate File 66, as passed by the Senate, as
2 follows:

3 1. Page 1, line 12, by striking the word "In" and

4 inserting the following: "Except as necessary to

5 provide funding designated for the braille and sight

6 saving school or the school for the deaf, in".

MURPHY of Dubuque

H-1118

1 Amend Senate File 66, as passed by the Senate, as
2 follows:

3 1. Page 1, line 12, by striking the word "In" and

4 inserting the following: "Except as necessary to

5 provide funding designated for restoration of the

6 capitol, in".

MURPHY of Dubuque

H-1119

1 Amend Senate File 66, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1 the

4 following:

5 "Section 1. Section 2.10, subsection 4, unnumbered

6 paragraph 1, Code 2001, is amended to read as follows:

7 The director of revenue and finance shall pay, from
8 moneys appropriated to the general assembly pursuant
9 to section 2.12, the travel and expenses of the
10 members of the general assembly commencing with the
11 first pay period after the names of such persons are
12 officially certified. The salaries of the members of
13 the general assembly shall be paid pursuant to any of
14 the following alternative methods:

15 Sec. __. Section 2.10, subsection 6, Code 2001,
16 is amended to read as follows:

17 6. If a special session of the general assembly is
18 convened, members of the general assembly shall
19 receive, in addition to their annual salaries, the sum
20 of eighty-six dollars per day for each day the general
21 assembly is actually in special session, and the same
22 travel allowances and expenses as authorized by this
23 section which shall be payable from moneys
24 appropriated to the general assembly pursuant to
25 section 2.12. A member of the general assembly shall
26 receive the additional per diem, travel allowances and
27 expenses only for the days of attendance during a
28 special session.

29 Sec. __. Section 2.11, unnumbered paragraph 1,
30 Code 2001, is amended to read as follows:

31 Each house of the general assembly may employ such
32 officers and employees as it ~~shall deem~~ deems
33 necessary for the conduct of its business. The
34 compensation of the chaplains, officers, and employees
35 of the general assembly shall be fixed by joint action
36 of the house and senate by resolution at the opening
37 of each session, or as soon ~~thereafter~~ after the
38 opening as conveniently can be done. Payment of the
39 compensation shall be from moneys appropriated to the
40 general assembly pursuant to section 2.12. Such
41 persons shall be furnished ~~by the state~~ such supplies
42 as may be necessary for the proper discharge of their
43 duties.

44 Sec. __. Section 2.12, Code 2001, is amended to
45 read as follows:

46 2.12 EXPENSES OF GENERAL ASSEMBLY AND LEGISLATIVE
47 AGENCIES – BUDGETS.

48 1. There is appropriated out of any funds in the
49 state treasury not otherwise appropriated a sum
50 sufficient to pay for The following expenses,

Page 2

1 salaries, per diems, budgets, and other items shall be
2 paid from appropriations made to the general assembly
3 for these purposes:

4 a. For legislative printing and all current and
5 miscellaneous expenses of the general assembly,

6 authorized by either the senate or the house, ~~and the~~
7 The director of revenue and finance shall issue
8 warrants for such items of expense upon requisition of
9 the president, majority leader, and secretary of the
10 senate or the speaker and chief clerk of the house.
11 ~~b. There is appropriated out of any funds in the~~
12 ~~state treasury not otherwise appropriated, such sums~~
13 ~~as are necessary, for~~ For each house of the general
14 assembly for the payment of any unpaid expense of the
15 general assembly incurred during or in the interim
16 between sessions of the general assembly, including
17 but not limited to salaries and necessary travel and
18 actual expenses of members, expenses of standing and
19 interim committees or subcommittees, and per diem or
20 expenses for members of the general assembly who serve
21 on statutory boards, commissions, or councils for
22 which per diem or expenses are authorized by law. The
23 director of revenue and finance shall issue warrants
24 for such items of expense upon requisition of the
25 president, majority leader, and secretary of the
26 senate for senate ~~expense~~ expenses or the speaker and
27 chief clerk of the house for house ~~expense~~ expenses.
28 ~~c. There is appropriated out of any funds in the~~
29 ~~state treasury not otherwise appropriated, such sums~~
30 ~~as are necessary for~~ For the renovation, remodeling,
31 or preparation of the legislative chambers,
32 legislative offices, or other areas or facilities used
33 or to be used by the legislative branch of government,
34 and for the purchase of legislative equipment and
35 supplies deemed necessary to properly carry out the
36 functions of the general assembly. The director of
37 revenue and finance shall issue warrants for such
38 items of expense, whether incurred during or between
39 sessions of the general assembly, upon requisition of
40 the president, majority leader, and secretary of the
41 senate for senate ~~expense~~ expenses or the speaker and
42 chief clerk of the house for house ~~expense~~ expenses.
43 ~~d. There is appropriated out of any funds in the~~
44 ~~state treasury not otherwise appropriated such sums as~~
45 ~~may be necessary for~~ For the fiscal year budgets of
46 the legislative service bureau, the legislative fiscal
47 bureau, the citizens' aide office and the computer
48 support bureau for salaries, support, maintenance, and
49 miscellaneous purposes to carry out their statutory
50 responsibilities.

Page 3

1 2. The director of revenue and finance shall issue
2 warrants for salaries, support, maintenance, and
3 miscellaneous purposes upon requisition by the
4 administrative head of each statutory agency. The

5 legislative service bureau, the legislative fiscal
6 bureau, the citizens' aide office, and the computer
7 support bureau shall submit their proposed budgets to
8 the legislative council not later than September 1 of
9 each year. The legislative council shall review and
10 approve the proposed budgets not later than December 1
11 of each year. The legislative council on behalf of
12 the general assembly shall propose a budget for the
13 general assembly for the payment of expenses,
14 salaries, per diems, and other items for which the
15 general assembly is required to pay. The proposed
16 budget shall include a budget for both houses of the
17 general assembly. The budget approved by the
18 legislative council for each of its statutory
19 legislative agencies and its proposed budget for the
20 general assembly shall be transmitted by the
21 legislative council to the department of management on
22 or before December 1 of each year for the fiscal year
23 beginning July 1 of the following year. The
24 department of management shall submit the approved
25 budgets received from the legislative council to the
26 governor for review and revision as necessary for
27 inclusion in the governor's proposed budget for the
28 succeeding fiscal year. The approved and proposed
29 budgets developed by the legislative council shall
30 also be submitted to the chairpersons of the
31 committees on appropriations. The committees on
32 appropriations may allocate from the funds
33 appropriated by this section the funds contained in
34 the approved budgets, or such other amounts as
35 specified, pursuant to a concurrent resolution to be
36 approved by both houses of the general assembly. The
37 director of revenue and finance shall issue warrants
38 for salaries, support, maintenance, and miscellaneous
39 purposes upon requisition by the administrative head
40 of each statutory legislative agency. If the
41 legislative council elects to change the approved
42 budget for a legislative agency prior to July 1, the
43 legislative council shall transmit the amount of the
44 budget revision to the department of management prior
45 to July 1 of the fiscal year, however, if the general
46 assembly approved the budget it cannot be changed
47 except pursuant to a concurrent resolution approved by
48 the general assembly.
49 Sec. __. Section 2.13, Code 2001, is amended to
50 read as follows:

Page 4

1 2.13 ISSUANCE OF WARRANTS.

2 The director of revenue and finance shall also
3 issue to each officer and employee of the general

4 assembly, during legislative sessions or interim
5 periods, upon vouchers signed by the president,
6 majority leader, and secretary of the senate or the
7 speaker and chief clerk of the house, warrants for the
8 amount due for services rendered. The warrants shall
9 ~~be paid out of any moneys in the treasury not~~
10 ~~otherwise appropriated from moneys appropriated to the~~
11 ~~general assembly pursuant to section 2.12.~~

12 Sec.____. Section 2.104, Code 2001, is amended to
13 read as follows:

14 2.104 BUDGET.

15 Expenses of the computer support bureau shall be
16 paid upon approval of the director of the bureau ~~from~~
17 ~~moneys appropriated to the general assembly pursuant~~
18 ~~to section 2.12.~~ The budget of the computer support
19 bureau for each fiscal year shall be prepared by the
20 director and submitted to the legislative council as
21 provided in section 2.12.

22 Sec.____. Section 2B.22, Code 2001, is amended to
23 read as follows:

24 2B.22 APPROPRIATION.

25 ~~There is hereby appropriated out of any money in~~
26 ~~the treasury not otherwise appropriated an amount~~
27 ~~sufficient to defray all~~ The expenses incurred in the
28 carrying out of the provisions of this chapter shall
29 be paid from moneys appropriated to the general
30 assembly pursuant to section 2.12."

31 2. Page 1, by inserting after line 16 the
32 following:

33 "Sec.____. Section 17A.8, subsection 3, Code 2001,
34 is amended to read as follows:

35 3. A committee member shall be paid the per diem
36 specified in section 2.10, subsection 5, for each day
37 in attendance and shall be reimbursed for actual and
38 necessary expenses. ~~There is appropriated from money~~
39 ~~in the general fund not otherwise appropriated an~~
40 ~~amount sufficient to pay~~ The costs incurred under this
41 section shall be paid from moneys appropriated to the
42 general assembly pursuant to section 2.12."

43 3. By renumbering as necessary.

MURPHY of Dubuque

H-1120

1 Amend Senate File 66, as passed by the Senate, as
2 follows:

3 1. Page 1, line 12, by striking the word "In" and
4 inserting the following: "Except as necessary to
5 provide funding designated for a program or purpose

6 which will draw down federal funding, in".

MURPHY of Dubuque

H-1121

1 Amend Senate File 66, as passed by the Senate, as
2 follows:
3 1. Page 1, line 12, by striking the word "In" and
4 inserting the following: "Except as necessary to
5 provide funding designated for the university of
6 northern Iowa, in".

WITT of Black Hawk

H-1122

1 Amend Senate File 66, as passed by the Senate, as
2 follows:
3 1. Page 1, line 12, by striking the word "In" and
4 inserting the following: "Except as necessary to
5 provide funding designated for department of human
6 services child abuse assessment staff, in".

KREIMAN of Davis

H-1123

1 Amend Senate File 66, as passed by the Senate, as
2 follows:
3 1. Page 1, line 12, by striking the word "In" and
4 inserting the following: "Except as necessary to
5 provide funding designated for water quality
6 activities, in".

SCHRADER of Marion

H-1124

1 Amend Senate File 66, as passed by the Senate, as
2 follows:
3 1. Page 1, line 12, by striking the word "In" and
4 inserting the following: "Except as necessary to
5 provide funding for a budget adjustment for those
6 school districts with declining enrollment, in".

QUIRK of Chickasaw

H-1125

1 Amend Senate File 66, as passed by the Senate, as
2 follows:

3 1. Page 1, line 12, by striking the word "In" and
4 inserting the following: "Except as necessary to
5 provide funding designated for lake dredging, in".

ATTEBERRY of Delaware

H-1126

1 Amend Senate File 66, as passed by the Senate, as
2 follows:
3 1. Page 1, line 12, by striking the word "In" and
4 inserting the following: "Except as necessary to
5 provide funding designated for the child protection
6 system, in".

SHOULTZ of Black Hawk

H-1127

1 Amend Senate File 66, as passed by the Senate, as
2 follows:
3 1. Page 1, line 12, by striking the word "In" and
4 inserting the following: "Except as necessary to
5 provide funding designated for the center for
6 excellence in fundamental plant sciences at Iowa state
7 university of science and technology, in".

GREIMANN of Story

H-1128

1 Amend Senate File 66, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 16 the
4 following:
5 "Sec. 100. PILOT PROJECT FOR REFUND OF PROCESSING
6 FEES.
7 1. As used in this section:
8 a. "Customer" means a person paying a fee as
9 provided in paragraph "c", as part of an application
10 for the issuance of a renewed license or certification
11 by a participating agency.
12 b. "Participating agency" means the Iowa
13 department of public health or the professional
14 licensing division of the department of commerce that
15 elects to participate in the pilot project as provided
16 in subsection 2.
17 c. "Processing fee" means a fee that is required
18 to be paid to a participating agency as follows:
19 (1) The Iowa department of public health for
20 issuing a renewed emergency medical care provider
21 certification pursuant to section 147A.6 for which a

22 fee is required pursuant to rules adopted by the
23 department under section 147A.4.

24 (2) The professional licensing division, for
25 issuing any of the following:

26 (a) The renewal of a certificate of licensure as a
27 professional engineer pursuant to section 542B.18 for
28 which a fee is required pursuant to section 542B.30.

29 (b) The renewal of a license to practice as an
30 accounting practitioner pursuant to section 542C.20
31 for which a fee is required pursuant to section
32 542C.15.

33 (c) The renewal of a license as a real estate
34 broker or real estate salesperson pursuant to section
35 543B.28 for which a fee is required pursuant to
36 section 543B.27.

37 (d) The renewal of a certification as a real
38 estate appraiser pursuant to section 543D.7 for which
39 a fee is required pursuant to section 543D.6.

40 (e) The renewal of a certificate of registration
41 as an architect pursuant to section 544A.10 for which
42 a fee is required pursuant to section 544A.11.

43 (f) The renewal of a certificate of registration
44 as a landscape architect pursuant to section 544B.13
45 for which a fee is required pursuant to section
46 544B.14.

47 2. The department of management in cooperation
48 with a participating agency may establish a pilot
49 project for the refund of all or a portion of
50 processing fees paid by customers. The following

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1 shall apply to a participating agency:

2 a. The participating agency shall refund all or a
3 portion of a processing fee to a customer if the
4 participating agency fails to issue a license or
5 certification in a manner and within a period of time
6 customary for issuing similar licenses and
7 certifications.

8 b. The participating agency is not required to
9 refund any amount of a processing fee if the failure
10 to issue a license or certification is primarily
11 caused by the customer, including the customer's
12 failure to comply with legal requirements, furnish a
13 completed application or document, or cooperate with
14 the participating agency as required by the
15 participating agency.

16 3. Each participating agency shall adopt rules
17 pursuant to chapter 17A necessary in order to
18 administer this section. The participating agencies
19 shall cooperate in order to develop simple common
20 procedures for providing refunds, which may include a

21 uniform refund form. The agencies may cooperate with
 22 the general assembly's joint oversight and
 23 communications appropriations subcommittee or other
 24 appropriate committee or subcommittee in carrying out
 25 this section.

26 4. Each participating agency shall prepare a
 27 report to the department of management. The report
 28 shall analyze the administration of the pilot project,
 29 including its effect on administrative efficiency, the
 30 collection of revenue, and customer reactions. The
 31 reports shall be delivered to the department of
 32 management not later than November 1, 2002. The
 33 department of management shall compile the reports and
 34 include any findings or recommendations by the
 35 department. The department's compiled report shall be
 36 delivered to the governor and general assembly not
 37 later than January 10, 2003.

38 Sec. ____ Section 100 of this Act, enacting a
 39 pilot project for refund of processing fees, is
 40 repealed January 11, 2003."

41 2. By renumbering as necessary.

HATCH of Polk

H-1129

1 Amend Senate File 66, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 12, by striking the word "In" and
 4 inserting the following: "Except as necessary to
 5 provide funding designated for support and promotion
 6 of ethanol and other alternative fuels, in".

KUHN of Floyd

H-1130

1 Amend Senate File 66, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. SAVINGS ACCOUNT FUND APPROPRIATION.
 6 There is appropriated from the general fund of the
 7 state to the department of education for the fiscal
 8 year beginning July 1, 2000, and ending June 30, 2001,
 9 the following amount, or so much thereof as is
 10 necessary, to be used for the purpose designated:
 11 For deposit in the teacher compensation reform and
 12 student achievement savings account fund created in
 13 section 8.57B:
 14 \$ 42,000,000
 15 Notwithstanding section 8.33, moneys appropriated

16 in this section shall not revert at the close of the
17 fiscal year."

18 2. Page 1, line 6, by inserting after the word
19 "limitation." the following: "The governor's budget
20 transmitted in accordance with section 8.21 shall
21 incorporate all other funds affecting directly or
22 indirectly the condition of the general fund of the
23 state, including but not limited to the funds created
24 in sections 8.55, 8.56, 8.57, 8.57A, and 8.57B."

25 3. Page 1, by inserting after line 16, the
26 following:

27 "Sec. ____ **NEW SECTION. 8.57B TEACHER**
28 **COMPENSATION REFORM AND STUDENT ACHIEVEMENT SAVINGS**
29 **ACCOUNT FUND.**

30 1. A teacher compensation reform and student
31 achievement savings account fund is created as a
32 separate and distinct fund in the state treasury under
33 the control of the department of education. Moneys in
34 the fund in a fiscal year shall be used as directed by
35 the general assembly for teacher compensation reform
36 and student achievement activities approved by the
37 Seventy-ninth General Assembly, First Regular Session,
38 or by future general assemblies.

39 2. Revenue for the teacher compensation reform and
40 student achievement savings account fund shall be
41 deposited with the treasurer of state and credited to
42 the fund and shall include, but is not limited to,
43 moneys in the form of a devise, gift, bequest,
44 donation, federal or other grant, reimbursement,
45 repayment, judgment, transfer, payment, or
46 appropriation from any source intended to be used for
47 the purposes of the fund.

48 3. Notwithstanding section 8.33, moneys
49 appropriated for deposit in the teacher compensation
50 reform and student achievement savings account fund

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1 shall not revert but shall remain available for
2 expenditure as directed by the general assembly in
3 appropriations made from the fund.

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

6 4. Title page, line 4, by inserting after the
7 word "assembly" the following: ", making an
8 appropriation, and providing an effective date".

WISE of Lee

H-1131

1 Amend Senate File 66, as passed by the Senate, as

2 follows:

- 3 1. Page 1, line 12, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for economic development
- 6 purposes, in".

DOTZLER of Black Hawk

H-1132

1 Amend Senate File 66, as passed by the Senate, as
2 follows:

- 3 1. Page 1, line 12, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for immigration service
- 6 centers, in".

DOTZLER of Black Hawk

H-1133

1 Amend Senate File 66, as passed by the Senate, as
2 follows:

- 3 1. Page 1, line 12, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding for school on-time funding budget
- 6 adjustments, in".

WISE of Lee

H-1134

1 Amend Senate File 66, as passed by the Senate, as
2 follows:

- 3 1. Page 1, line 12, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding for the establishment of the state
- 6 percent of growth for purposes of the state school
- 7 foundation program under section 257.8, in".

WISE of Lee

H-1135

1 Amend Senate File 66, as passed by the Senate, as
2 follows:

- 3 1. Page 1, line 12, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for homemaker-home health
- 6 aide services, in".

FORD of Polk

H-1136

- 1 Amend Senate File 66, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 12, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for the Iowa veterans home,
- 6 in".

SMITH of Marshall

H-1137

- 1 Amend Senate File 66, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 12, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for sex offender registry
- 6 and treatment costs, in".

OSTERHAUS of Jackson

H-1140

- 1 Amend Senate File 66, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 12, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for the vision Iowa program
- 6 established in section 15F.302, in".

CHIODO of Polk

H-1141

- 1 Amend House File 399 as follows:
- 2 1. By striking page 1, line 14, through page 2,
- 3 line 1.
- 4 2. By striking page 4, line 5, through page 6,
- 5 line 6
- 6 3. By striking page 6, line 33, through page 10,
- 7 line 25.
- 8 4. By striking page 10, line 28, through page 12,
- 9 line 4.
- 10 5. By striking page 12, line 17, through page 14,
- 11 line 29.
- 12 6. By striking page 14, line 32, through page 15,
- 13 line 4.
- 14 7. By striking page 15, line 15, through page 18,
- 15 line 34.
- 16 8. By striking page 20, line 12, through page 22,
- 17 line 5.

- 18 9. By striking page 22, line 16, through page 23,
19 line 34.
20 10. Page 24, by striking lines 10 through 29.
21 11. By striking page 24, line 32, through page
22 26, line 15.
23 12. Page 27, by striking lines 8 through 33.
24 13. By striking page 28, line 1, through page 29,
25 line 2.
26 14. By striking page 29, line 18, through page
27 30, line 20.
28 15. Page 33, by striking lines 4 through 26.

MURPHY of Dubuque

H-1142

- 1 Amend Senate File 66, as passed by the Senate, as
2 follows:
3 1. Page 1, line 12, by striking the word "In" and
4 inserting the following: "Except as necessary to
5 provide funding designated for the operation of adult
6 correctional facilities, in".

BELL of Jasper

H-1143

- 1 Amend Senate File 66, as passed by the Senate, as
2 follows:
3 1. Page 1, line 12, by striking the word "In" and
4 inserting the following: "Except as necessary to
5 provide funding designated for teacher salaries, in".

LENSING of Johnson

H-1144

- 1 Amend House File 370 as follows:
2 1. Page 1, line 6, by inserting after the word
3 "isomers" the following: "or analogs of MDMA".
4 2. Page 1, line 11, by inserting after the words
5 "of isomers" the following: "or analogs of MDMA".
6 3. Page 1, line 14, by inserting after the word
7 "isomers" the following: "or analogs of MDMA".
8 4. Page 1, line 19, by inserting after the word
9 "isomers" the following: "or analogs of MDMA".
10 5. Page 1, line 21, by inserting after the words
11 "of isomers" the following: "or analogs of MDMA".

CONNORS of Polk

H-1146

- 1 Amend Senate File 66, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 12, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for class size reduction in
- 6 school programs, in".

PETERSEN of Polk

H-1147

- 1 Amend House File 399 as follows:
- 2 1. Page 2, by striking lines 3 through 12.
- 3 2. By striking page 2, line 13 through page 3,
- 4 line 11.
- 5 3. Page 3, by striking lines 12 through 20.
- 6 4. By striking page 3, line 30, through page 4,
- 7 line 4.
- 8 5. Page 4, line 34, by striking the word "is" and
- 9 inserting the following: "subsections 1, 2, 3, and 5,
- 10 are".
- 11 6. Page 5, by striking lines 1 through 6.
- 12 7. Page 5, by striking lines 30 through 34.
- 13 8. Page 6, by striking lines 17 through 32.
- 14 9. Page 29, by striking lines 3 through 16.
- 15 10. By striking page 32, line 16 through page 33,
- 16 line 3.
- 17 11. Page 38, by striking lines 20 through 26.
- 18 12. Page 38, by striking lines 27 through 32.
- 19 13. By striking page 38, line 33 through page 39,
- 20 line 4.
- 21 14. By renumbering as necessary.

WISE of Lee

H-1149

- 1 Amend Senate File 66, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 12, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for community empowerment
- 6 areas, family support programs, programs for at-risk
- 7 children, and other early childhood programs, in".

FOEGE of Linn

H-1150

- 1 Amend Senate File 66, as passed by the Senate, as

2 follows:

- 3 1. Page 1, line 12, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for foster care and other
- 6 child welfare services, in".

FOEGE of Linn

H-1151

1 Amend House File 453 as follows:

- 2 1: Page 2, line 12, by inserting after the word
- 3 "commission." the following: "The rules shall provide
- 4 that the identification number is readable at a
- 5 distance for law enforcement purposes."

CORMACK of Webster

H-1153

1 Amend Senate File 66, as passed by the Senate, as

2 follows:

- 3 1. Page 1, line 12, by striking the word "In" and
- 4 inserting the following: "Except in fiscal years in
- 5 which the state income tax on social security benefits
- 6 is reduced or eliminated, in".

MURPHY of Dubuque

H-1156

1 Amend House File 416 as follows:

- 2 1. Page 4, by striking lines 6 through 18.
- 3 2. Page 4, line 23, by striking the word and
- 4 figures "9, and 10" and inserting the following: "and
- 5 9".
- 6 3. Title page, by striking lines 5 and 6 and
- 7 inserting the following: "and".

JOCHUM of Dubuque

H-1158

1 Amend House File 116 as follows:

- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section 144.29A, subsection 1,
- 5 unnumbered paragraph 1, Code 2001, is amended to read
- 6 as follows:
- 7 A health care provider ~~who initially identifies and~~
- 8 ~~diagnoses a spontaneous termination of pregnancy or~~
- 9 who induces a termination of pregnancy shall file with

10 the department a report for each termination within
11 thirty days of the occurrence. The health care
12 provider shall make a good faith effort to obtain all
13 of the following information that is available with
14 respect to each termination:"

15 2. Page 1, by inserting before line 8, the
16 following:

17 "Sec.____. Section 144.29A, subsection 1,
18 paragraph h, Code 2001, is amended to read as follows:

19 h. The number of previous pregnancies, live
20 births, and ~~spontaneous or~~ induced terminations of
21 pregnancies."

22 3. Page 1, by inserting after line 14, the
23 following:

24 "Sec.____. Section 144.29A, subsection 9, Code
25 2001, is amended by striking the subsection."

26 4. By renumbering as necessary.

GRUNDBERG of Polk

H-1161

1 Amend House File 116 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 144.29A, Code 2001, is amended
5 by striking the section and insert in lieu thereof the
6 following:

7 1. A health care provider who initially performs
8 medical procedures on a patient in a medical clinic
9 shall file with the department a report for each
10 medical procedure within thirty days of the
11 occurrence. The report shall contain all of the
12 following information with respect to each medical
13 procedure:

14 a. The confidential health care provider code as
15 assigned by the department.

16 b. The report tracking number.

17 c. The state of residence and, if this state, the
18 county of residence of the patient.

19 d. The race of the patient.

20 e. The age of the patient.

21 f. The marital status of the patient.

22 g. The educational level of the patient.

23 h. The number of previous medical procedures
24 performed on the patient.

25 i. The month and year in which the medical
26 procedure occurred.

27 j. Complications, if any.

28 k. The cause of the need for the medical
29 procedure, if known.

30 1. The type of medical procedure.

31 2. It is the intent of the general assembly that
32 the information shall be collected, reproduced,
33 released, and disclosed in a manner specified by rule
34 of the department, pursuant to chapter 17A, which
35 ensures the anonymity of the patient who experiences a
36 medical procedure, the health care provider who
37 performs the medical procedure, and the clinic in
38 which the medical procedure is performed. The
39 department may share information with federal public
40 health officials for the purposes of securing federal
41 funding or conduct in public health research.
42 However, in sharing the information, the department
43 shall not relinquish control of the information, and
44 any agreement entered into by the department with
45 federal public health officials to share information
46 shall prohibit the use, reproduction, release, or
47 disclosure of the information by federal public health
48 officials in a manner which violates this section.
49 The department shall publish, annually, a demographic
50 summary of the information obtained pursuant to this

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1 section, except that the department shall not
2 reproduce, release, or disclose any information
3 obtained pursuant to this section which reveals the
4 identity of any patient, health care provider, or
5 clinic, and shall ensure anonymity in the following
6 ways:
7 a. The department shall use a report tracking
8 number, a confidential health care provider code, and
9 the identity of a clinic for the sole purpose of
10 information collection and verification prior to entry
11 of the information. Following collection and
12 verification of the information, the department shall
13 use, reproduce, release, and disclose any information
14 collected only for the purpose of annually publishing
15 the demographic summary.
16 b. The department shall enter the information,
17 from any report submitted, within thirty days of
18 receipt of the report, and shall immediately destroy
19 the report following entry of the information.
20 However, entry of the information from a report shall
21 not include any health care provider or clinic
22 identification information including, but not limited
23 to, the confidential health care provider code, as
24 assigned by the department.
25 c. To protect confidentiality, the department
26 shall limit release of information to release in an
27 aggregate form which avoids identification of any
28 individual patient, health care provider, or clinic.
29 For the purposes of this paragraph, "aggregate form"

30 means a compilation of the information received by the
31 department of medical procedures for each information
32 item listed, with the exceptions of the report
33 tracking number, the health care provider code, and
34 any set of information for which the amount is so
35 small that confidentiality of any person to whom the
36 information relates may be compromised.

37 3. Except as specified in subsection 2, reports,
38 information, and records submitted and maintained
39 pursuant to this section are strictly confidential and
40 shall not be released or made public upon subpoena,
41 search warrant, discovery proceedings, or by any other
42 means.

43 4. The department shall assign a code to any
44 health care provider who may be required to report a
45 medical procedure under this section. Any application
46 procedure shall not be required for assignment of a
47 code to a health care provider.

48 5. A health care provider shall assign a report
49 tracking number which enables the health care provider
50 to access the patient's medical information without

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1 identifying the patient.

2 6. To ensure proper performance of the reporting
3 requirements under this section, it is preferred that
4 a health care provider authorize one staff person to
5 fulfill the reporting requirements.

6 7. For the purpose of this section, "health care
7 provider" means an individual licensed under chapter
8 148, 148C, 148D, 150, 150A, or 152, or any individual
9 who provides medical services under the authorization
10 of the licensee."

11 2. Title page, lines 1 and 2, by striking the
12 words "termination of pregnancy reporting" and
13 inserting the following: "the reporting of medical
14 procedures performed in a medical clinic".

GRUNDBERG of Polk

H-1162

1 Amend House File 116 as follows:

2 1. Page 1, by striking lines 4 and 5, and
3 inserting the following: "~~department of public~~
4 ~~health, as designated as of July 1, 1997, county and~~
5 ~~state~~ in which the patient resides."

BODDICKER of Cedar

H-1164

1 Amend House File 403 as follows:

2 1. Page 1, by inserting after line 8 the
3 following:

4 "Sec. __. Section 39.3, Code 2001, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 8A. "Mail ballot election" means
7 an election conducted pursuant to chapter 49B."

8 2. Page 17, by inserting before line 18 the
9 following:

10 "Sec. __. NEW SECTION. 49B.1 MAIL BALLOT
11 ELECTIONS.

12 A mail ballot election may be conducted in cities
13 with a population of two hundred or less as provided
14 in this chapter.

15 Sec. __. NEW SECTION. 49B.2 DEFINITIONS.

16 As used in this chapter, unless the context
17 otherwise requires:

18 1. "Election day" is the date established by law
19 on which a particular election would be held if that
20 election were being conducted by means other than a
21 mail ballot election.

22 2. "Return verification envelope" means an
23 envelope that contains a secrecy envelope and which is
24 designed to allow election officials, upon examination
25 of the outside of the envelope, to determine that the
26 ballot is being submitted by someone who is in fact a
27 registered voter and who has not already voted.

28 3. "Secrecy envelope" means an envelope used to
29 contain the elector's ballot and that is designed to
30 conceal the voter's vote and to prevent the voter's
31 ballot from being distinguished from the ballots of
32 other voters.

33 Sec. __. NEW SECTION. 49B.3 MAIL BALLOT
34 ELECTION PROCEDURE.

35 The state commissioner of elections shall prescribe
36 uniform procedures and forms to be used in the conduct
37 of mail ballot elections.

38 Sec. __. NEW SECTION. 49B.4 INITIATION BY
39 GOVERNING BODY.

40 1. The city council of a city may, by resolution,
41 request that the county commissioner of elections
42 conduct the regular city election or a special city
43 election under this chapter. Only a city with two
44 hundred or fewer registered voters at the time the
45 resolution is adopted may make such a request. The
46 council must file the resolution with the county
47 commissioner not later than ninety days before the
48 date of the election. The commissioner shall approve
49 the request if the commissioner determines that it is
50 economically and administratively feasible to conduct

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1 the regular city election or a special city election
2 by mail.

3 2. After the resolution is approved, the county
4 commissioner shall prepare a written plan for conduct
5 of the election as provided in section 49B.5. At
6 least seventy-one days before the date set for the
7 election, the county commissioner shall forward a copy
8 of the written plan to the city council concerned.

9 Sec. NEW SECTION. 49B.5 WRITTEN PLAN FOR
10 CONDUCT OF ELECTION - AMENDMENTS - APPROVAL
11 PROCEDURE.

12 1. The county commissioner shall prepare a written
13 plan, including a timetable, for the conduct of a mail
14 ballot election and shall submit it to the state
15 commissioner of elections at least seventy-one days
16 before the date of the election.

17 2. The plan may be amended by the county
18 commissioner any time before the sixty-fourth day
19 before the date of the election by notifying the state
20 commissioner of elections in writing of any changes.

21 3. Within five days after receiving the plan, and
22 as soon as possible after receiving any amendments,
23 the state commissioner of elections shall approve,
24 disapprove, or recommend changes to the plan or
25 amendments. The final plan shall be approved and
26 available to the public at least two days before the
27 deadline for candidates to file nomination papers in
28 the office of the city clerk.

29 4. When the written plan has been approved, the
30 county commissioner shall proceed to conduct the
31 election according to the approved plan.

32 Sec. NEW SECTION. 49B.6 PUBLICATION OF
33 NOTICE.

34 The county commissioner shall, not more than ten
35 days and not less than four days before the date that
36 ballots are to be mailed, publish notice that a mail
37 ballot election will be conducted. The notice shall
38 be published in a newspaper of general circulation in
39 each city for which the mail ballot election will be
40 conducted. The notice shall include all of the
41 following information:

42 1. The date ballots will be mailed.

43 2. The last day that a voter can request an
44 absentee ballot.

45 3. Voter registration deadlines.

46 4. Location or locations where mail ballots can be
47 deposited pursuant to section 49B.13.

48 5. Instructions for obtaining a replacement ballot
49 if a voter's ballot is destroyed, spoiled, lost, or
50 not received pursuant to section 49B.9.

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1 The county commissioner is not required to publish
2 a sample ballot.

3 Sec. NEW SECTION. 49B.7 MAILING BALLOTS.

4 1. Official ballots for a mail ballot election
5 shall be prepared and all other initial procedures for
6 elections shall be followed as otherwise provided by
7 law.

8 2. The county commissioner of elections shall mail
9 an official ballot to every registered voter of the
10 city conducting the election on a date not sooner than
11 the twentieth day before the date of the election and
12 not later than the tenth day before the date of the
13 election. An exception shall be made for those
14 ballots delivered as prescribed in section 49B.12.

15 3. All ballots shall be mailed by first class
16 mail.

17 4. Ballots mailed by the county commissioner shall
18 be addressed to the address of each voter appearing in
19 the registration records of the city, and placed in an
20 envelope which is prominently marked "Do Not Forward".

21 5. The ballot shall contain the following warning:
22 "Any person who, by use of violence, threats of
23 violence, or any means of duress, procures the vote of
24 a voter for or against any measure or candidate is
25 subject, upon conviction, to imprisonment or to a
26 fine, or both."

27 Sec. NEW SECTION. 49B.8 REGISTRATION.

28 The county commissioner shall not mail a ballot
29 under this chapter to any voter not registered thirty
30 days before the date of the election. Voters
31 registered less than thirty days before the date of
32 the election, but before the close of registration,
33 may apply for a ballot under section 49B.9.

34 Sec. NEW SECTION. 49B.9 REPLACEMENT
35 BALLOTS.

36 If the mail ballot is destroyed, spoiled, lost, or
37 not received by the voter, the voter may obtain a
38 replacement ballot from the county commissioner as
39 provided in this section. A voter seeking a
40 replacement ballot shall sign a statement, on a form
41 prescribed by the state commissioner, that the ballot
42 was destroyed, spoiled, lost, or not received. The
43 voter or the voter's designee shall deliver the
44 statement to the county commissioner before noon on
45 the date of the election. The voter may mail the
46 statement to the county commissioner. However, a
47 county commissioner shall not transmit a ballot by
48 mail under this section unless the statement is
49 received before five p.m. on the fourth day before the
50 date of the election. When a statement is timely

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1 received under this section, the county commissioner
2 shall give the ballot to the voter if the voter is
3 present in the office of the county commissioner, or
4 promptly mail the ballot to the voter at the address
5 contained in the statement, except when prohibited by
6 this section. If the voter is present in the county
7 commissioner's office, the ballot shall be voted at
8 that time. The county commissioner shall keep a
9 record of each replacement ballot provided under this
10 section. If a voter, having received and voted a
11 replacement ballot as provided under this section,
12 later finds the lost ballot, the voter shall return
13 the lost ballot to the county commissioner.
14 Sec. ____ NEW SECTION. 49B.10 VOTING AND RETURN
15 OF BALLOT.

16 1. A registered voter, upon receipt of a mail
17 ballot, shall mark the ballot in such a manner that no
18 other person will know how the ballot is marked and
19 shall place it in the secrecy envelope provided with
20 the ballot.

21 A voter who is blind, cannot read, or because of a
22 physical disability is unable to mark the ballot, may
23 be assisted by any person selected by the voter.

24 2. The voter shall place the secrecy envelope
25 containing the ballot in the return verification
26 envelope and sign and securely seal the return
27 verification envelope. The sealed return verification
28 envelope shall be returned to the county commissioner
29 by one of the following methods:

30 a. The sealed return verification envelope may be
31 delivered by the registered voter or the voter's
32 designee to the county commissioner's office or a
33 place designated by the commissioner no later than the
34 time the polls close on election day.

35 b. The sealed return verification envelope may be
36 mailed, postage paid, to the county commissioner. In
37 order for the ballot to be counted, the return
38 verification envelope must be clearly postmarked by an
39 officially authorized postal service not later than
40 the day before the election and received by the county
41 commissioner not later than the time established for
42 the canvass by the board of supervisors for that
43 election. The county commissioner shall contact the
44 post office serving the county commissioner's office
45 at the latest practical hour before the canvass by the
46 board of supervisors for that election, and shall
47 arrange for return verification envelopes received in
48 that post office but not yet delivered to the
49 commissioner's office to be brought to the
50 commissioner's office before the canvass for that

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1 election by the board of supervisors.

2 Sec. NEW SECTION. 49B.11 ABSENTEE BALLOTS.

3 1. A registered voter who will be absent from the
4 city during the time when the ballots are mailed may
5 do either of the following:

6 a. Vote in person in the county commissioner's
7 office as soon as ballots are available and until noon
8 the day before the ballots are scheduled to be mailed.

9 b. Make a written request, signed by the voter and
10 addressed to the county commissioner, that the ballot
11 be mailed to an address other than that which appears
12 on the voter's registration record. Written requests
13 shall be accepted until noon the day before the
14 ballots are scheduled to be mailed.

15 2. Ballots mailed to voters pursuant to this
16 section shall be mailed the same day that all other
17 ballots are mailed.

18 Sec. NEW SECTION. 49B.12 BALLOTING BY
19 CONFINED PERSONS.

20 A person who is a resident or patient in a health
21 care facility or hospital located in the county in
22 which the election is to be held shall not be mailed a
23 ballot but shall have a ballot delivered in the manner
24 prescribed by section 53.22, subsection 1.

25 Sec. NEW SECTION. 49B.13 PERSONAL DELIVERY
26 OF MAIL BALLOT - BALLOT DROPOFF STATIONS.

27 A ballot dropoff station for the deposit of mail
28 ballots may be established in the city conducting the
29 mail ballot election at the direction of the county
30 commissioner. A ballot dropoff station established at
31 the direction of the commissioner shall be open from
32 eight a.m. until five p.m. on the day of the election.

33 Sec. NEW SECTION. 49B.14 RECEIPT OF BALLOT
34 - SIGNATURE VERIFICATION.

35 When a mail ballot is returned, the county
36 commissioner, or the county commissioner's designees,
37 shall first examine the return verification envelope
38 to determine whether it was submitted by a registered
39 voter who has not previously voted. A ballot shall be
40 counted only if it is returned in the return
41 verification envelope, the envelope is signed by the
42 voter to whom the ballot is issued, and the signature
43 has been verified as provided in this section.

44 The county commissioner or the county
45 commissioner's designees shall verify the signature of
46 each voter on the return verification envelope with
47 the signature in the voter's registration records and
48 may commence verification at any time before election
49 day. If a voter to whom a replacement ballot has been
50 issued under section 49B.9 returns more than one

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1 ballot, only the replacement ballot shall be counted.

2 If the voter's signature is verified and the ballot
3 is otherwise valid, the county commissioner or the
4 county commissioner's designees shall deposit the
5 ballot unopened in an official ballot box.

6 Sec. . NEW SECTION. 49B.15 PROCEDURE FOR
7 INVALID BALLOTS.

8 If the county commissioner is not convinced that
9 the individual who signed the return verification
10 envelope is the voter whose name appears on the
11 registration card, the county commissioner shall not
12 deposit the ballot in a ballot box but shall do all of
13 the following:

14 1. Give notice to the voter as follows:

15 a. As soon as possible after receipt of a voter's
16 ballot, give notice to the voter, either by telephone
17 or by first class mail, if the county commissioner is
18 unable to verify the voter's signature.

19 b. Inform the voter that the voter may appear in
20 person at the county commissioner's office before the
21 close of the polls on election day and verify the
22 signature.

23 2. Permit any voter appearing pursuant to
24 subsection 1, paragraph "b", to:

25 a. Verify the voter's signature, after proof of
26 identification, by affirming that the signature is in
27 fact the voter's or by completing a new registration
28 card containing the voter's current signature.

29 b. If necessary, request and receive a replacement
30 ballot and vote at that time.

31 3. If the discrepancy is not rectified to the
32 county commissioner's satisfaction, present the
33 unopened envelope and the registration card to the
34 special precinct election board for a determination.
35 If the election board is unable to resolve the issue
36 to its satisfaction, the ballot shall not be counted.

37 Sec. . NEW SECTION. 49B.16 COUNTING BALLOTS.

38 Mail ballots shall be counted in the manner
39 prescribed by section 53.23 for absentee ballots. The
40 county commissioner shall supervise the procedures for
41 the handling, counting, and canvassing of ballots to
42 ensure the safety and confidentiality of all ballots.

43 Sec. . NEW SECTION. 49B.17 CHALLENGES.

44 Votes cast pursuant to this chapter may be
45 challenged in the manner prescribed by section 53.31
46 for absentee ballots.

47 Sec. . NEW SECTION. 49B.18 CANVASS OF VOTES.

48 The provisions of chapter 50 relating to canvass of
49 votes apply to this chapter only to the extent they do
50 not conflict with this chapter.

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- 1 Sec. ____ NEW SECTION. 49B.19 OTHER LAWS.
- 2 All laws which apply to elections apply to mail
- 3 ballot elections held under this chapter to the extent
- 4 applicable.
- 5 Sec. ____ NEW SECTION. 49B.20 RULES.
- 6 The state commissioner of elections shall adopt
- 7 rules pursuant to chapter 17A to govern the procedures
- 8 and forms necessary to implement this chapter. The
- 9 authority of the state commissioner to adopt rules
- 10 under this chapter shall be liberally construed.
- 11 Sec. ____ NEW SECTION. 49B.21 MISCONDUCT –
- 12 VIOLATIONS – PENALTIES.
- 13 1. A person who, by use of violence, threats of
- 14 violence, or any means of duress, procures or
- 15 endeavors to procure the vote of a voter for or
- 16 against any measure or candidate commits an aggravated
- 17 misdemeanor.
- 18 2. A person who violates or attempts to violate
- 19 any provision or requirement of this chapter for which
- 20 a penalty is not otherwise provided commits a simple
- 21 misdemeanor."
- 22 3. By renumbering as necessary.

WARNSTADT of Woodbury

H-1166

- 1 Amend the amendment, H-1154, to House File 324 as
- 2 follows:
- 3 1. Page 1, by inserting after line 12 the
- 4 following:
- 5 " ____ Page 16, line 2, by inserting after the
- 6 word "address," the following: "The penalty under
- 7 section 321.482 shall not apply to a licensee's
- 8 failure to notify the department of such an address
- 9 change."
- 10 2. Page 1, by inserting after line 37 the
- 11 following:
- 12 " ____ By striking page 17, line 33, through page
- 13 18, line 5."
- 14 3. By renumbering, redesignating, and correcting
- 15 internal references as necessary.

KREIMAN of Davis

H-1167

- 1 Amend House File 116 as follows:
- 2 1. Page 1, line 1, by striking the words
- 3 "paragraphs c and" and inserting the following:

- 4 "paragraph".
- 5 2. Page 1, line 2, by striking the word "are" and
- 6 inserting the following: "is".
- 7 3. Page 1, by striking lines 3 through 5.
- 8 4. By renumbering as necessary.

METCALF of Polk
PETERSEN of Polk

H-1169

- 1 Amend the amendment, H-1154, to House File 324 as
- 2 follows:
- 3 1. Page 1, by inserting after line 12 the
- 4 following:
- 5 "___ By striking page 15, line 27, through page
- 6 16, line 2."
- 7 2. Page 1, by inserting after line 37 the
- 8 following:
- 9 "___ By striking page 17, line 33, through page
- 10 18, line 5."
- 11 3. By renumbering, redesignating, and correcting
- 12 internal references as necessary.

SHOULTZ of Black Hawk

H-1170

- 1 Amend House File 456 as follows:
- 2 1. Page 5, line 17, by inserting after the word
- 3 "determines" the following: "by clear and convincing
- 4 evidence that".
- 5 2. Page 12, by inserting after line 15 the
- 6 following:
- 7 "Sec. ___. Section 232.102, subsection 12,
- 8 unnumbered paragraph 1, Code 2001, is amended to read
- 9 as follows:
- 10 If the court determines by clear and convincing
- 11 evidence that aggravated circumstances exist, with
- 12 written findings of fact based upon evidence in the
- 13 record, the court may waive the requirement for making
- 14 reasonable efforts. The existence of aggravated
- 15 circumstances is indicated by any of the following:"
- 16 3. By renumbering as necessary.

KREIMAN of Davis

H-1172

- 1 Amend House File 116 as follows:
- 2 1. Page 1, by striking lines 3 through 5, and
- 3 inserting the following:

- 4 "c. The maternal health services region of the
5 Iowa department of public health, as designated as of
6 July 1, 1997 2001, in which the patient resides."
7 2. By renumbering as necessary.

FOEGE of Linn

H-1173

- 1 Amend House File 116 as follows:
2 1. Page 1, line 9, by striking the word
3 "paragraphs" and inserting the following:
4 "paragraph".
5 2. Page 1, by striking lines 12 through 14.
6 3. By renumbering as necessary.

LENSING of Johnson

H-1179

- 1 Amend House File 116, as follows:
2 1. Page 1, by striking lines 1 through 14, and
3 inserting the following:
4 "Section 1. Section 144.29A, Code 2001, is amended
5 to read as follows:
6 144.29A TERMINATION OF PREGNANCY SURGICAL
7 PROCEDURE REPORTING.
8 1. A health care provider who initially identifies
9 and diagnoses a spontaneous termination of pregnancy,
10 or who induces a termination of pregnancy, performs
11 vasectomies, vasectomy reversals, penile implants, or
12 cosmetic surgery shall file with the department a
13 report for each termination, vasectomy, vasectomy
14 reversal, penile implant, or cosmetic surgery
15 procedure within thirty days of the occurrence. The
16 health care provider shall make a good faith effort to
17 obtain all of the following information that is
18 available with respect to each termination specified
19 procedure performed as applicable to the procedure:
20 a. The confidential health care provider code as
21 assigned by the department.
22 b. The report tracking number.
23 c. The maternal health services region of the Iowa
24 department of public health, as designated as of July
25 1, 1997, in which the patient resides.
26 d. The race of the patient.
27 e. The age of the patient.
28 f. The marital status of the patient.
29 g. The educational level of the patient.
30 h. The number of previous pregnancies, live
31 births, and spontaneous or induced terminations of
32 pregnancies, vasectomies, penile implants, or cosmetic

33 surgeries.

34 i. The month and year in which the termination
35 procedure occurred.

36 j. The number of weeks since the patient's last
37 menstrual period and a clinical estimate of gestation,
38 if applicable.

39 k. The results of any tests performed for sexually
40 transmitted infections prior to the performance of a
41 vasectomy or vasectomy reversal.

42 2. It is the intent of the general assembly that
43 the information shall be collected, reproduced,
44 released, and disclosed in a manner specified by rule
45 of the department, adopted pursuant to chapter 17A,
46 which ensures the anonymity of the patient who
47 experiences a termination of pregnancy, vasectomy,
48 vasectomy reversal, penile implant, or cosmetic
49 surgery procedures the health care provider who
50 identifies and diagnoses or induces a termination of

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1 pregnancy, or performs the vasectomy, vasectomy
2 reversal, penile implant, or cosmetic surgery
3 procedure and the hospital, clinic, or other health
4 facility in which a termination of pregnancy is
5 identified and diagnosed or induced or in which a
6 vasectomy, vasectomy reversal, penile implant, or
7 cosmetic surgery procedure is performed. The
8 department may share information with federal public
9 health officials for the purposes of securing federal
10 funding or conducting public health research.
11 However, in sharing the information, the department
12 shall not relinquish control of the information, and
13 any agreement entered into by the department with
14 federal public health officials to share information
15 shall prohibit the use, reproduction, release, or
16 disclosure of the information by federal public health
17 officials in a manner which violates this section.
18 The department shall publish, annually, a demographic
19 summary of the information obtained pursuant to this
20 section, except that the department shall not
21 reproduce, release, or disclose any information
22 obtained pursuant to this section which reveals the
23 identity of any patient, health care provider,
24 hospital, clinic, or other health facility, and shall
25 ensure anonymity in the following ways:
26 a. The department may use information concerning
27 the report tracking number or concerning the identity
28 of a reporting health care provider, hospital, clinic,
29 or other health facility only for purposes of
30 information collection. The department shall not
31 reproduce, release, or disclose this information for

32 any purpose other than for use in annually publishing
33 the demographic summary under this section.

34 b. The department shall enter the information,
35 from any report of termination, vasectomy, vasectomy
36 reversal, penile implant, or cosmetic surgery
37 procedure submitted, within thirty days of receipt of
38 the report, and shall immediately destroy the report
39 following entry of the information. However, entry of
40 the information from a report shall not include any
41 health care provider, hospital, clinic, or other
42 health facility identification information including,
43 but not limited to, the confidential health care
44 provider code, as assigned by the department.

45 c. To protect confidentiality, the department
46 shall limit release of information to release in an
47 aggregate form which prevents identification of any
48 individual patient, health care provider, hospital,
49 clinic, or other health facility. For the purposes of
50 this paragraph, "aggregate form" means a compilation

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1 of the information received by the department on
2 termination of pregnancies, vasectomies, vasectomy
3 reversals, penile implants, and cosmetic surgery
4 procedures for each information item listed, with the
5 exceptions of the report tracking number, the health
6 care provider code, and any set of information for
7 which the amount is so small that the confidentiality
8 of any person to whom the information relates may be
9 compromised. The department shall establish a
10 methodology to provide a statistically verifiable
11 basis for any determination of the correct amount at
12 which information may be released so that the
13 confidentiality of any person is not compromised.

14 3. Except as specified in subsection 2, reports,
15 information, and records submitted and maintained
16 pursuant to this section are strictly confidential and
17 shall not be released or made public upon subpoena,
18 search warrant, discovery proceedings, or by any other
19 means.

20 4. The department shall assign a code to any
21 health care provider who may be required to report a
22 termination, vasectomy, vasectomy reversal, penile
23 implant, or cosmetic surgery procedure under this
24 section. An application procedure shall not be
25 required for assignment of a code to a health care
26 provider.

27 5. A health care provider shall assign a report
28 tracking number which enables the health care provider
29 to access the patient's medical information without
30 identifying the patient.

31 6. To ensure proper performance of the reporting
32 requirements under this section, it is preferred that
33 a health care provider who practices within a
34 hospital, clinic, or other health facility authorize
35 one staff person to fulfill the reporting
36 requirements.

37 7. For the purposes of this section, "health care
38 provider" means an individual licensed under chapter
39 148, 148C, 148D, 150, 150A, or 152, or any individual
40 who provides medical services under the authorization
41 of the licensee.

42 8. For the purposes of this section, "inducing a
43 termination of pregnancy" means the use of any means
44 to terminate the pregnancy of a woman known to be
45 pregnant with the intent other than to produce a live
46 birth or to remove a dead fetus.

47 9. For the purposes of this section, "spontaneous
48 termination of pregnancy" means the occurrence of an
49 unintended termination of pregnancy at any time during
50 the period from conception to twenty weeks gestation

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1 and which is not a spontaneous termination of
2 pregnancy at any time during the period from twenty
3 weeks or greater which is reported to the department
4 as a fetal death under this chapter."

5 2. Title page, lines 1 and 2, by striking the
6 words "termination of pregnancy" and inserting the
7 following: "surgical procedures".

MASCHER of Johnson

H-1180

1 Amend House File 341 as follows:

2 1. Title page, by striking lines 1 and 2, and
3 inserting the following: "An Act relating to state
4 mandated information and a waiting period relating to
5 an abortion, providing criminal penalties, and
6 providing an effective date."

PETERSEN of Polk

H-1188

1 Amend House File 341 as follows:

2 1. Title page, line 1, by striking the words
3 "informed consent" and inserting the following:
4 "state mandated information and a state mandated

5 waiting period relating".

PETERSEN of Polk

H-1196

1 Amend House File 341 as follows:

2 1. Page 1, line 34, by striking the word "shall"
3 and inserting the following: "may".

4 2. Page 2, line 23, by striking the word "shall"
5 and inserting the following: "may".

6 3. Page 3, by striking line 32, and inserting the
7 following: "the woman if the information specified in
8 subsection".

9 4. Page 4, line 2, by striking the word "A" and
10 inserting the following: "If a physician provides the
11 information specified in subsection 2 to a woman,
12 the".

13 5. Page 4, line 3, by striking the word "a" and
14 inserting the following: "the".

DOTZLER of Black Hawk

H-1199

1 Amend House File 456 as follows:

2 1. Page 13, by inserting after line 15 the
3 following:

4 "Sec. 100. REHABILITATIVE TREATMENT SERVICES STAFF
5 REQUIREMENTS.

6 1. Subject to federal requirements, the department
7 of human services shall act to change the staff
8 qualification requirements for rehabilitative
9 treatment services provided under the medical
10 assistance program that are applicable to those staff
11 providing therapy and counseling services, and
12 psychosocial evaluation and behavioral management
13 services for children in therapeutic foster care.
14 Under the change, such staff who have graduated from
15 an accredited four-year college, institute, or
16 university with a bachelor's degree in social work in
17 a program that is accredited by the council on social
18 work education shall not be required to have full-time
19 experience in social work or experience in the
20 delivery of human services in a public or private
21 area.

22 2. If necessary to implement the change required
23 by this section, the department shall submit a plan
24 amendment or otherwise request authorization from the
25 United States health care financing administration.
26 In addition, as necessary to quickly implement the
27 change, the department may adopt emergency rules under

28 section 17A.4, subsection 2, and section 17A.5,
 29 subsection 2, paragraph "b", to implement the
 30 provisions of this section and the rules shall be
 31 effective immediately upon filing unless a later date
 32 is specified in the rules. Any rules adopted in
 33 accordance with this section shall also be published
 34 as a notice of intended action as provided in section
 35 17A.4.

36 Sec. __. EFFECTIVE DATE. Section 100, of this
 37 division of this Act, relating to rehabilitative
 38 treatment services staff requirements, being deemed of
 39 immediate importance, takes effect upon enactment."

40 2. Title page, line 5, by inserting after the
 41 word "rights" the following: ", and providing an
 42 effective date".

43 3. By renumbering as necessary.

HEATON of Henry
 JOHNSON of Osceola
 GRUNDBERG of Polk
 HOVERSTEN of Woodbury

FOEGE of Linn
 HOUSER of Pottawattamie
 BRUNKHORST of Bremer
 ARNOLD of Lucas

H-1201

1 Amend House File 341 as follows:

2 1. Page 3, line 4, by inserting after the word
 3 "including" the following: "provisions regarding the
 4 surrendering of a newborn infant,".

BODDICKER of Cedar

H-1203

1 Amend House File 451 as follows:

2 1. Page 17, line 34, by inserting after the word
 3 "following" the following: "occur".

4 2. Page 18, by inserting after line 4 the
 5 following:

6 "() All nonlicensee owners participate in a
 7 program of learning designed to maintain professional
 8 competency in compliance with rules adopted by the
 9 board which shall include requiring compliance with
 10 requirements imposed by a regulatory authority charged
 11 with regulation of a nonlicensee owner's professional
 12 or occupational license which is relevant to the
 13 firm's services.

14 "() All nonlicensee owners comply with all
 15 applicable rules of professional conduct adopted by
 16 the board."

17 3. Page 25, by inserting after line 21 the
 18 following:

19 "() All nonlicensee owners participate in a

20 program of learning designed to maintain professional
21 competency in compliance with rules adopted by the
22 board which shall include requiring compliance with
23 requirements imposed by a regulatory authority charged
24 with regulation of a nonlicensee owner's professional
25 or occupational license which is relevant to the
26 firm's services.

27 () All nonlicensee owners comply with all
28 applicable rules of professional conduct adopted by
29 the board."

30 4. Page 37, line 15, by inserting after the word
31 "member" the following: "or employee".

32 5. By renumbering as necessary.

MILLAGE of Scott
ELGIN of Linn

H-1205

1 Amend House File 341 as follows:

2 1. Page 2, line 10, by inserting after the word
3 "abortion" the following: ", and information
4 regarding the costs associated with raising a child to
5 the age of majority if the putative father does not
6 provide financial support for the child".

GRUNDBERG of Polk

H-1206

1 Amend House File 341 as follows:

2 1. Page 2, line 6, by inserting after the word
3 "Information" the following: "regarding the putative
4 father including".

5 2. Page 2, line 10, by inserting after the word
6 "abortion" the following: ", and information
7 regarding the declaration of paternity registry
8 established in section 144.12A".

GRUNDBERG of Polk

H-1207

1 Amend House File 341 as follows:

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

4 "Sec. . **NEW SECTION. 146A.2A MANDATORY**
5 **INFORMATION – REPRODUCTIVE HEALTH SERVICES.**

6 An individual seeking reproductive health services
7 in this state shall be provided with all of the
8 following information:

9 1. The policy or practice of the hospital,

- 10 ambulatory treatment center, or other person from whom
11 the individual is seeking reproductive health services
12 relating to any restrictions in the provision of
13 services regarding contraceptive services including
14 but not limited to emergency contraception, surgical
15 sterilization, infertility treatments, and abortions.
16 2. The policy or practice of the physician or
17 other licensed practitioner from whom the individual
18 is seeking reproductive health services relating to
19 any restrictions in the provision of services
20 regarding contraceptive services including but not
21 limited to emergency contraception, surgical
22 sterilization, infertility treatments, and abortions."
23 2. Title page, line 1, by inserting after the
24 words "relating to" the following: "reproductive
25 health including the provision of information
26 regarding the reproductive health services provided by
27 a specific person and including".
28 3. By renumbering as necessary.

GRUNDBERG of Polk

H-1211

- 1 Amend Senate File 267, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by inserting after line 18 the
4 following:
5 "____. To the department of justice for legal
6 services for persons in poverty grants in 2000 Iowa
7 Acts, chapter 1229, section 1, and to the office of
8 the state public defender for public defenders and for
9 indigent defense in 2000 Iowa Acts, chapter 1229,
10 section 10, and in other enactments making
11 appropriations from the general fund of the state for
12 such purposes in that fiscal year."
13 2. By renumbering as necessary.

RICHARDSON of Warren

H-1215

- 1 Amend Senate File 267, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, by inserting after line 16 the
4 following:
5 "____. To the college student aid commission, the
6 department of cultural affairs for community cultural
7 grants, the department of education for community
8 colleges, and the state board of regents for board
9 office, state university of Iowa, Iowa state
10 university of science and technology, and university

11 of northern Iowa, in 2000 Iowa Acts, chapter 1223,
12 section 11, to the college student aid commission for
13 Iowa tuition grants, scholarships, and vocational-
14 technical tuition grants in section 261.25, and in
15 other enactments and codified statutes making
16 appropriations from the general fund of the state for
17 such purposes in that fiscal year."
18 2. By renumbering as necessary.

WISE of Lee
MASCHER of Johnson

H-1217

1 Amend Senate File 267, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, by inserting after line 26 the
4 following:
5 "Sec. . NEW SECTION. 8.23A PROGRAM
6 PERFORMANCE-BASED BUDGETING.
7 1. DEFINITIONS. For the purposes of this section,
8 unless the context otherwise requires:
9 a. "New program" means a departmental program,
10 function, or service, whether the program is created
11 by statute, administrative rule, or internal
12 procedure, which is first implemented during the
13 fiscal year beginning July 1, 2001, or in a subsequent
14 fiscal year.
15 b. "State funds" means the same as provided in
16 section 8.2, and includes block grants, categorical
17 grants, private trust funds, repayment receipts,
18 special funds as defined in section 8.2, and education
19 research grants.
20 2. A department which uses state funds available
21 to the department in the fiscal year beginning July 1,
22 2001, or in a subsequent fiscal year, for a new
23 program shall implement the program in accordance with
24 the program performance-based budget provisions
25 required by this section.
26 3. In addition to the annual departmental estimate
27 information required to be submitted to the director
28 of the department of management pursuant to section
29 8.23, a department shall provide all of the following
30 program performance-based budget information to the
31 director and to the legislative fiscal bureau for each
32 new program implemented during the fiscal year
33 beginning July 1, 2001, or in a subsequent fiscal
34 year, which is included in the department's budget
35 estimates for the ensuing fiscal year:
36 a. A description of the public need the new
37 program is intended to address.
38 b. The new program's anticipated results,

39 including specific program objectives for both the
40 first and succeeding fiscal year of operation.
41 c. Plans for the new program's output, efficiency,
42 and effectiveness during both the first and succeeding
43 fiscal year of operation.
44 d. The financial, staffing, and infrastructure
45 resources committed to the new program in the first
46 fiscal year and the resources requested for the
47 succeeding fiscal year.
48 e. Other information concerning the new program
49 requested by the department of management or the
50 legislative fiscal bureau.

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1 f. If, at the revenue estimating conference
2 meeting held prior to December 15 pursuant to section
3 8.22A, subsection 3, a revenue estimate for the fiscal
4 year in progress is agreed to that is lower than the
5 revenue estimate used to develop the budget and
6 appropriations for the fiscal year in progress, each
7 department shall prepare a report describing the
8 impact on the department if a uniform reduction on all
9 appropriations were to be made in an amount equal to
10 the difference in the two estimates. The report shall
11 be submitted to the governor and the general assembly
12 prior to the next convening of the regular session of
13 the general assembly.
14 4. A department shall consult with the department
15 of management and the legislative fiscal bureau in
16 developing the program performance-based budget
17 information for a new program required by this
18 section."
19 2. By renumbering as necessary.

KREIMAN of Davis

H-1220

1 Amend House File 453 as follows:
2 1. Page 1, line 33, by inserting after the word
3 "number" the following: "and certificate".
4 2. Page 2, line 1, by striking the words "a
5 registration" and inserting the following: "an
6 audit".
7 3. Page 2, line 17, by striking the words
8 "deliver the title" and inserting the following:
9 "registration, if any, and deliver both".
10 4. Page 2, by inserting after line 35 the
11 following:
12 "Sec. __. Section 321G.8, Code 2001, is amended
13 by adding the following new subsection:

- 14 NEW SUBSECTION. 6. Snowmobiles and all-terrain
15 vehicles used exclusively as farm implements."
16 5. Page 3, line 11, by striking the word "or" and
17 inserting the following: "and".
18 6. Page 3, line 12, by striking the words "if
19 no title".
20 7. Page 4, line 23, by inserting after the word
21 "title" the following: "and registration".

RAYHONS of Hancock

H-1227

- 1 Amend House File 567 as follows:
2 1. Page 1, line 32, by inserting after the word
3 "placement." the following: "The form shall contain
4 the following notice printed in clearly legible type:
5 If termination of parental rights is not accomplished
6 and return of the child to the biological parent is
7 required, the prospective adoptive parents are
8 encouraged to seek mental health counseling to address
9 any resulting psychological or family problems."

ATTEBERRY of Delaware
SMITH of Marshall

H-1229

- 1 Amend House File 525 as follows:
2 1. Page 1, line 30, by striking the words "years
3 not to exceed" and inserting the following: "~~not to~~
4 ~~exceed~~".
5 2. Page 2, line 17, by striking the words "years
6 not to exceed".
7 3. Page 2, line 34, by striking the words "years
8 not to exceed".
9 4. Title page, line 2, by inserting after the
10 words "term of" the following: "two".

TREMMELE of Wapello

H-1231

- 1 Amend House File 577 as follows:
2 1. Page 3, line 26, by inserting after the word
3 "requirements." the following: "Failure of the
4 department to recommend timely amendments does not
5 constitute good cause for the purpose of paragraph
6 "d"."

OSTERHAUS of Jackson

H-1234

1 Amend House File 577 as follows:

- 2 1. Page 6, line 12, by inserting after the word
- 3 "board" the following: "and the office of the
- 4 consumer advocate".
- 5 2. Page 6, line 18, by inserting after the word
- 6 "board" the following: "and the consumer advocate".

OSTERHAUS of Jackson

H-1237

1 Amend House File 577 as follows:

- 2 1. Page 2, line 21, by inserting after the word
- 3 "board" the following: "and the office of the
- 4 consumer advocate".
- 5 2. Page 2, line 23, by inserting after the word
- 6 "board" the following: "or the consumer advocate".
- 7 3. Page 2, line 27, by inserting after the word
- 8 "board" the following: "or the consumer advocate".
- 9 4. Page 2, by inserting after line 30 the
- 10 following:
- 11 "i. This subsection does not exempt a power
- 12 purchase contract that is not required to be filed
- 13 with the board pursuant to the requirements of this
- 14 subsection from review and approval by the board
- 15 pursuant to any other applicable provision of this
- 16 chapter."
- 17 5. Page 3, line 26, by inserting after the word
- 18 "requirements." the following: "Failure of the
- 19 department to recommend timely amendments does not
- 20 constitute good cause for the purpose of paragraph
- 21 "d".
- 22 6. Page 5, line 32, by inserting after the word
- 23 "grid" the following: ", including the need for
- 24 transmission facilities to ensure Iowans' access to
- 25 power generated in other states".
- 26 7. Page 6, line 12, by inserting after the word
- 27 "board" the following: "and the office of the
- 28 consumer advocate".
- 29 8. Page 6, line 18, by inserting after the word
- 30 "board" the following: "and the consumer advocate".
- 31 9. Page 10, by striking lines 6 through 33 and
- 32 inserting the following:
- 33 "2. Notwithstanding anything in this subchapter or
- 34 chapter 28F to the contrary, an electric power
- 35 facility shall not be financed with the proceeds of
- 36 public bonds or obligations, the interest on which is
- 37 exempt from federal income tax, unless the public
- 38 issuer shall comply with the requirement or
- 39 limitations imposed by the Internal Revenue Code or

40 other applicable federal law to preserve the tax
41 exemption of interest payable on the bonds or
42 obligations."
43 10. By renumbering as necessary.

OSTERHAUS of Jackson

H-1239

1 Amend House File 577 as follows:
2 1. Page 10, line 7, by striking the words "a
3 transmission" and inserting the following: "an
4 electric power".
5 2. Page 10, by striking lines 15 through 33.

WISE of Lee
WITT of Black Hawk
SHOULTZ of Black Hawk
FALCK of Fayette

H-1240

1 Amend House File 577 as follows:
2 1. Page 2, by striking lines 13 through 16 and
3 inserting the following:
4 "f. The contract costs or the portion of the
5 contract costs that are required to provide service to
6 the public utility's Iowa retail customers shall be
7 included in the public utility's regulated retail
8 electric rates if the board finds all of the following
9 after a contested case proceeding:
10 (1) The power purchase contract is the least-cost
11 alternative.
12 (2) The contract costs or the portion of the
13 contract costs that are required to provide service to
14 the public utility's Iowa retail customers are not
15 offset by other cost decreases or revenue increases.
16 (3) The resulting return on common equity will not
17 exceed the public utility's actual cost of common
18 equity as determined by the board.
19 The public utility may propose to recover the costs
20 through an automatic adjustment of rates as provided
21 in subsection 11."

CHIODO of Polk

H-1252

1 Amend House File 304 as follows:
2 1. By striking page 16, line 18 through page 17,
3 line 1.
4 2. Title page, lines 5 and 6, by striking the

- 5 words "election polling hours,".
6 3. By renumbering as necessary.

FALCK of Fayette

H-1254

- 1 Amend House File 577 as follows:
2 1. Page 1, line 16, by striking the word "five"
3 and inserting the following: "ten".

CHIODO of Polk

H-1257

- 1 Amend House File 577 as follows:
2 1. Page 15, line 10, by inserting after the word
3 "revenue" the following: ", provided, however, that
4 the rate covenants contained within any trust
5 indentures or bond resolutions used for the financing
6 of electric generating facilities under this
7 subchapter shall require a majority vote of the
8 customers of each participating municipal utility of
9 the electric power agency to approve any rate
10 increases".

HANSEN of Pottawattamie
JENKINS of Black Hawk

H-1260

- 1 Amend House File 587 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 229B.1 INVOLUNTARY
5 HOSPITALIZATION.
6 Notwithstanding any other provision in the Code,
7 decisions regarding involuntary hospitalizations of
8 persons by reason of serious mental impairment shall
9 be made by medical personnel only.
10 Sec. 2. Chapter 229, Code 2001, is repealed."
11 2. Title page, by striking lines 1 through 5 and
12 inserting the following: "An Act providing medical
13 personnel with the authority to make decisions
14 regarding involuntary hospitalizations of persons by
15 reason of serious mental impairment."

GRUNDBERG of Polk

H-1265

- 1 Amend House File 656 as follows:

2 1. Page 14, lines 25 and 26, by striking the
3 words "~~given to all tenants of a mobile home park~~" and
4 inserting the following: "given to all tenants of a
5 mobile home park".

RICHARDSON of Warren

H-1266

1 Amend House File 656 as follows:

- 2 1. Page 8, by striking lines 1 through 4.
3 2. Page 9, by striking lines 22 through 24.

RICHARDSON of Warren

H-1267

1 Amend House File 42 as follows:

- 2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 28E.17, subsection 3,
5 paragraph a, Code 2001, is amended to read as follows:
6 a. The council shall give notice and conduct a
7 hearing on the proposal in the manner set forth in
8 section 384.25. However, the notice must be published
9 at least ten days prior to the hearing, and if a
10 petition valid under section 362.4 is filed with the
11 clerk of the city prior to the hearing, asking that
12 the question of issuing the bonds be submitted to the
13 registered voters of the city, the council shall
14 either by resolution declare the proposal abandoned or
15 shall direct the county commissioner of elections to
16 ~~call a special election to vote upon~~ submit the
17 question of issuing the bonds at one of the elections
18 specified in section 39.26, subsection 2. Notice of
19 the election and its conduct shall be in the manner
20 provided in section 384.26.
21 Sec. 2. Section 28E.22, unnumbered paragraph 1,
22 Code 2001, is amended to read as follows:
23 The board of supervisors, or the city councils of a
24 district composed only of cities, may, and upon
25 receipt of a petition signed by five percent of the
26 registered voters residing in the district shall,
27 submit a proposition to the electorate residing in the
28 district at ~~any general election or at a special~~
29 ~~election held throughout the district~~ one of the
30 elections specified in section 39.26. The proposition
31 shall provide for the establishment of a public safety
32 fund and the levy of a tax on taxable property located
33 in the district at rates not exceeding the rates
34 specified in this section for the purpose of providing
35 additional moneys for the operation of the district.

36 Sec. 3. Section 28E.39, unnumbered paragraph 1,
37 Code 2001, is amended to read as follows:
38 An agreement establishing a community cluster shall
39 require the approval of the registered voters residing
40 within the area of the cluster if the agreement
41 provides for the sharing of revenues from ad valorem
42 property taxes. The proposition shall be submitted to
43 the electorate by each governmental unit forming the
44 community cluster to the electors residing within the
45 area of the governmental unit at ~~a general election or~~
46 ~~at a special election one of the elections specified~~
47 in section 39.26. However, if a county has designated
48 only certain townships as being included within the
49 community cluster, the proposition shall be submitted
50 at the general election to the electorate of the

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1 county residing only in the townships included in the
2 community cluster.

3 Sec. 4. Section 37.3, unnumbered paragraph 1, Code
4 2001, is amended to read as follows:

5 Upon the filing of the requisite petition, the city
6 council shall cause the proposition to be submitted at
7 ~~a regular election, or at a special election to be~~
8 ~~called if requested in the petition one of the~~
9 elections specified in section 39.26, subsection 2, in
10 substantially the following form:

11 Sec. 5. Section 39.2, subsection 1, unnumbered
12 paragraph 2, Code 2001, is amended to read as follows:

13 ~~A special election shall not be held in conjunction~~
14 ~~with the primary election.~~ A special election shall
15 not be held in conjunction with a school election
16 unless the special election is for a school district
17 or community college.

18 Sec. 6. NEW SECTION. 39.26 COUNTY AND CITY
19 ELECTIONS.

20 1. A proposition authorizing the issuance of bonds
21 or other indebtedness, or the imposition of, or
22 increase in, a voter-approved property tax levy or
23 local option sales tax by a county may only be placed
24 on the ballot at the following elections:

25 a. The general election.

26 b. The primary election.

27 c. A special election held on the first Tuesday
28 after the first Monday in June in each odd-numbered
29 year.

30 2. A proposition authorizing the issuance of bonds
31 or other indebtedness, or the imposition of, or
32 increase in, a voter-approved property tax levy or
33 local option sales tax by a city may only be placed on
34 the ballot at the following elections:

35 a. The regular city election.
36 b. The general election.
37 c. The primary election.
38 d. A special election held on the first Tuesday
39 after the first Monday in June in each odd-numbered
40 year.
41 Sec. 7. Section 75.1, unnumbered paragraph 3, Code
42 2001, is amended to read as follows:
43 When a proposition to authorize an issuance of
44 bonds has been submitted to the electors under this
45 section and the proposal fails to gain approval by the
46 required percentage of votes, such proposal, or any
47 proposal which incorporates any portion of the
48 defeated proposal, shall not be submitted to the
49 electors for a period of six months from the date of
50 ~~such regular or special~~ the election.

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1 Sec. 8. Section 174.17, subsection 1, paragraph b,
2 Code 2001, is amended to read as follows:
3 b. If at any time before the date fixed for taking
4 action for the issuance of the bonds, a petition
5 signed by three percent of the registered voters of
6 the county is filed with the board of supervisors,
7 asking that the question of issuing the bonds be
8 submitted to the registered voters, the board of
9 supervisors shall either by resolution declare the
10 proposal to issue the bonds to have been abandoned or
11 shall direct the county commissioner of elections to
12 ~~call a special election upon~~ submit the question of
13 issuing the bonds at one of the elections specified in
14 section 39.26, subsection 1. The proposition of
15 issuing bonds under this subsection is not approved
16 unless the vote in favor of the proposition is equal
17 to at least sixty percent of the vote cast. If a
18 petition is not filed, or if a petition is filed and
19 the proposition of issuing the bonds is approved at an
20 election, the board of supervisors acting on behalf of
21 the society may proceed with the authorization and
22 issuance of the bonds. Bonds may be issued for the
23 purpose of refunding outstanding and previously issued
24 bonds under this subsection without otherwise
25 complying with the provisions of this subsection.
26 Sec. 9. Section 257.18, subsection 1, Code 2001,
27 is amended to read as follows:
28 1. An instructional support program that provides
29 additional funding for school districts is
30 established. A board of directors that wishes to
31 consider participating in the instructional support
32 program shall hold a public hearing on the question of
33 participation. The board shall set forth its

34 proposal, including the method that will be used to
35 fund the program, in a resolution and shall publish
36 the notice of the time and place of a public hearing
37 on the resolution. Notice of the time and place of
38 the public hearing shall be published not less than
39 ten nor more than twenty days before the public
40 hearing in a newspaper which is a newspaper of general
41 circulation in the school district. At the hearing,
42 or no later than thirty days after the date of the
43 hearing, the board shall take action to adopt a
44 resolution to participate in the instructional support
45 program for a period not exceeding five years or to
46 direct the county commissioner of elections to submit
47 the question of participation in the program for a
48 period not exceeding ten years to the registered
49 voters of the school district at the next regular
50 school election or at a special election one of the

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1 elections specified in section 277.2. If the board
2 submits the question at an election and a majority of
3 those voting on the question favors participation in
4 the program, the board shall adopt a resolution to
5 participate and certify the results of the election to
6 the department of management.
7 Sec. 10. Section 257.18, subsection 2, unnumbered
8 paragraph 1, Code 2001, is amended to read as follows:
9 If the board does not provide for an election and
10 adopts a resolution to participate in the
11 instructional support program, the district shall
12 participate in the instructional support program
13 unless within twenty-eight days following the action
14 of the board, the secretary of the board receives a
15 petition containing the required number of signatures,
16 asking that an election be called to approve or
17 disapprove the action of the board in adopting the
18 instructional support program. The petition must be
19 signed by eligible electors equal in number to not
20 less than one hundred or thirty percent of the number
21 of voters at the last preceding regular school
22 election, whichever is greater. The board shall
23 either rescind its action or direct the county
24 commissioner of elections to submit the question to
25 the registered voters of the school district at the
26 ~~next following regular school election or a special~~
27 election one of the elections specified in section
28 277.2. If a majority of those voting on the question
29 at the election favors disapproval of the action of
30 the board, the district shall not participate in the
31 instructional support program. If a majority of those
32 voting on the question favors approval of the action,

33 the board shall certify the results of the election to
34 the department of management and the district shall
35 participate in the program.

36 Sec. 11. Section 257.29, unnumbered paragraph 1,
37 Code 2001, is amended to read as follows:

38 An educational improvement program is established
39 to provide additional funding for school districts in
40 which the regular program district cost per pupil for
41 a budget year is one hundred ten percent of the
42 regular program state cost per pupil for the budget
43 year and which have approved the use of the
44 instructional support program established in section
45 257.18. A board of directors that wishes to consider
46 participating in the educational improvement program
47 shall hold a hearing on the question of participation
48 and the maximum percent of the regular program
49 district cost of the district that will be used. The
50 hearing shall be held in the manner provided in

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1 section 257.18 for the instructional support program.
2 Following the hearing, the board may direct the county
3 commissioner of elections to submit the question to
4 the registered voters of the school district at the
5 ~~next following regular school election or a special~~
6 ~~election held not later than the following February 1~~
7 ~~one of the elections specified in section 277.2 next~~
8 ~~following the hearing.~~ If a majority of those voting
9 on the question favors participation in the program,
10 the board shall adopt a resolution to participate and
11 shall certify the results of the election to the
12 department of management and the district shall
13 participate in the program beginning in the fiscal
14 year following the year of the election. If a
15 majority of those voting on the question does not
16 favor participation, the district shall not
17 participate in the program.

18 Sec. 12. Section 260C.28, subsection 3, Code 2001,
19 is amended to read as follows:

20 3. If the board of directors wishes to certify for
21 a levy under subsection 2, the board shall direct the
22 county commissioner of elections to ~~call an election~~
23 ~~to~~ submit the question of such authorization for the
24 board at a ~~regular or special election~~ one of the
25 elections specified in section 277.2. If a majority
26 of those voting on the question at the election favors
27 authorization of the board to make such a levy, the
28 board may certify for a levy as provided under
29 subsection 2 during each of the ten years following
30 the election. If a majority of those voting on the
31 question at the election does not favor authorization

32 of the board to make a levy under subsection 2, the
33 board shall not submit the question to the voters
34 again until three hundred fifty-five days have elapsed
35 from the election.

36 Sec. 13. Section 277.2, Code 2001, is amended to
37 read as follows:

38 **277.2 SPECIAL ELECTION.**

39 **1.** The board of directors in a school corporation
40 may call a special election at which the voters shall
41 have the powers exercised at the regular election with
42 reference to the sale of school property and the
43 application to be made of the proceeds, the
44 authorization of seven members on the board of
45 directors, the authorization to establish or change
46 the boundaries of director districts, and the
47 authorization of a voter-approved physical plant and
48 equipment levy or indebtedness, as provided by law.

49 **2. A proposition authorizing the issuance of bonds**
50 **or other indebtedness, or the imposition of, or**

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1 **increase in, a voter-approved property tax levy, local**
2 **option sales tax, or local income surtax, by a school**
3 **corporation may only be placed on the ballot at the**
4 **following elections:**

5 **a. The regular city election.**

6 **b. The general election.**

7 **c. The primary election.**

8 **d. A special election held on the first Tuesday**
9 **after the first Monday in June in the odd-numbered**
10 **year.**

11 Sec. 14. Section 278.1, unnumbered paragraph 2,
12 Code 2001, is amended to read as follows:

13 The board may, with approval of sixty percent of
14 the voters, voting ~~in a regular or special election in~~
15 ~~the school district~~ **at one of the elections specified**
16 **in section 277.2,** make extended time contracts not to
17 exceed twenty years in duration for rental of
18 buildings to supplement existing schoolhouse
19 facilities; and where it is deemed advisable for
20 buildings to be constructed or placed on real estate
21 owned by the school district, these contracts may
22 include lease-purchase option agreements, the amounts
23 to be paid out of the physical plant and equipment
24 levy fund.

25 Sec. 15. Section 279.39, Code 2001, is amended to
26 read as follows:

27 **279.39 SCHOOL BUILDINGS.**

28 The board of any school corporation shall establish
29 attendance centers and provide suitable buildings for
30 each school in the district and may at the regular or

31 a special meeting ~~call a special election~~ direct the
32 county commissioner of elections to submit to the
33 registered voters of the district the question of
34 voting a tax or authorizing the board to issue bonds,
35 or both, at one of the elections specified in section
36 277.2.

37 Sec. 16. Section 298.9, Code 2001, is amended to
38 read as follows:

39 298.9 SPECIAL LEVIES.

40 If the voter-approved physical plant and equipment
41 levy, consisting solely of a physical plant and
42 equipment property tax levy, is voted at a ~~special~~
43 election one of the elections specified in section
44 277.2, and certified to the board of supervisors after
45 the regular levy is made, the board shall at its next
46 regular meeting levy the tax and cause it to be
47 entered upon the tax list to be collected as other
48 school taxes. If the certification is filed prior to
49 May 1, the annual levy shall begin with the tax levy
50 of the year of filing. If the certification is filed

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1 after May 1 in a year, the levy shall begin with the
2 levy of the fiscal year succeeding the year of the
3 filing of the certification.

4 Sec. 17. Section 298.18, unnumbered paragraphs 4
5 and 6, Code 2001, are amended to read as follows:

6 The amount estimated and certified to apply on
7 principal and interest for any one year may exceed two
8 dollars and seventy cents per thousand dollars of
9 assessed value by the amount approved by the voters of
10 the school corporation, but not exceeding four dollars
11 and five cents per thousand of the assessed value of
12 the taxable property within any school corporation,
13 provided that the ~~qualified registered~~ voters of such
14 the school corporation have first approved such the
15 increased amount at a special election, which may be
16 held at the same time as the regular school election
17 one of the elections specified in section 277.2. The

18 proposition submitted to the voters at such special
19 election shall be in substantially the following form:

20 Notice of the election shall be given by the county
21 commissioner of elections according to section 49.53.
22 ~~The election shall be held on a date~~ notice must be
23 published not less than four nor more than twenty days
24 ~~after the last publication of the notice before the~~
25 election. At ~~such the~~ election the ballot used for
26 the submission of ~~said the~~ proposition shall be in
27 substantially the form for submitting special
28 questions at general elections. ~~The If a special~~
29 election, the county commissioner of elections shall

30 conduct the election pursuant to the provisions of
31 chapters 39 to 53 and certify the results to the board
32 of directors. ~~Such~~ The proposition shall not be
33 deemed ~~carried or~~ adopted unless the vote in favor of
34 ~~such~~ the proposition is equal to at least sixty
35 percent of the total vote cast for and against ~~said~~
36 the proposition at ~~said~~ the election. Whenever such a
37 proposition has been approved by the voters of a
38 school corporation as ~~hereinbefore~~ provided in this
39 section, no further approval of the voters of ~~such~~ the
40 school corporation shall be required as a result of
41 any subsequent change in the boundaries of ~~such~~ the
42 school corporation.

43 Sec. 18. Section 298.18A, subsection 2, Code 2001,
44 is amended to read as follows:

45 2. The adjustment shall not result in a total
46 amount levied in excess of the two dollar and seventy
47 cent per thousand dollars of assessed valuation limit
48 provided in section 298.18. An adjustment in excess
49 of the two dollar and seventy cent per thousand
50 dollars of assessed valuation limit shall be subject

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1 to the ~~special~~ election provisions for increases of up
2 to four dollars and five cents per thousand dollars of
3 assessed valuation provisions of section 298.18.

4 Sec. 19. Section 298.21, unnumbered paragraph 1,
5 Code 2001, is amended to read as follows:

6 The board of directors of any school corporation
7 when authorized by the voters at ~~the regular election~~
8 ~~or at a special election called for that purpose, one~~
9 ~~of the elections specified in section 277.2~~ may issue
10 the negotiable, interest-bearing school bonds of said
11 corporation for borrowing money for any or all of the
12 following purposes:

13 Sec. 20. Section 300.2, unnumbered paragraphs 1
14 and 2, Code 2001, are amended to read as follows:

15 The board of directors of a school district may,
16 and upon receipt of a petition signed by eligible
17 electors equal in number to at least twenty-five
18 percent of the number of voters at the last preceding
19 school election, shall, direct the county commissioner
20 of elections to submit to the registered voters of the
21 school district the question of whether to levy a tax
22 of not to exceed thirteen and one-half cents per
23 thousand dollars of assessed valuation for public
24 educational and recreational activities authorized
25 under this chapter. ~~If at the time of filing the~~
26 ~~petition, it is more than three months until the next~~
27 ~~regular school election, the~~ The board of directors
28 shall submit the question at a ~~special election within~~

29 ~~sixty days. Otherwise, the question shall be~~
30 ~~submitted at the next regular school election one of~~
31 ~~the elections specified in section 277.2.~~

32 If a majority of the votes cast upon the
33 proposition is in favor of the proposition, the board
34 shall certify the amount required for a fiscal year to
35 the county board of supervisors by April 15 of the
36 fiscal year preceding the fiscal year in which the tax
37 will be levied. The board of supervisors shall levy
38 the amount certified. The amount shall be placed in
39 the public education and recreation levy fund of the
40 district and shall be used only for the purposes
41 specified in this chapter.

42 Sec. 21. Section 331.301, subsection 10, paragraph
43 e, subparagraph (2), subparagraph divisions (a) and
44 (b), Code 2001, are amended to read as follows:

45 (a) The board must institute proceedings for
46 entering into a lease or lease-purchase contract
47 payable from the general fund by causing a notice of
48 the meeting to discuss entering into the lease or
49 lease-purchase contract, including a statement of the
50 principal amount and purpose of the lease or lease-

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1 purchase and the right to petition for ~~an election the~~
2 ~~proposition to be submitted at one of the elections~~
3 ~~specified in section 39.26, subsection 1,~~ to be
4 published as provided in section 331.305 at least ten
5 days prior to the discussion meeting. No sooner than
6 thirty days following the discussion meeting shall the
7 board hold a meeting at which it is proposed to take
8 action to enter into the lease or lease-purchase
9 contract.

10 (b) If at any time before the end of the thirty-
11 day period after which a meeting may be held to take
12 action to enter into the lease or lease-purchase
13 contract, a petition is filed with the auditor in the
14 manner provided by section 331.306, asking that the
15 question of entering into the lease or lease-purchase
16 contract be submitted to the registered voters of the
17 county, the board shall either by resolution declare
18 the proposal to enter into the lease or lease-purchase
19 contract to have been abandoned or shall direct the
20 county commissioner of elections to ~~call a special~~
21 ~~election upon submit~~ the question of entering into the
22 lease or lease-purchase contract at one of the
23 elections specified in section 39.26, subsection 1.
24 However, for purposes of this subparagraph, the
25 petition shall not require signatures in excess of one
26 thousand persons. The question to be placed on the
27 ballot shall be stated affirmatively in substantially

28 the following manner: Shall the county of enter
29 into a lease or lease-purchase contract in an amount
30 of \$.... for the purpose of? Notice of the
31 election and its conduct shall be in the manner
32 provided in section 331.442, subsections 2 through 4.
33 Sec. 22. Section 331.402, subsection 3, paragraph
34 d, subparagraph (2), subparagraph subdivisions (a) and
35 (b), Code 2001, are amended to read as follows:
36 (a) The board must institute proceedings for
37 entering into a loan agreement payable from the
38 general fund by causing a notice of the meeting to
39 discuss entering into the loan agreement, including a
40 statement of the principal amount and purpose of the
41 loan agreement and the right to petition for an
42 election the proposition to be submitted at one of the
43 elections specified in section 39.26, subsection 1, to
44 be published as provided in section 331.305 at least
45 ten days prior to the discussion meeting. No sooner
46 than thirty days following the discussion meeting
47 shall the board hold a meeting at which it is proposed
48 to take action to enter into the loan agreement.
49 (b) If at any time before the end of the thirty-
50 day period after which a meeting may be held to take

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1 action to enter into the loan agreement, a petition is
2 filed with the auditor in the manner provided by
3 section 331.306 asking that the question of entering
4 into the loan agreement be submitted to the registered
5 voters of the county, the board shall either by
6 resolution declare the proposal to enter into the loan
7 agreement to have been abandoned or shall direct the
8 county commissioner of elections to ~~call a special~~
9 ~~election upon~~ submit the question of entering into the
10 loan agreement at one of the elections specified in
11 section 39.26, subsection 1. However, for purposes of
12 this subparagraph, the petition shall not require
13 signatures in excess of one thousand persons. The
14 question to be placed on the ballot shall be stated
15 affirmatively in substantially the following manner:
16 Shall the county of enter into a loan agreement
17 in amount of \$.... for the purpose of? Notice of
18 the election and its conduct shall be in the manner
19 provided in section 331.442, subsections 2 through 4.
20 Sec. 23. Section 331.441, subsection 2, paragraph
21 b, subparagraph (7), Code 2001, is amended to read as
22 follows:
23 (7) Enlargement and improvement of a county
24 hospital acquired and operated under chapter 347A,
25 subject to a maximum of two percent of the assessed
26 value of the taxable property in the county. However,

27 notice of the proposed bond issue shall be published
28 once each week for two consecutive weeks and if,
29 within twenty days following the date of the first
30 publication, a petition requesting ~~an election on that~~
31 the proposal be submitted at one of the elections
32 specified in section 39.26, subsection 1, and signed
33 by qualified registered voters of the county equal to
34 at least twenty percent of the votes cast at the
35 preceding election for governor is filed with the
36 county auditor, the proposal is subject to the
37 election requirements in section 331.442, subsections
38 2, 3 and 4 for general county purpose bonds.
39 Sec. 24. Section 331.441, subsection 2, paragraph
40 b, subparagraph (12), subparagraph subdivision (b),
41 Code 2001, is amended to read as follows:
42 (b) ~~General~~ The proposition to issue general
43 obligation bonds for the purposes described in this
44 subparagraph ~~are is~~ subject to ~~an election held in the~~
45 manner provided in section 331.442, subsections 1
46 through 4, if not later than fifteen days following
47 the action by the county board of supervisors,
48 eligible voters file a petition with the county
49 commissioner of elections asking that the question of
50 issuing the bonds be submitted to the registered

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1 voters of the special service area tax district. The
2 petition must be signed by at least five percent of
3 the registered voters residing in the special service
4 area tax district. If the petition is duly filed
5 within the fifteen days, the board of supervisors
6 shall either adopt a resolution declaring that the
7 proposal to issue the bonds is abandoned, or direct
8 the county commissioner of elections to ~~call a special~~
9 ~~election~~ submit the proposition within a special
10 service area tax district ~~upon the question of issuing~~
11 ~~the bonds at one of the elections specified in section~~
12 39.26, subsection 1.
13 Sec. 25. Section 331.441, subsection 2, paragraph
14 c, subparagraph (3), Code 2001, is amended to read as
15 follows:
16 (3) The building and maintenance of a bridge over
17 state boundary line streams. The board shall submit a
18 proposition under this subparagraph ~~to an election at~~
19 one of the elections specified in section 39.26,
20 subsection 1, upon receipt of a petition which is
21 valid under section 331.306.
22 Sec. 26. Section 331.442, subsection 2, unnumbered
23 paragraph 1, Code 2001, is amended to read as follows:
24 Before the board may institute proceedings for the
25 issuance of bonds for a general county purpose, it

26 shall call a ~~county special election to vote upon the~~
27 ~~question of issuing the bonds for the proposition to~~
28 ~~issue the bonds to be submitted at one of the~~
29 ~~elections specified in section 39.26, subsection 1.~~

30 At the election the proposition shall be submitted in
31 the following form:

32 Sec. 27. Section 331.442, subsection 3, Code 2001,
33 is amended to read as follows:

34 3. Notice of the election ~~ballot measure~~ shall be
35 given by publication as specified in section 331.305.
36 ~~At the election If the measure is submitted at a~~
37 ~~special election~~, the ballot used for the submission
38 of the proposition shall be in substantially the form
39 for submitting special questions at general elections.

40 Sec. 28. Section 331.442, subsection 5, paragraph
41 a, unnumbered paragraph 1, Code 2001, is amended to
42 read as follows:

43 Notwithstanding subsection 2, a board, in lieu of
44 ~~calling an~~ submitting the proposition at election, may
45 institute proceedings for the issuance of bonds for a
46 general county purpose by causing a notice of the
47 proposal to issue the bonds, including a statement of
48 the amount and purpose of the bonds, and the right to
49 petition for an election, to be published as provided
50 in section 331.305 at least ten days prior to the

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1 meeting at which it is proposed to take action for the
2 issuance of the bonds subject to the following
3 limitations:

4 Sec. 29. Section 331.442, subsection 5, paragraph
5 b, Code 2001, is amended to read as follows:

6 b. If at any time before the date fixed for taking
7 action for the issuance of the bonds, a petition is
8 filed with the auditor in the manner provided by
9 section 331.306 asking that the question of issuing
10 the bonds be submitted to the registered voters of the
11 county, the board shall either by resolution declare
12 the proposal to issue the bonds to have been abandoned
13 or shall direct the county commissioner of elections
14 to ~~call a special election upon~~ submit the question of
15 issuing the bonds ~~at one of the elections specified in~~
16 ~~section 39.26, subsection 1.~~ Notice of the election
17 ~~and its conduct~~ ballot measure shall be in the manner
18 provided in subsections 2, 3 and 4.

19 Sec. 30. Section 331.447, subsection 1, paragraph
20 b, unnumbered paragraph 1, Code 2001, is amended to
21 read as follows:

22 The amount estimated and certified to apply on
23 principal and interest for any one year may only
24 exceed the statutory rate of levy limit, if any, by

25 the amount that the registered voters of the county
26 have approved at a special election, which may be held
27 ~~at the same time as the general election and may be~~
28 included in the proposition authorizing the issuance
29 of bonds, if an election on the proposition is
30 necessary, or may be submitted as a separate
31 proposition at the same election or at a different
32 election as specified in section 39.26, subsection 1.
33 Notice of the election ballot measure shall be given
34 as specified in section 331.305. If the proposition
35 includes issuing bonds and increasing the levy limit,
36 it shall be in substantially the following form:
37 Sec. 31. Section 346.27, subsection 10, Code 2001,
38 is amended to read as follows:
39 10. After the incorporation of an authority, and
40 before the sale of any issue of revenue bonds, except
41 refunding bonds, the authority shall submit ~~in a~~
42 single at one of the countywide election elections
43 specified in section 39.26 to the registered voters of
44 ~~the city and county, at a general, primary, or special~~
45 ~~election called for that purpose,~~ the question of
46 whether an authority shall issue and sell revenue
47 bonds, stating the amount, for any of the purposes for
48 which it is incorporated. An affirmative vote of a
49 majority of the votes cast on the proposition is
50 required to authorize the issuance and sale of revenue

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1 bonds. A notice of the election shall be published
2 once each week for at least two weeks in some
3 newspaper published in the county. The notice shall
4 name the time when the question shall be submitted,
5 and a copy of the question to be submitted shall be
6 posted at each polling place during the day of
7 election. The authority shall call this election with
8 the concurrence of both incorporating units, and it
9 shall establish the voting precincts and polling
10 places, and appoint the election judges, and in so
11 doing such election procedures shall be in accordance
12 with the provisions of chapters 49 and 50.
13 Sec. 32. Section 364.4, subsection 4, paragraph e,
14 subparagraph (2), subparagraph subdivision (b), Code
15 2001, is amended to read as follows:
16 (b) If at any time before the end of the thirty-
17 day period after which a meeting may be held to take
18 action to enter into the lease or lease-purchase
19 contract, a petition is filed with the clerk of the
20 city in the manner provided by section 362.4, asking
21 that the question of entering into the lease or lease-
22 purchase contract be submitted to the registered
23 voters of the city, the governing body shall either by

24 resolution declare the proposal to enter into the
25 lease or lease-purchase contract to have been
26 abandoned or shall direct the county commissioner of
27 elections to ~~call a special election upon~~ submit the
28 question of entering into the lease or lease-purchase
29 contract at one of the elections specified in section
30 39.26, subsection 2. However, for purposes of this
31 subparagraph, the petition shall not require
32 signatures in excess of one thousand persons. The
33 question to be placed on the ballot shall be stated
34 affirmatively in substantially the following manner:
35 Shall the city of enter into a lease or lease-
36 purchase contract in amount of \$.... for the purpose
37 of? Notice of the election and its conduct shall
38 be in the manner provided in section 384.26,
39 subsections 2 through 4.
40 Sec. 33. Section 384.12, subsection 1, paragraph
41 a, Code 2001, is amended to read as follows:
42 a. Upon receipt of a petition valid under the
43 provisions of section 362.4, the council shall submit
44 to the voters at ~~the next regular city election~~ one of
45 the elections specified in section 39.26, subsection
46 2, the question of whether a tax shall be levied.
47 Sec. 34. Section 384.12, subsections 5 and 6, Code
48 2001, are amended to read as follows:
49 5. A tax to aid in the construction of a county
50 bridge, subject to the provisions of subsection 1,

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1 ~~except that the question must be submitted at a~~
2 ~~special election~~. The expense of a special election
3 under this subsection must be paid by the county. The
4 notice of the ~~special election~~ ballot measure must
5 include full details of the proposal, including the
6 location of the proposed bridge, the rate of tax to be
7 levied, and all other conditions.
8 6. A tax to aid a company incorporated under the
9 laws of this state in the construction of a highway or
10 combination bridge across any navigable boundary river
11 of this state, commencing or terminating in the city
12 and suitable for use as highway, or for both highway
13 and railway purposes. This tax levy is subject to the
14 provisions of subsections 1 and 5. The levy is
15 limited to one dollar and thirty-five cents per
16 thousand dollars of the assessed value of taxable
17 property in the city. The estimated cost of the
18 bridge must be at least ten thousand dollars, and the
19 city aid may not exceed one-half of the estimated
20 cost. The notice of the ~~special election~~ ballot
21 measure must include the name of the corporation to be
22 aided, and all conditions required of the corporation.

23 Tax moneys received for this purpose may not be paid
24 over by the county treasurer until the city has filed
25 a statement that the corporation has complied with all
26 conditions.

27 Sec. 35. Section 384.12, subsection 9, unnumbered
28 paragraph 1, Code 2001, is amended to read as follows:

29 A tax for aid to a public transportation company,
30 subject to the procedure provided in subsection 1,
31 ~~except the question must be submitted at a special~~
32 ~~election.~~ The levy is limited to three and three-
33 eighths cents per thousand dollars of assessed value.
34 In addition to any other conditions the following
35 requirements must be met before moneys received for
36 this purpose may be paid over by the county treasurer:

37 Sec. 36. Section 384.12, subsection 20, Code 2001,
38 is amended to read as follows:

39 20. a. A tax that exceeds any tax levy limit
40 within this chapter, provided the question has been
41 submitted at ~~a special levy election~~ one of the
42 elections specified in section 39.26, subsection 2,
43 and received a simple majority of the votes cast on
44 the proposition to authorize the enumerated levy limit
45 to be exceeded for the proposed budget year.

46 ~~a. The election may be held as specified in this~~
47 ~~subsection if notice is given by the city council, not~~
48 ~~later than thirty-two days before the second Tuesday~~
49 ~~in March, to the county commissioner of elections that~~
50 ~~the election is to be held.~~

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1 ~~b. An election under this subsection shall be held~~
2 ~~on the second Tuesday in March and be conducted by the~~
3 ~~county commissioner of elections in accordance with~~
4 ~~the law.~~

5 ~~e. b.~~ The ballot question shall be in
6 substantially the following form:

7 WHICH TAX LEVY SHALL BE ADOPTED FOR THE CITY OF

8?

9 (Vote for only one of the following choices.)

10 CHANGE LEVY AMOUNT

11 Add to the existing levy amount a tax for the
12 purpose of (state purpose of proposed levy)
13 at a rate of ... (rate) which will provide an
14 additional \$.... (amount).

15 KEEP CURRENT LEVY

16 Continue under the current maximum rate of ...,
17 providing \$.... (amount).

18 ~~d. c.~~ The commissioner of elections conducting the
19 election shall notify the city officials and other
20 county auditors where applicable, of the results
21 within two days of the canvass which shall be held

22 beginning at one o'clock on the second day following
23 the ~~special levy~~ election.

24 e. ~~d.~~ Notice of the election ballot measure shall
25 be published twice in accordance with the provisions
26 of section 362.3, except that the first such notice
27 shall be given at least two weeks before the election.

28 f. ~~e.~~ ~~The If a special election, the~~ cost of the
29 election shall be borne by the city.

30 g. ~~The election provisions of this subsection~~
31 ~~shall supersede other provisions for elections only to~~
32 ~~the extent necessary to comply with the provisions~~
33 ~~hereof.~~

34 h. ~~f.~~ The provisions of this subsection apply to
35 all cities, however organized, including special
36 charter cities which may adopt ordinances where
37 necessary to carry out these provisions.

38 i. ~~g.~~ The council shall certify the city's budget
39 with the tax askings not exceeding the amount approved
40 by the ~~special levy~~ election.

41 Sec. 37. Section 384.24A, subsection 4, paragraph
42 b, subparagraph (2), Code 2001, is amended to read as
43 follows:

44 (2) If at any time before the end of the thirty-
45 day period after which a meeting may be held to take
46 action to enter into the loan agreement, a petition is
47 filed with the clerk of the city in the manner
48 provided by section 362.4, asking that the question of
49 entering into the loan agreement be submitted to the
50 registered voters of the city, the governing body

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1 shall either by resolution declare the proposal to
2 enter into the loan agreement to have been abandoned
3 or shall direct the county commissioner of elections
4 to ~~call a special election upon~~ submit the question of
5 entering into the loan agreement at one of the
6 elections specified in section 39.26, subsection 2.

7 However, for purposes of this paragraph, the petition
8 shall not require signatures in excess of one thousand
9 persons. The question to be placed on the ballot
10 shall be stated affirmatively in substantially the
11 following manner: Shall the city of enter into a
12 loan agreement in amount of \$.... for the purpose of
13? Notice of the election ~~and its conduct~~ ballot
14 measure shall be in the manner provided in section
15 384.26, subsections 2 through 4.

16 Sec. 38. Section 384.26, subsection 2, unnumbered
17 paragraph 1, Code 2001, is amended to read as follows:

18 Before the council may institute proceedings for
19 the issuance of bonds for a general corporate purpose,
20 it shall ~~call a special city election to vote upon~~

21 direct the county commissioner of elections to submit
22 the question of issuing the bonds at one of the
23 elections specified in section 39.26, subsection 2.

24 At the election the proposition must be submitted in
25 the following form:

26 Sec. 39. Section 384.26, subsection 3, Code 2001,
27 is amended to read as follows:

28 3. Notice of the election ballot measure must be
29 given by publication as required by section 49.53 in a
30 newspaper of general circulation in the city. At the
31 election the ballot used for the submission of the
32 proposition must be in substantially the form for
33 submitting special questions at general elections.

34 Sec. 40. Section 384.26, subsection 5, paragraph
35 a, unnumbered paragraph 1, Code 2001, is amended to
36 read as follows:

37 Notwithstanding the provisions of subsection 2, a
38 council may, in lieu of ~~calling an~~ submitting the
39 proposition at election, institute proceedings for the
40 issuance of bonds for a general corporate purpose by
41 causing a notice of the proposal to issue the bonds,
42 including a statement of the amount and purpose of the
43 bonds, together with the maximum rate of interest
44 which the bonds are to bear, and the right to petition
45 for an election, to be published at least once in a
46 newspaper of general circulation within the city at
47 least ten days prior to the meeting at which it is
48 proposed to take action for the issuance of the bonds
49 subject to the following limitations:

50 Sec. 41. Section 384.26, subsection 5, paragraph

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1 b, Code 2001, is amended to read as follows:

2 b. If at any time before the date fixed for taking
3 action for the issuance of the bonds, a petition is
4 filed with the clerk of the city in the manner
5 provided by section 362.4, asking that the question of
6 issuing the bonds be submitted to the registered
7 voters of the city, the council shall either by
8 resolution declare the proposal to issue the bonds to
9 have been abandoned or shall direct the county
10 commissioner of elections to ~~call a special election~~
11 ~~upon submit~~ the question of issuing the bonds at one
12 of the elections specified in section 39.26,
13 subsection 2. Notice of the election ~~and its conduct~~
14 ballot measure shall be in the manner provided in the
15 preceding subsections of this section.

16 Sec. 42. Section 384.84A, subsection 2, unnumbered
17 paragraph 1, Code 2001, is amended to read as follows:

18 If, before the date fixed for taking action to
19 authorize the issuance of revenue bonds for the storm

20 water drainage construction project, a petition signed
21 by three percent of the registered voters of the city,
22 asking that the question of issuing revenue bonds for
23 the storm water drainage construction project be
24 submitted to the registered voters of the city, the
25 council, by resolution, shall declare the project
26 abandoned or shall direct the county commissioner of
27 elections to ~~call a special election upon~~ submit the
28 question of issuing the bonds for the storm water
29 drainage construction project at one of the elections
30 specified in section 39.26, subsection 2, if the cost
31 of the project and population of the city meet one of
32 the following criteria:

33 Sec. 43. Section 422A.1, unnumbered paragraph 3,
34 Code 2001, is amended to read as follows:

35 A city or county shall impose a hotel and motel tax
36 or increase the tax rate, only after an election at
37 which a majority of those voting on the question
38 favors imposition or increase. However, a hotel and
39 motel tax shall not be repealed or reduced in rate if
40 obligations are outstanding which are payable as
41 provided in section 422A.2, unless funds sufficient to
42 pay the principal, interest, and premium, if any, on
43 the outstanding obligations at and prior to maturity
44 have been properly set aside and pledged for that
45 purpose. ~~The election shall be held at the time of~~
46 ~~that city's or county's general election or at the~~
47 ~~time of a special election. For a county, the~~
48 question shall be submitted at one of the elections
49 specified in section 39.26, subsection 1, and for a
50 city, the question shall be submitted at one of the

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1 elections specified in section 39.26, subsection 2.

2 Sec. 44. Section 422A.2, subsection 4, paragraph
3 f, unnumbered paragraphs 1 and 2, Code 2001, are
4 amended to read as follows:

5 A city or county acting on behalf of an
6 unincorporated area may, in lieu of calling ~~an~~ for the
7 question to be placed on the ballot at election,
8 institute proceedings for the issuance of bonds under
9 this section by causing a notice of the proposal to
10 issue the bonds, including a statement of the amount
11 and purpose of the bonds, together with the maximum
12 rate of interest which the bonds are to bear, and the
13 right to petition for an election, to be published at
14 least once in a newspaper of general circulation
15 within the city or unincorporated area at least ten
16 days prior to the meeting at which it is proposed to
17 take action for the issuance of the bonds.

18 If at any time before the date fixed for taking

19 action for the issuance of the bonds, a petition
20 signed by three percent of the registered voters of
21 the city or unincorporated area, asking that the
22 question of issuing the bonds be submitted to the
23 registered voters of the city or unincorporated area,
24 the council or board of supervisors acting on behalf
25 of an unincorporated area shall either by resolution
26 declare the proposal to issue the bonds to have been
27 abandoned or shall direct the county commissioner of
28 elections to ~~call a special election upon~~ submit the
29 question of issuing the bonds to the voters. For a
30 county, the question shall be submitted at one of the
31 elections specified in section 39.26, subsection 1.
32 For a city, the question shall be submitted at one of
33 the elections specified in section 39.26, subsection
34 2.

35 Sec. 45. Section 422B.1, subsection 5, Code 2001,
36 is amended to read as follows:

37 5. The county commissioner of elections shall
38 submit the question of imposition of a local option
39 tax at ~~a state general election or at a special~~
40 ~~election held at any time other than the time of a~~
41 ~~city regular election~~ one of the elections specified
42 in section 39.26, subsection 1. ~~The election shall~~
43 ~~not be held sooner than sixty days after publication~~
44 ~~of notice of the ballot proposition. Notice of the~~
45 ballot measure shall be published at least sixty days
46 before the election. The ballot proposition shall
47 specify the type and rate of tax and in the case of a
48 vehicle tax the classes that will be exempt and in the
49 case of a local sales and services tax the date it
50 will be imposed which date shall not be earlier than

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1 ninety days following the election. The ballot
2 proposition shall also specify the approximate amount
3 of local option tax revenues that will be used for
4 property tax relief and shall contain a statement as
5 to the specific purpose or purposes for which the
6 revenues shall otherwise be expended. If the county
7 board of supervisors decides under subsection 6 to
8 specify a date on which the local option sales and
9 services tax shall automatically be repealed, the date
10 of the repeal shall also be specified on the ballot.
11 The rate of the vehicle tax shall be in increments of
12 one dollar per vehicle as set by the petition seeking
13 to impose the tax. The rate of a local sales and
14 services tax shall not be more than one percent as set
15 by the governing body. The state commissioner of
16 elections shall establish by rule the form for the
17 ballot proposition which form shall be uniform

18 throughout the state.

19 Sec. 46. Section 422B.12, subsection 4, paragraph
20 a, unnumbered paragraph 2, Code 2001, is amended to
21 read as follows:

22 If at any time before the date fixed for taking
23 action for the issuance of the bonds, a petition
24 signed by three percent of the registered voters of
25 the bond issuer is filed, asking that the question of
26 issuing the bonds be submitted to the registered
27 voters, the governing body shall either by resolution
28 declare the proposal to issue the bonds to have been
29 abandoned or shall direct the county commissioner of
30 elections to ~~call a special election upon submit~~ the
31 question of issuing the bonds to the voters. For a
32 county, the question shall be submitted at one of the
33 elections specified in section 39.26, subsection 1.
34 For a city, the question shall be submitted at one of
35 the elections specified in section 39.26, subsection
36 2. The proposition of issuing bonds under this
37 subsection is not approved unless the vote in favor of
38 the proposition is equal to at least sixty percent of
39 the vote cast. If a petition is not filed, or if a
40 petition is filed and the proposition of issuing the
41 bonds is approved at an election, the governing body
42 acting on behalf of the issuer may proceed with the
43 authorization and issuance of the bonds. Bonds may be
44 issued for the purpose of refunding outstanding and
45 previously issued bonds under this subsection without
46 otherwise complying with the provisions of this
47 subsection.

48 Sec. 47. Section 422D.1, subsection 2, unnumbered
49 paragraph 1, Code 2001, is amended to read as follows:
50 The taxes for emergency medical services shall only

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1 be imposed after an election at which a majority of
2 those voting on the question of imposing the tax or
3 combination of taxes specified in subsection 1,
4 paragraph "a" or "b", vote in favor of the question.
5 However, the tax or combination of taxes specified in
6 subsection 1 shall not be imposed on property within
7 or on residents of a benefited emergency medical
8 services district under chapter 357F. The question of
9 imposing the tax or combination of the taxes may be
10 submitted ~~at the regular city election, a special~~
11 ~~election, or state general election~~ one of the
12 elections specified in section 39.26, subsection 2.
13 Notice of the question shall be provided by
14 publication at least sixty days before the time of the
15 election and shall identify the tax or combination of
16 taxes and the rate or rates, as applicable. If a

17 majority of those voting on the question approve the
18 imposition of the tax or combination of taxes, the tax
19 or combination of taxes shall be imposed as follows:

20 Sec. 48. Section 422E.2, subsection 2, paragraph
21 a, Code 2001, is amended to read as follows:

22 a. Upon receipt by a county board of supervisors
23 of a petition requesting imposition of a local sales
24 and services tax for infrastructure purposes, signed
25 by eligible electors of the whole county equal in
26 number to five percent of the persons in the whole
27 county who voted at the last preceding state general
28 election, the board shall within thirty days direct
29 the county commissioner of elections to submit the
30 question of imposition of the tax to the registered
31 voters of the whole county at one of the elections
32 specified in section 39.26, subsection 1.

33 Sec. 49. Section 422E.2, subsection 3, Code 2001,
34 is amended to read as follows:

35 3. The county commissioner of elections shall
36 submit the question of imposition of a local sales and
37 services tax for school infrastructure purposes at a
38 ~~state general election or at a special election held~~
39 ~~at any time other than the time of a city regular~~
40 ~~election one of the elections specified in section~~
41 ~~39.26, subsection 1. The election shall not be held~~
42 ~~sooner than sixty days after publication of notice of~~
43 ~~the ballot proposition. The ballot proposition shall~~
44 ~~be published at least sixty days before the election.~~
45 The ballot proposition shall specify the rate of tax,
46 the date the tax will be imposed and repealed, and
47 shall contain a statement as to the specific purpose
48 or purposes for which the revenues shall be expended.
49 The dates for the imposition and repeal of the tax
50 shall be as provided in subsection 1. The rate of tax

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1 shall not be more than one percent as set by the
2 county board of supervisors. The state commissioner
3 of elections shall establish by rule the form for the
4 ballot proposition which form shall be uniform
5 throughout the state.

6 Sec. 50. Section 422E.2, subsection 4, paragraph
7 a, Code 2001, is amended to read as follows:

8 a. The tax may be repealed or the rate increased,
9 but not above one percent, or decreased after an
10 election at which a majority of those voting on the
11 question of repeal or rate change favored the repeal
12 or rate change. The election at which the question of
13 repeal or rate change is offered shall be called and
14 held in the same manner and under the same conditions
15 as provided in this section for the election on the

16 imposition of the tax. ~~The election may be held at~~
17 ~~any time but not sooner than sixty days following~~
18 ~~publication of the ballot proposition. The ballot~~
19 ~~proposition shall be published at least sixty days~~
20 ~~before the election.~~ However, the tax shall not be
21 repealed before it has been in effect for one year.
22 Sec. 51. Section 422E.2, subsection 4, paragraph
23 b, unnumbered paragraph 1, Code 2001, is amended to
24 read as follows:
25 Within ten days of the election at which a majority
26 of those voting on the question favors the imposition,
27 repeal, or change in the rate of the tax, the county
28 auditor shall give written notice by sending a copy of
29 the abstract of the votes from the favorable election
30 to the director of revenue and finance of the result
31 of the election. ~~Election~~ The costs of placing the
32 question on the ballot at the election shall be
33 apportioned among school districts within the county
34 on a pro rata basis in proportion to the number of
35 registered voters in each school district and the
36 total number of registered voters in all of the school
37 districts within the county."

MILLAGE of Scott

H-1271

1 Amend House File 577 as follows:
2 1. Page 4, by inserting after line 35 the
3 following:
4 "Sec. ____ Section 476.20, Code 2001, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 6. a. The board shall establish
7 rules relating to payment plans for consumers, which
8 rules shall be uniform with respect to all public
9 utilities furnishing gas or electricity, including but
10 not limited to regulated utilities, municipally owned
11 utilities and unincorporated villages that own their
12 own distribution systems, and rural electric
13 cooperatives.
14 b. When a residential customer is subject to
15 disconnection of service, or has had service
16 disconnected, due to inability to pay for utility
17 service, the utility shall offer the residential
18 customer the opportunity to enter into a reasonable
19 agreement to pay the outstanding debt to the utility,
20 unless the customer is in default on a payment
21 agreement."
22 2. Title page, line 2, by inserting after the
23 word "electric" the following: "policy, including".
24 3. Title page, line 11, by inserting after the
25 word "agencies;" the following: "providing for

- 26 consumer payment plans for utility bills;".
27 4. By renumbering as necessary.

HATCH of Polk

H-1272

- 1 Amend House File 577 as follows:
2 1. Page 11, by inserting after line 32 the
3 following:
4 "Sec. . **NEW SECTION.** 476A.24A PUBLIC BONDS OR
5 OBLIGATIONS AUTHORIZED BY VOTE.
6 Notwithstanding the provisions of section 476A.24,
7 if the board of directors authorize the issuance of
8 public bonds or obligations totaling fifty million
9 dollars or more in the aggregate, the public bonds or
10 obligations shall not be issued until the proposal for
11 the issuance of the public bonds or obligations by the
12 electric power agency has been submitted to and
13 approved by a majority vote of the voters of each city
14 whose municipal utility is a member of the electric
15 power agency."
16 2. By renumbering as necessary.

HANSEN of Pottawattamie
JENKINS of Black Hawk

H-1273

- 1 Amend House File 525 as follows:
2 1. Page 1, line 30, by inserting before the word
3 "term" the following: "indeterminate".
4 2. Page 2, line 17, by inserting before the word
5 "term" the following: "indeterminate".
6 3. Page 2, line 34, by inserting before the word
7 "term" the following: "indeterminate".
8 4. Page 3, by striking lines 29 through 33 and
9 inserting the following: "terminate the person's
10 sentence. If a person has been sentenced to an
11 additional term of years under chapter 901A, or
12 section 902.13 or 903.2A, the person may be discharged
13 from the term in the same manner as a person on
14 parole. However, a person convicted of a violation".
15 5. Title page, line 2, by inserting before the
16 word "term" the following: "indeterminate".
17 6. Title page, line 2, by inserting after the
18 word "years" the following: "not to exceed two
19 years".

TREMMELE of Wapello

H-1279

- 1 Amend House File 593 as follows:
- 2 1. Page 1, lines 18 and 19, by striking the words
- 3 "who has not suffered bodily harm".
- 4 2. Page 4, by inserting after line 7 the
- 5 following:
- 6 "7. If it is determined that a newborn infant
- 7 surrendered under this section has been subject to
- 8 child abuse, as defined in section 232.68, or a child
- 9 endangerment offense under section 726.6, other than
- 10 abandonment, the department of human services in
- 11 determining whether the name of the perpetrator shall
- 12 be placed in the central child abuse registry under
- 13 section 232.71D and the court in determining a
- 14 sentence under section 726.6, shall consider the
- 15 parent's action in surrendering the newborn infant
- 16 under this section to be a positive mitigating
- 17 circumstance."

SMITH of Marshall

H-1280

- 1 Amend House File 593 as follows:
- 2 1. Page 1, line 1, by striking the word "NEWBORN"
- 3 and inserting the following: "INFANT".
- 4 2. Page 1, line 3, by striking the word "Newborn"
- 5 and inserting the following: "Infant".
- 6 3. Page 1, line 14, by striking the words
- 7 "Newborn infant" and inserting the following:
- 8 "Infant".
- 9 4. Page 1, line 15, by striking the words
- 10 "fourteen days" and inserting the following: "one
- 11 year".
- 12 5. Page 1, line 16, by striking the word
- 13 "NEWBORN".
- 14 6. Page 1, line 18, by striking the words "a
- 15 newborn" and inserting the following: "an".
- 16 7. Page 1, line 20, by striking the word
- 17 "newborn".
- 18 8. Page 1, line 21, by striking the word
- 19 "newborn".
- 20 9. Page 1, line 23, by striking the word
- 21 "newborn".
- 22 10. Page 1, line 26, by striking the word
- 23 "newborn".
- 24 11. Page 1, line 31, by striking the word
- 25 "newborn".
- 26 12. Page 1, line 34, by striking the word
- 27 "newborn".
- 28 13. Page 2, line 1, by striking the words "a

- 29 newborn" and inserting the following: "an".
30 14. Page 2, line 2, by striking the word
31 "newborn".
32 15. Page 2, line 3, by striking the word
33 "newborn".
34 16. Page 2, line 5, by striking the word
35 "newborn".
36 17. Page 2, line 7, by striking the word
37 "newborn".
38 18. Page 2, line 8, by striking the word
39 "newborn".
40 19. Page 2, line 12, by striking the word
41 "newborn".
42 20. Page 2, line 17, by striking the word
43 "newborn".
44 21. Page 2, line 20, by striking the word
45 "newborn".
46 22. Page 2, line 22, by striking the word
47 "newborn".
48 23. Page 2, line 26, by striking the word
49 "newborn".
50 24. Page 2, line 30, by striking the words "a

Page 2

- 1 newborn" and inserting the following: "an".
2 25. Page 2, line 33, by striking the word
3 "newborn".
4 26. Page 3, line 4, by striking the word "child"
5 and inserting the following: "infant".
6 27. Page 3, line 5, by striking the word "child"
7 and inserting the following: "infant".
8 28. Page 3, line 6, by striking the word "child"
9 and inserting the following: "infant".
10 29. Page 3, line 11, by striking the word
11 "newborn".
12 30. Page 3, line 12, by striking the word
13 "newborn".
14 31. Page 3, line 15, by striking the word
15 "newborn".
16 32. Page 3, line 17, by striking the word
17 "newborn".
18 33. Page 3, line 20, by striking the word
19 "newborn".
20 34. Page 3, line 29, by striking the word
21 "newborn".
22 35. Page 3, line 33, by striking the word
23 "newborn".
24 36. Page 3, line 35, by striking the word
25 "newborn".
26 37. Page 4, line 2, by striking the words "a
27 newborn" and inserting the following: "an".

- 28 38. Page 4, line 3, by striking the word
29 "newborn".
30 39. Page 4, line 4, by striking the word
31 "newborn".
32 40. Page 4, line 9, by striking the words "a
33 newborn" and inserting the following: "an".
34 41. Page 4, line 12, by striking the word
35 "newborn".
36 42. Page 4, line 14, by striking the word
37 "newborn".
38 43. Page 4, line 16, by striking the word
39 "newborn".
40 44. Page 4, line 17, by striking the word
41 "newborn".
42 45. Page 4, line 18, by striking the word
43 "newborn".
44 46. Page 4, line 19, by striking the word
45 "newborn".
46 47. Page 4, line 20, by striking the word
47 "newborn".
48 48. Page 4, line 22, by striking the word
49 "newborn".
50 49. Page 4, line 23, by striking the word

Page 3

- 1 "newborn".
2 50. Page 4, line 28, by striking the words "a
3 newborn" and inserting the following: "an".
4 51. Page 5, by striking line 2 and inserting the
5 following:
6 "b. The infant and the infant's counsel."
7 52. Page 5, line 3, by striking the word
8 "newborn".
9 53. Page 5, line 8, by striking the word
10 "newborn".
11 54. Page 5, line 9, by striking the word
12 "newborn".
13 55. Page 5, line 10, by striking the word
14 "newborn".
15 56. Page 5, line 11, by striking the word
16 "newborn".
17 57. Page 5, line 33, by striking the words "a
18 newborn" and inserting the following: "an".
19 58. Page 6, line 6, by striking the word
20 "newborn" and inserting the following: "infant".
21 59. Page 6, line 10, by striking the words "a
22 newborn" and inserting the following: "an".
23 60. Page 6, line 14, by striking the words "a
24 newborn" and inserting the following: "an".
25 61. Page 6, line 15, by striking the word "child"
26 and inserting the following: "infant".

27 62. Page 6, line 21, by striking the words "a
28 newborn" and inserting the following: "an".
29 63. Page 6, line 28, by striking the words "a
30 newborn" and inserting the following: "an".
31 64. Page 7, line 9, by striking the words "a
32 newborn" and inserting the following: "an".
33 65. Page 7, line 12, by striking the word
34 "newborn".
35 66. Page 7, lines 16 and 17, by striking the
36 words "a newborn" and inserting the following: "an".
37 67. Page 7, line 19, by striking the word
38 "newborn".
39 68. Title page, line 2, by striking the word
40 "newborn".

SMITH of Marshall

H-1282

1 Amend House File 382 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 249A.3, Code 2001, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 4A. The department shall
7 establish presumptive eligibility under the medical
8 assistance program for a child who is under nineteen
9 years of age. A determination of presumptive
10 eligibility shall be made only once in a twelve-month
11 period.
12 Sec. 2. NEW SECTION. 280.7A HEALTHY AND WELL
13 KIDS IN IOWA (HAWK-I) INFORMATION.
14 The board of directors of each school district
15 shall require the school district to provide healthy
16 and well kids in Iowa program information and
17 application forms to all students at the time of
18 school registration. The application forms shall be
19 provided by the healthy and well kids in Iowa program
20 pursuant to section 514I.7, subsection 2, paragraph
21 "h".
22 2. Page 1, by striking lines 5 through 9 and
23 inserting the following:
24 "a. Develop a program application form not to
25 exceed two pages in length, which is consistent with
26 the rules of the board, which is easy to understand,
27 complete, and concise, and which, to the greatest
28 extent possible, coordinates with the medical
29 assistance program. The program application form
30 shall provide a space in which the applicant may
31 provide the name and contact information of any person
32 who assisted the applicant in applying for the program
33 and may authorize the administrative contractor to

34 notify the person regarding the outcome of the
35 application with the sole purpose of the notification
36 being that the person will continue to assist the
37 applicant in obtaining and retaining health insurance
38 coverage."

39 3. Page 2, by inserting after line 19 the
40 following:

41 "Sec. __ Section 514I.5, subsection 8, paragraph
42 e, Code 2001, is amended by adding the following new
43 subparagraph:

44 NEW SUBPARAGRAPH. (15) (a) Care coordination.
45 For the purposes of this subparagraph subdivision,
46 "care coordination" means coordinating the provision
47 of services to children and families to assure that
48 the children receive health care services by promoting
49 the coordination of social supports and medical
50 services across organizations and providers. Care

Page 2

1 coordination may include but is not limited to
2 educating families about the services provided under
3 the family's health insurance coverage plan; assisting
4 families in selecting providers; assisting families
5 with scheduling of health care appointments,
6 transportation to attend health care appointments, and
7 translation during health care appointments; and
8 assisting families in accessing community support
9 services.

10 (b) Dental services including the coverage of
11 partial dentures and dentures, with an annual coverage
12 maximum of one thousand five hundred dollars.

13 (c) Mental health and substance abuse benefits
14 including coverage of Axis I diagnoses as specified in
15 the diagnostic and statistical manual of mental
16 disorders; coverage of the full continuum of treatment
17 services; provision of adequate provider panels; use
18 of admission, discharge, continued stay, and placement
19 criteria specific to children and adolescents; and the
20 use of Iowa juvenile placement criteria for substance
21 abuse services.

22 (d) Medically necessary nutrition services
23 provided by a licensed dietician based upon a
24 physician referral.

25 (e) Physical and occupational therapy services."

26 4. Page 3, by inserting after line 35 the
27 following:

28 "Sec. __ Section 514I.8, subsection 2, paragraph
29 c, Code 2001, is amended to read as follows:

30 c. Is a member of a family whose income does not
31 exceed two hundred percent of the federal poverty
32 level, as defined in 42 U.S.C. } 9902(2), including

33 any revision required by such section. Determination
34 of an applicant's income shall be made on the basis of
35 the applicant's self-declaration of income."

36 5. Page 4, by inserting after line 7 the
37 following:

38 "Sec. __ Section 514I.8, subsection 3, Code
39 2001, is amended to read as follows:

40 3. In accordance with the rules adopted by the
41 board, a child ~~may~~ shall be determined to be
42 presumptively eligible for the program pending a final
43 eligibility determination. Following final
44 determination of eligibility by the administrative
45 contractor, a child shall be eligible for a twelve-
46 month period. At the end of the twelve-month period,
47 the administrative contractor shall conduct a review
48 of the circumstances of the eligible child's family to
49 establish eligibility and cost sharing for the
50 subsequent twelve-month period."

Page 3

1 6. By renumbering as necessary.

OSTERHAUS of Jackson

H-1289

1 Amend House File 382 as follows:

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

4 "Section 1. NEW SECTION. 280.7A HEALTHY AND WELL
5 KIDS IN IOWA (HAWK-I) INFORMATION.

6 The board of directors of each school district
7 shall require the school district to provide healthy
8 and well kids in Iowa program information and
9 application forms to all students at the time of
10 school registration. The application forms shall be
11 provided by the healthy and well kids in Iowa program
12 pursuant to section 514I.7, subsection 2, paragraph
13 "h."

14 2. Page 1, by striking lines 5 through 9 and
15 inserting the following:

16 "a. Develop a program application form not to
17 exceed two pages in length, which is consistent with
18 the rules of the board, which is easy to understand,
19 complete, and concise, and which, to the greatest
20 extent possible, coordinates with the medical
21 assistance program. The program application form
22 shall provide a space in which the applicant may
23 provide the name and contact information of any person
24 who assisted the applicant in applying for the program
25 and may authorize the administrative contractor to

26 notify the person regarding the outcome of the
27 application with the sole purpose of the notification
28 being that the person will continue to assist the
29 applicant in obtaining and retaining health insurance
30 coverage."

OSTERHAUS of Jackson

H-1295

1 Amend House File 646 as follows:
2 1. Page 1, lines 6 and 7, by striking the words
3 "corrections, confined for not more than five years
4 but not less than thirty days" and inserting the
5 following: "corrections for an indeterminate term not
6 to exceed five years".
7 2. Page 1, line 9, by inserting after the words
8 "hundred dollars." the following: "A person convicted
9 of a third or subsequent offense shall be confined for
10 a mandatory minimum of thirty days."
11 3. Page 1, lines 13 and 14, by striking the words
12 "or committed to treatment in the community under
13 section 907.6".
14 4. Page 1, line 18, by inserting after the word
15 "jail" the following: ", and may commit the offender
16 to treatment in the community under section 907.6".
17 5. Page 1, by inserting after line 18 the
18 following:
19 "Sec.____. Section 902.3, Code 2001, is amended to
20 read as follows:
21 902.3 INDETERMINATE SENTENCE.
22 When a judgment of conviction of a felony other
23 than a class "A" felony is entered against a person,
24 the court, in imposing a sentence of confinement,
25 shall commit the person into the custody of the
26 director of the Iowa department of corrections for an
27 indeterminate term, the maximum length of which shall
28 not exceed the limits as fixed by section 902.9,
29 unless otherwise prescribed by statute, nor shall the
30 term be less than the minimum term imposed by law, if
31 a minimum sentence is provided. However, if the court
32 ~~may sentence a person convicted of a class "D" felony~~
33 ~~for a violation of section 321J.2 to imprisonment for~~
34 ~~up to one year in a county jail under section 902.9,~~
35 ~~subsection 5, and the person shall not be under the~~
36 ~~custody of the director of the Iowa department of~~
37 ~~corrections suspends an offender's sentence of~~
38 commitment to the custody of the director of the
39 department of corrections under section 321J.2,
40 subsection 2, paragraph "c", the court shall order the
41 offender to serve time in the county jail as provided
42 in section 321J.2, subsection 2, paragraph "c".

43 notwithstanding any provision to the contrary in
44 section 903.4.
45 Sec. ____ Section 902.9, subsection 5, Code 2001;
46 is amended to read as follows:
47 -5. A class "D" felon, not an habitual offender,
48 shall be confined for no more than five years, and in
49 addition shall be sentenced to a fine of at least
50 seven hundred fifty dollars but not more than seven

Page 2

1 thousand five hundred dollars. A class "D" felon,
2 ~~such felony being for a violation of section 321J.2,~~
3 ~~may be sentenced to imprisonment for up to one year in~~
4 ~~the county jail."~~
5 6. By renumbering as necessary.

TREMMELE of Wapello

H-1297

1 Amend House File 577 as follows:
2 1. Page 1, line 24, by inserting after the word
3 "from" the following: ", or for the lease of".
4 2. Page 1, line 25, by striking the word "Iowa"
5 and inserting the following: "Iowa".
6 3. Page 1, line 26, by inserting after the word
7 "purchased" the following: ", or the nameplate
8 capacity of the facility leased".
9 4. Page 4, line 21, by striking the letter "g."
10 and inserting the following: "f."
11 5. Page 5, line 29, by striking the word "issue"
12 and inserting the following: "issues of fuel
13 diversity, and".
14 6. Page 6, by inserting after line 3 the
15 following:
16 "k. Demand-side management, including energy
17 efficiency and load."
18 7. Page 9, line 14, by striking the words "in
19 subchapter" and inserting the following: "in this
20 subchapter".

JENKINS of Black Hawk

H-1298

1 Amend House File 638 as follows:
2 1. Page 1, by striking lines 1 through 13 and
3 inserting the following:
4 "Section 1. Section 306B.2, subsection 4, Code
5 2001, is amended to read as follows:
6 4. Advertising devices ~~which~~ that are located in

7 commercial or industrial zones traversed by segments
 8 of the interstate system within the boundaries of
 9 incorporated municipalities as such boundaries existed
 10 September 21, 1959, where the use of property adjacent
 11 to the interstate system is subject to municipal
 12 regulation and control, or other areas where the land
 13 on September 21, 1959, was clearly established by law
 14 for industrial or commercial purposes areas that on
 15 July 1, 1981, were zoned and used for commercial or
 16 industrial purposes under authority of law,
 17 regulation, or ordinance of this state or a political
 18 subdivision of this state."

HUSER of Polk

H-1299

1 Amend Senate Concurrent Resolution 14, as passed by
 2 the Senate, as follows:
 3 1. Page, 1, line 12, by striking the figure
 4 "1.50" and inserting the following: "10".

HATCH of Polk
 MASCHER of Johnson
 MERTZ of Kossuth
 MURPHY of Dubuque
 SMITH of Marshall

FALCK of Fayette
 SENG of Scott
 WISE of Lee
 T. TAYLOR of Linn
 BELL of Jasper

H-1301

1 Amend House File 304 as follows:
 2 1. Page 15, by inserting after line 35, the
 3 following:
 4 "Sec. ____ Section 49.13, Code 2001, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 5. The commissioner may appoint
 7 high school students who are not yet qualified to be
 8 registered voters to serve as precinct election board
 9 members.
 10 a. To qualify to serve as a precinct election
 11 board member, a high school student shall:
 12 (1) Be a United States citizen.
 13 (2) Be a junior or senior in good standing
 14 enrolled in a public or private secondary school in
 15 Iowa.
 16 (3) Have a cumulative grade point average
 17 equivalent to at least 2.0 on a 4.0 scale.
 18 (4) At the time of appointment, have the written
 19 approval of the principal of the secondary school the
 20 student attends.
 21 (5) Have the written approval of the student's
 22 parent or legal guardian.

23 (6) Have satisfactorily completed the training
24 course for election officials.
25 (7) Meet all other qualifications for appointment
26 and service as an election board member except the
27 requirement of being a registered voter.
28 b. No more than one student precinct election
29 board member may serve on each precinct election
30 board.
31 c. Student precinct election board members shall
32 not serve as the chairperson of a precinct election
33 board.
34 d. Before serving, the student election precinct
35 board member must certify in writing to the
36 commissioner the political party with which the
37 student is affiliated.
38 e. Student precinct election board members shall
39 not be counted as absent from school on the day they
40 serve as election officials.
41 f. Student precinct election board members shall
42 not be allowed to work more hours than allowed under
43 the applicable labor laws.
44 Sec. ____ Section 49.15, Code 2001, is amended by
45 adding the following new unnumbered paragraph:
46 NEW UNNUMBERED PARAGRAPH. In drawing up precinct
47 election board panels, the commissioner may use
48 student precinct election board members appointed
49 pursuant to section 49.13, subsection 5."
50 2. Title page, line 5, by inserting after the

Page 2

1 word "measures," the following: "youth participation
2 in the electoral process,".
3 3. By renumbering as necessary.

JOCHUM of Dubuque

H-1304

1 Amend House File 684 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 904.108, Code 2001, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 7. The director may establish and
7 maintain a victim's reimbursement fund for the deposit
8 of moneys received from offenders for the purpose of
9 reimbursing travel expenses of victims who attend
10 victim impact classes and victims who attend victim-
11 offender sessions in a prison setting."
12 2. Title page, line 1, by inserting after the
13 word "fund" the following: "and victim's

14 reimbursement funds at correctional facilities".

15 3. By renumbering as necessary.

MASCHER of Johnson

H-1306

1 Amend House File 577 as follows:

2 1. By striking page 1, line 1, through page 4,
3 line 35.

4 2. Page 10, by striking lines 6 through 33 and
5 inserting the following:

6 "2. Notwithstanding anything in this subchapter or
7 chapter 28F to the contrary, an electric power
8 facility shall not be financed with the proceeds of
9 public bonds or obligations, the interest on which is
10 exempt from federal income tax, unless the public
11 issuer of such public bonds or obligations covenants
12 that the issuer shall comply with the requirements or
13 limitations imposed by the Internal Revenue Code or
14 other applicable federal law to preserve the tax
15 exemption of interest payable on the bonds or
16 obligations."

17 3. Title page, by striking lines 3 through 5 and
18 inserting the following: "generating facility;
19 waivers; providing for the development of a state".

20 4. By renumbering as necessary.

CHIODO of Polk

H-1313

1 Amend House File 582 as follows:

2 1. Page 4, line 18, by striking the word "if" and
3 inserting the following: "it".

HOUSER of Pottawattamie

H-1316

1 Amend House File 656 as follows:

2 1. Page 8, line 30, by inserting after the word
3 "habitation." the following: "This section shall not
4 preclude a city from adopting or enforcing any
5 ordinance imposing any registration or licensing
6 system, or registration or license fees, or safety or
7 sanitary standards for a vehicle or structure that is
8 not a manufactured home as defined in 42 U.S.C. §
9 5402."

RICHARDSON of Warren

H-1318

- 1 Amend House File 577 as follows:
- 2 1. Page 3, line 33, by inserting after the word
- 3 "budget" the following: "and shall order the
- 4 implementation".

WITT of Black Hawk

H-1321

- 1 Amend House File 577 as follows:
- 2 1. By striking page 7, line 3 through page 8,
- 3 line 4 and inserting the following:
- 4 "3. The construction, maintenance, and operation
- 5 of the facility will cause minimum adverse land use,
- 6 environmental, and aesthetic impact and are consonant
- 7 with reasonable utilization of air, land and water
- 8 resources for beneficial purposes considering the best
- 9 available technology and the economics of the best
- 10 available alternatives.
- 11 4. The applicant, if a public utility as defined
- 12 in section 476.1, has in effect a comprehensive energy
- 13 management program designed to reduce peak loads and
- 14 to increase efficiency of use of energy by all classes
- 15 of customers of the utility, and the facility in the
- 16 application is necessary notwithstanding the existence
- 17 of the comprehensive energy management program. As
- 18 used in this subsection, a "comprehensive energy
- 19 management program" includes at a minimum the
- 20 following:
- 21 a. Establishment of load management and
- 22 interruptible service programs, where cost effective.
- 23 b. Development of wheeling agreements and other
- 24 energy sharing agreements, where cost effective with
- 25 utilities that have available capacity.
- 26 c. Establishment of cost-effective energy
- 27 efficiency and renewable energy services and programs.
- 28 d. Compliance with board rules on energy
- 29 management procedures.
- 30 5. The applicant, if a public utility as defined
- 31 in section 476.1, shall demonstrate to the board that
- 32 the utility has considered sources for long-term
- 33 electric supply from either purchase of electricity or
- 34 investment in facilities owned by other persons.
- 35 6. The applicant, if a public utility as defined
- 36 in section 476.1, has considered all feasible
- 37 alternatives to the proposed facility including
- 38 nongeneration alternatives; has ranked those
- 39 alternatives by cost; has implemented the least-cost
- 40 alternatives first; and the facility in the
- 41 application is necessary notwithstanding the

42 implementation of these alternatives."

WITT of Black Hawk

H-1323

1 Amend House File 434 as follows:

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

4 "Section 1. Section 321.372, subsection 3, Code
5 2001, is amended by adding the following new
6 unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. Notwithstanding anything
8 to the contrary in section 602.8106 or 805.12, one-
9 half of the amount of a scheduled fine collected under
10 section 805.8 for a violation of this subsection is
11 appropriated and shall be paid to the school district
12 within which the violation occurred. The moneys
13 received by the school district pursuant to this
14 paragraph shall be considered miscellaneous income and
15 shall be used to purchase and install cameras on
16 school buses in order to monitor and record violations
17 of this subsection."

18 2. Title page, line 2, by inserting after the
19 word "buses" the following: "and making an
20 appropriation".

21 3. By renumbering as necessary.

BUKTA of Clinton

H-1324

1 Amend House File 681 as follows:

2 1. Page 12, by striking lines 18 through 30 and
3 inserting the following:

4 "Sec. ____ REPORTS BY THE BANKING DIVISION AND THE
5 CREDIT UNION DIVISION. The superintendent of banking
6 and the superintendent of credit unions shall each
7 prepare a report for the general assembly that
8 includes an analysis of the current state sinking fund
9 for public deposits in banks and the state sinking
10 fund for public deposits in credit unions; a
11 comparison of issues pertaining to the current
12 statutory assessment process for public funds
13 deposits, a system of pledging of collateral, and
14 other risk-based or non-risk-based alternatives; and
15 such other information or issues as the
16 superintendents deem appropriate and useful to the
17 general assembly in the general assembly's review of
18 the issues and policy alternatives associated with
19 this matter. The reports may include recommendations
20 for changes in existing statutes. The report shall be

21 submitted to the general assembly no later than
22 November 1, 2001."
23 2. By renumbering as necessary.

JOHNSON of Osceola
VAN FOSSEN of Scott

H-1328

1 Amend House File 590 as follows:

2 1. Page 3, line 35, by striking the word
3 "participating" and inserting the following: "acting
4 reasonably and".

5 2. Page 4, by inserting after line 9, the
6 following:

7 "7A. A hospital, health care provider, or other
8 person who is authorized to perform a test under this
9 section who performs the test in compliance with this
10 section or who fails to perform the test authorized
11 under this section, is immune from any liability,
12 civil or criminal, which might otherwise be incurred
13 or imposed.

14 7B. A hospital, health care provider, or other
15 person who is authorized to perform a test under this
16 section has no duty to perform the test authorized."

17 3. Page 4, line 11, by inserting after the word
18 "section." the following: "The department may
19 determine by rule the contagious or infectious
20 diseases for which testing is reasonable and
21 appropriate and which may be administered under this
22 section."

23 4. Page 4, by inserting after line 11, the
24 following:

25 "____. The employer of a care provider who
26 sustained an exposure under this section shall pay the
27 costs of testing for the individual who is the source
28 of the exposure and of the testing of the care
29 provider, if the exposure was sustained during the
30 course of employment. However, the department shall
31 pay the costs of testing for the individual who is the
32 source of the significant exposure and of the testing
33 of the care provider who renders direct aid without
34 compensation."

35 5. Page 7, line 5, by striking the word
36 "participating" and inserting the following: "acting
37 reasonably and".

38 6. Page 7, by inserting after line 25, the
39 following:

40 "____. A hospital, health care provider, or other
41 person who is authorized to perform an HIV test under
42 this section, who performs the HIV test in compliance
43 with this section or who fails to perform an HIV test

44 authorized under this section, is immune from any
45 liability, civil or criminal, which might otherwise be
46 incurred or imposed.
47 ____ A hospital, health care provider, or other
48 person who is authorized to perform a test under this
49 section has no duty to perform the HIV test
50 authorized."

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1 7. By renumbering as necessary.

CARROLL of Poweshiek

H-1333

1 Amend House File 680 as follows:
2 1. Page 2, by inserting after line 7 the
3 following:
4 "(13) An employee of a public or private
5 organization whose duties include ongoing, direct
6 contact with children as part of a program of
7 providing support or instruction for parents in
8 parents' homes."
9 2. By renumbering as necessary.

FOEGE of Linn

H-1336

1 Amend House File 681 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Sec. ____ Section 12C.1, subsection 2, paragraphs
5 c and f, Code 2001, are amended to read as follows:
6 c. "Bank" means a corporation engaged in the
7 business of banking authorized by law to receive
8 deposits and whose deposits are insured by the bank
9 insurance fund of the federal deposit insurance
10 corporation and includes any office of a bank. "~~Bank~~"
11 ~~also means a savings and loan or savings association.~~
12 f. "Financial institution" means a bank, savings
13 and loan, or a credit union."
14 2. Page 1, by inserting after line 11 the
15 following:
16 "Sec. ____ Section 12C.1, subsection 3, paragraph
17 a, Code 2001, is amended to read as follows:
18 a. If a depository is a savings and loan or a
19 credit union, then public deposits in the savings and
20 loan or credit union shall be secured pursuant to
21 sections 12C.16 through 12C.19 and sections 12C.23 and

22 12C.24."

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

25 "Sec. ____ Section 12C.6A, subsection 5,
26 paragraphs a, b, c, and d, Code 2001, are amended to
27 read as follows:

28 a. A person who believes a bank or savings and
29 loan has failed to meet its community reinvestment
30 responsibility may file a complaint with the committee
31 detailing the basis for that belief.

32 b. If any committee member, in the member's
33 discretion, finds that the complaint has merit, the
34 member may order the bank or savings and loan alleged
35 to have failed to meet its community reinvestment
36 responsibility to attend and participate in a meeting
37 with the complainant. The committee member may
38 specify who, at minimum, shall represent the ~~bank~~
39 financial institution at the meeting. At the meeting,
40 or at any other time, the ~~bank~~ financial institution
41 may, but is not required to, enter into an agreement
42 with a complainant to correct alleged failings.

43 c. A majority of the committee may order a bank or
44 savings and loan against which a complaint has been
45 filed pursuant to this subsection, to disclose such
46 additional information relating to community
47 reinvestment as required by the order of the majority
48 of the committee.

49 d. This subsection does not preempt any other
50 remedies available under statutory or common law

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1 available to the committee, the superintendent of
2 banking, or aggrieved persons to cure violations of
3 this section, ~~or~~ chapter 524, chapter 534, or rules
4 adopted pursuant to this section, ~~or~~ chapter 524, or
5 chapter 534. The committee may conduct a public
6 hearing as provided in subsection 4 based upon the
7 same complaint. An order finding merit in a complaint
8 and ordering a meeting is not an election of remedies.

9 Sec. ____ Section 12C.15, Code 2001, is amended to
10 read as follows:

11 12C.15 RESTRICTION ON REQUIRING COLLATERAL.

12 A local government shall not require a pledge of
13 collateral for that portion of the local government's
14 deposits in a savings and loan or credit union that is
15 covered by insurance of a federal agency or
16 instrumentality.

17 Sec. ____ Section 12C.16, subsection 1, unnumbered
18 paragraph 1, Code 2001, is amended to read as follows:

19 Before a deposit of public funds is made by a
20 public officer with a savings and loan or credit union

21 in excess of the amount federally insured, the public
22 officer shall obtain security for the deposit by one
23 or more of the following:

24 Sec.____. Section 12C.16, subsection 1, paragraphs
25 a and b, Code 2001, are amended to read as follows:

26 a. The savings and loan or credit union may give
27 to the public officer a corporate surety bond of a
28 surety corporation approved by the treasury department
29 of the United States and authorized to do business in
30 this state, which bond shall be in an amount equal to
31 the public funds on deposit at any time. The bond
32 shall be conditioned that the deposit shall be paid
33 promptly on the order of the public officer making the
34 deposit and shall be approved by the officer making
35 the deposit.

36 b. The savings and loan or credit union may
37 deposit, maintain, pledge and assign for the benefit
38 of the public officer in the manner provided in this
39 chapter, securities approved by the public officer,
40 the market value of which is not less than one hundred
41 ten percent of the total deposits of public funds
42 placed by that public officer in the savings and loan
43 or credit union. The securities shall consist of any
44 of the following:

45 Sec.____. Section 12C.16, subsection 2, Code 2001,
46 is amended to read as follows:

47 2. If public funds are secured by both the assets
48 of a savings and loan or credit union and a bond of a
49 surety company, the assets and bond shall be held as
50 security for a rateable proportion of the deposit on

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1 the basis of the market value of the assets and of the
2 total amount of the surety bonds.

3 Sec.____. Section 12C.17, subsection 1, unnumbered
4 paragraph 1, Code 2001, is amended to read as follows:

5 A savings and loan or credit union ~~which that~~
6 receives public funds shall pledge securities owned by
7 it as required by this chapter in one of the following
8 methods:

9 Sec.____. Section 12C.17, subsections 3 and 4,
10 Code 2001, are amended to read as follows:

11 3. All deposits of securities, other than deposits
12 of securities with the appropriate public officer,
13 shall have a joint custody receipt taken for the
14 securities with one copy delivered to the public
15 officer and one copy delivered to the savings and loan
16 or credit union. A savings and loan or credit union
17 pledging securities with a public officer may cause
18 the securities to be examined in the officer's office
19 to show the securities are placed with the officer as

20 collateral security and are not transferable except
21 upon the conditions provided in this chapter.

22 4. Upon written request from the appropriate
23 public officer but not less than monthly, the federal
24 home loan bank of Des Moines, Iowa, or the U.S.
25 central credit union, shall report a description, the
26 par value and the market value of any pledged
27 collateral by a savings and loan or credit union.

28 Sec. ____ Section 12C.18, Code 2001, is amended to
29 read as follows:

30 12C.18 CONDITION OF SECURITY.

31 The condition of the surety bond or the deposit of
32 securities, instruments, or a joint custody receipt,
33 must be that the savings and loan or credit union will
34 promptly pay to the parties entitled public funds,
35 including any interest on the funds, in its custody
36 upon lawful demand and, when required by law, pay the
37 funds to the public officer who made the deposit."

38 4. Page 1, line 26, by striking the words and
39 figures "subsection 1, Code 2001, is" and inserting
40 the following: "subsections 1, 3, and 4, Code 2001,
41 are".

42 5. Page 1, line 30, by inserting after the words
43 "pledged by a" the following: "savings and loan or".

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

46 "3. In the event of substitution, addition, or
47 exchange of securities, the holder or custodian of the
48 securities shall, on the same day, forward by regular
49 mail to the public officer and the savings and loan or
50 credit union, a receipt specifically describing and

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1 identifying both the substituted or additional
2 securities.

3 4. The public officer which deposits public funds
4 with a savings and loan or credit union shall require,
5 if the market value of the securities deposited with
6 or for the benefit of the officer falls below one
7 hundred ten percent of the deposit liability to the
8 public officer, the deposit of additional security to
9 bring the total market value of the security to one
10 hundred ten percent of the amount of public funds held
11 by the savings and loan or credit union."

12 7. Page 5, by inserting after line 33 the
13 following:

14 "Sec. ____ Section 12C.23, Code 2001, is amended
15 to read as follows:

16 12C.23 PAYMENT OF LOSSES IN A SAVINGS AND LOAN OR
17 CREDIT UNION.

18 1. The pledging of securities by a savings and

19 loan or credit union pursuant to this chapter
20 constitutes consent by the savings and loan or credit
21 union to the disposition of the securities in
22 accordance with this section.
23 The acceptance of public funds by a savings and
24 loan or credit union pursuant to this chapter
25 constitutes consent by the savings and loan or credit
26 union to assessments by the treasurer of state in
27 accordance with this chapter.
28 2. The savings and loan or credit union and the
29 security given for the public funds in its hands are
30 liable for payment if the savings and loan or credit
31 union fails to pay a check, draft, or warrant drawn by
32 the public officer or to account for a check, draft,
33 warrant, order, or certificates of deposit, or any
34 public funds entrusted to it if, in failing to pay,
35 the savings and loan or credit union acts contrary to
36 the terms of an agreement between the savings and loan
37 or credit union and the public body treasurer. The
38 savings and loan or credit union and the security
39 given for the public funds in its hands are also
40 liable for payment if the savings and loan or credit
41 union fails to pay an assessment by the treasurer of
42 state when the assessment is due.
43 3. If a savings and loan or credit union is closed
44 by its primary regulatory officials, the public body
45 with deposits in the savings and loan or credit union
46 may sell the collateral to pay for any loss of
47 principal and accrued interest.
48 a. In cooperation with the responsible regulatory
49 officials for the savings and loan or credit union,
50 the public body shall validate the amount of public

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1 funds on deposit at the defaulting savings and loan or
2 credit union and the amount of deposit insurance
3 applicable to the deposits.
4 b. The loss to public depositors shall be
5 satisfied, first through any applicable deposit
6 insurance and then through the sale of securities
7 pledged by the defaulting savings and loan or credit
8 union, and then the assets of the defaulting savings
9 and loan or credit union. The priority of claims are
10 those established pursuant to section 533.22,
11 subsection 1, paragraph "b", or section 534.517. To
12 the extent permitted by federal law, in the
13 distribution of an insolvent federally chartered
14 credit union's or savings and loan's assets, the order
15 of payment of liabilities if its assets are
16 insufficient to pay in full all its liabilities for
17 which claims are made shall be in the same order as

18 for the equivalent type of state chartered savings and
 19 loan or credit union as provided in section 533.22,
 20 subsection 1, paragraph "b", or section 534.517.
 21 c. The claim of a public depositor for purposes of
 22 this section shall be the amount of the depositor's
 23 deposits plus interest to the date the funds are
 24 distributed to the public depositor at the rate the
 25 savings and loan or credit union agreed to pay on the
 26 funds reduced by the portion of the funds ~~which~~ that
 27 is insured by federal deposit insurance.
 28 d. If the loss to public funds is not covered by
 29 insurance and the proceeds of the failed savings and
 30 loan's or credit union's assets ~~which~~ that are
 31 liquidated within thirty days of the closing of the
 32 credit union and pledged collateral, the treasurer
 33 shall provide coverage of the remaining loss from the
 34 state sinking fund for public deposits in credit
 35 unions or the state sinking fund for public deposits
 36 in savings and loans, according to the following:
 37 (1) If the loss was incurred in a credit union,
 38 then any further payments to cover the loss shall come
 39 from the state sinking fund for public deposits in
 40 credit unions. If the funds are inadequate to cover
 41 the entire loss, then the treasurer shall make an
 42 assessment against other credit unions ~~who~~ that hold
 43 public funds. The assessment shall be determined by
 44 multiplying the total amount of the remaining loss to
 45 public depositors by a percentage that represents the
 46 average of public funds deposits held by all credit
 47 unions during the preceding twelve-month period ending
 48 on the last day of the month immediately preceding the
 49 month the credit union was closed. Each credit union
 50 shall pay its assessment to the treasurer within three

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1 business days after it receives notice of assessment.
 2 If a credit union fails to pay its assessment when
 3 due, the treasurer of state shall initiate a lawsuit
 4 to collect the assessment. If a credit union is found
 5 to have failed to pay the assessment as required by
 6 this paragraph, the court shall order it to pay the
 7 assessment, court costs, reasonable attorney's
 8 attorney fees based upon the amount of time the
 9 attorney general's office spent preparing and bringing
 10 the action, and reasonable expenses incurred by the
 11 treasurer of state's office. Idle balances in the
 12 fund are to be invested by the treasurer with earnings
 13 credited to the fund. Fees paid by credit unions for
 14 administration of this chapter will be credited to the
 15 fund and the treasurer may deduct actual costs of
 16 administration from the fund.

17 (2) If the loss was incurred in a savings and loan
18 or a savings bank, then any further payment to cover
19 the loss shall come from the state sinking fund for
20 public deposits in savings and loans. If the funds
21 are inadequate to cover the entire loss, then the
22 treasurer shall make an assessment against other
23 savings and loans that hold public funds. The
24 assessment shall be determined by multiplying the
25 total amount of the remaining loss to public
26 depositors by a percentage that represents the average
27 of public funds deposits held by all savings and loans
28 during the preceding twelve-month period ending on the
29 last day of the month immediately preceding the month
30 the savings and loan was closed. Each savings and
31 loan shall pay its assessment to the treasurer within
32 three business days after it receives notice of
33 assessment. If a savings and loan fails to pay its
34 assessment when due, the treasurer of state shall
35 initiate a lawsuit to collect the assessment. If a
36 savings and loan is found to have failed to pay the
37 assessment as required by this paragraph, the court
38 shall order it to pay the assessment, court costs,
39 reasonable attorney fees based upon the amount of time
40 the attorney general's office spent preparing and
41 bringing the action, and reasonable expenses incurred
42 by the treasurer of state's office. Idle balances in
43 the fund are to be invested by the treasurer with
44 earnings credited to the fund. Fees paid by savings
45 and loans for administration of this chapter will be
46 credited to the fund and the treasurer may deduct
47 actual costs of administration from the fund.
48 e. Any amount realized from the sale of collateral
49 pursuant to paragraph "d", in excess of the amount of
50 a savings and loan's or credit union's assessment,

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1 shall continue to be held by the treasurer, in the
2 same interest bearing investments available for public
3 funds, as collateral, until that savings and loan or
4 credit union provides substitute collateral or is
5 otherwise entitled to its release."
6 8. Page 9, by inserting after line 26 the
7 following:
8 "Sec. ____ Section 12C.25, Code 2001, is amended
9 by adding the following new subsection:
10 **NEW SUBSECTION.** 3. A state sinking fund for
11 public deposits in savings and loans."
12 9. By renumbering, redesignating, and correcting

13 internal references as necessary.

HANSEN of Pottawattamie
JOHNSON of Osceola

H-1343

1 Amend House File 618 as follows:
2 1. Page 1, by inserting after line 19 the
3 following:
4 "Sec. ____ Section 481A.68, subsection 2, Code
5 2001, is amended to read as follows:
6 2. A person shall not use more than three tip-up
7 fishing devices for fishing in the waters of the
8 Mississippi river, the Missouri river, and the Big
9 Sioux river, and its ~~its~~ their connected backwater
10 backwaters. A person may use two or three hooks on
11 the same line, but the total number of hooks used by
12 each person shall not exceed three. Each tip-up
13 fishing device used in fishing shall have attached a
14 tag plainly labeled with the owner's name and address.
15 A person shall not use a tip-up fishing device for
16 fishing within three hundred feet of a dam or spillway
17 or in a part of the river which is closed or posted
18 against use of the device. Three tip-up fishing
19 devices may be used in addition to the two lines with
20 no more than two hooks per line, as specified in
21 section 481A.72."
22 2. Title page, line 1, by inserting after the
23 word "to" the following: "fishing by authorizing the
24 use of tip-up fishing devices in certain waters of the
25 state, providing for".

WARNSTADT of Woodbury

H-1344

1 Amend House File 416 as follows:
2 1. By striking page 2, line 22, through page 4,
3 line 18.
4 2. Page 4, by striking line 23 and inserting the
5 following:
6 "2. Section 6 of this Act applies".
7 3. Title page, by striking lines 3 and 4 and
8 inserting the following: "dependents,".
9 4. By renumbering, redesignating, and correcting
10 internal references as necessary.

ALONS of Sioux
EICHHORN of Hamilton

H-1348

- 1 Amend Senate File 104, as passed by the Senate, as
2 follows:
- 3 1. Page 1, line 1, by striking the words "ICN
4 SCHEDULING" and inserting the following: "DISTANCE
5 LEARNING".
- 6 2. Page 1, by striking line 4 and inserting the
7 following: "study distance learning usage, including
8 the use of the Iowa communications network (ICN), as
9 an".
- 10 3. Page 1, line 16, by inserting after the word
11 "colleges," the following: "state board of regents
12 institutions, accredited private postsecondary
13 institutions,".
- 14 4. Page 1, line 28, by striking the letters
15 "ICN".
- 16 5. Page 1, line 31, by striking the words "ICN
17 use" and inserting the following: "distance
18 learning".
- 19 6. Page 1, line 32, by inserting after the word
20 "colleges" the following: ", state board of regents
21 institutions, or accredited private postsecondary
22 institutions".
- 23 7. Title page, line 1, by striking the words "the
24 Iowa communications network" and inserting the
25 following: "distance learning".

Committee on Education

H-1349

- 1 Amend Senate File 203, 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 257.3, subsection 2, Code
6 2001, is amended to read as follows:
7 2. TAX FOR REORGANIZED AND DISSOLVED DISTRICTS.
8 Notwithstanding subsection 1, a reorganized school
9 district shall cause a foundation property tax of four
10 dollars and forty cents per thousand dollars of
11 assessed valuation to be levied on all taxable
12 property which, in the year preceding a
13 reorganization, was within a school district affected
14 by the reorganization as defined in section 275.1, or
15 in the year preceding a dissolution was a part of a
16 school district that dissolved if the dissolution
17 proposal has been approved by the director of the
18 department of education pursuant to section 275.55.
19 In the year preceding the reorganization or
20 dissolution, the school district affected by the

21 reorganization or the school district that dissolved
22 must have had a certified enrollment of fewer than six
23 hundred in order for the four-dollar-and-forty-cent
24 levy to apply. In succeeding school years, the
25 foundation property tax levy on that portion shall be
26 ~~increased twenty cents per year until it reaches the~~
27 rate of to the rate of four dollars and ninety cents
28 per thousand dollars of assessed valuation the first
29 succeeding year, five dollars and fifteen cents per
30 thousand dollars of assessed valuation the second
31 succeeding year, and five dollars and forty cents per
32 thousand dollars of assessed valuation the third
33 succeeding year and each year thereafter.

34 For purposes of this section, a reorganized school
35 district is one which ~~absorbed~~ absorbs at least thirty
36 percent of the enrollment of the school district
37 affected by a reorganization or dissolved during a
38 dissolution and in which action to bring about a
39 reorganization or dissolution ~~was initiated by a vote~~
40 ~~of the board of directors or jointly by the affected~~
41 ~~boards of directors prior to November 30, 1990, and~~
42 ~~the reorganization or dissolution takes is initiated~~
43 by a vote of the board of directors or jointly by the
44 affected boards of directors to take effect on or
45 after July 1, 1991 2002, and on or before July 1, 1993
46 2006. Each district which initiated, by a vote of the
47 board of directors or jointly by the affected boards,
48 action to bring about a reorganization or dissolution
49 ~~by November 30, 1990 to take effect on or after July~~
50 1, 2002, and on or before July 1, 2006, shall certify

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1 the date and the nature of the action taken to the
2 department of education by ~~September~~ January 1, 1991
3 of the year in which the reorganization or dissolution
4 takes effect.

5 A reorganized school district which meets the
6 requirements of this section for reduced property tax
7 rates, but failed to vote on reorganization or
8 dissolution prior to November 30, 1990, and failed to
9 certify such action to the department of education by
10 September 1, 1991, shall cause to be levied a
11 foundation property tax of four dollars and sixty
12 cents per thousand dollars of assessed valuation on
13 all eligible taxable property pursuant to this
14 section. In succeeding school years, the foundation
15 property tax levy on that portion shall be increased
16 twenty cents per year until it reaches the rate of
17 five dollars and forty cents per thousand dollars of
18 assessed valuation.

19 The reduced property tax rates of reorganized

20 school districts that met the requirements of section
21 442.2, Code 1991, prior to July 1, 1991, shall
22 continue to increase as provided in that section until
23 they reach five dollars and forty cents.
24 Sec. 2. Section 257.3, subsection 3, Code 2001, is
25 amended by striking the subsection.
26 Sec. 3. Section 257.3, subsection 4, Code 2001, is
27 amended to read as follows:
28 4. RAILWAY CORPORATIONS. For purposes of section
29 257.1, the "amount per pupil of foundation property
30 tax" does not include the tax levied under subsection
31 1, 2, or 3 2 on the property of a railway corporation,
32 or on its trustee if the corporation has been declared
33 bankrupt or is in bankruptcy proceedings.
34 Sec. 4. Section 257.11, subsection 2, paragraph c,
35 Code 2001, is amended by striking the paragraph and
36 inserting in lieu thereof the following:
37 c. Pupils attending class for all or a substantial
38 portion of a school day pursuant to a whole grade
39 sharing agreement executed under sections 282.10
40 through 282.12 shall be eligible for supplementary
41 weighting pursuant to this subsection as follows:
42 (1) A school district which was participating in a
43 whole grade sharing arrangement during the budget year
44 beginning July 1, 2001, and which adopts a resolution
45 jointly with the other affected boards to study the
46 question of undergoing a reorganization or dissolution
47 to take effect on or before July 1, 2006, shall
48 receive a weighting of one-tenth of the percentage of
49 the pupil's school day during which the pupil attends
50 classes in another district, attends classes taught by

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1 a teacher who is jointly employed under section
2 280.15, or attends classes taught by a teacher who is
3 employed by another school district. A district shall
4 be eligible for supplementary weighting pursuant to
5 this subparagraph for a maximum of two years. Receipt
6 of supplementary weighting for a second year shall be
7 conditioned upon submission of information resulting
8 from the study to the school budget review committee
9 indicating progress toward the objective of
10 reorganization on or before July 1, 2006.
11 (2) A school district which was not participating
12 in a whole grade sharing arrangement during the budget
13 year beginning July 1, 2001, which executes a whole
14 grade sharing agreement pursuant to sections 282.10
15 through 282.12 for the budget year beginning July 1,
16 2003, and which adopts a resolution jointly with the
17 other affected boards to study the question of
18 undergoing a reorganization or dissolution to take

19 effect on or before July 1, 2006, shall receive a
20 weighting of one-tenth of the percentage of the
21 pupil's school day during which the pupil attends
22 classes in another district, attends classes taught by
23 a teacher who is jointly employed under section
24 280.15, or attends classes taught by a teacher who is
25 employed by another school district. A district shall
26 be eligible for supplementary weighting pursuant to
27 this subparagraph for a maximum of three years.
28 Receipt of supplementary weighting for a second and
29 third year shall be conditioned upon submission of
30 information resulting from the study to the school
31 budget review committee indicating progress toward the
32 objective of reorganization on or before July 1, 2006.

33 Sec. 5. Section 257.11, Code 2001, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 4A. REGIONAL ACADEMIES.

36 a. For the school budget year beginning July 1,
37 2002, and succeeding budget years, in order to provide
38 additional funds for school districts in which a
39 regional academy is located, a supplementary weighting
40 plan for determining enrollment is adopted.

41 b. A school district which establishes a regional
42 academy shall be eligible to assign its resident
43 pupils attending classes at the academy a weighting of
44 one-tenth of the percentage of the pupil's school day
45 during which the pupil attends classes at the regional
46 academy. For the purposes of this subsection,
47 "regional academy" means an educational institution
48 established by a school district to which multiple
49 schools send pupils in grades seven through twelve. A
50 regional academy shall include in its curriculum

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1 advanced-level courses and may include in its
2 curriculum vocational-technical programs. The maximum
3 amount of additional weighting for which a school
4 district establishing a regional academy shall be
5 eligible is an amount corresponding to fifteen
6 additional pupils.

7 Sec. 6. NEW SECTION. 257.11A SUPPLEMENTARY
8 WEIGHTING AND SCHOOL REORGANIZATION.

9 1. In determining weighted enrollment under
10 section 257.6, if the board of directors of a school
11 district has approved a contract for sharing pursuant
12 to section 257.11 and the school district has approved
13 an action to bring about a reorganization to take
14 effect on and after July 1, 2002, and on or before
15 July 1, 2006, the reorganized school district shall
16 include, for a period of three years following the
17 effective date of the reorganization, additional

18 pupils added by the application of the supplementary
19 weighting plan, equal to the pupils added by the
20 application of the supplementary weighting plan in the
21 year preceding the reorganization. For the purposes
22 of this paragraph, the weighted enrollment for the
23 period of three years following the effective date of
24 reorganization shall include the supplementary
25 weighting in the base year used for determining the
26 combined district cost for the first year of the
27 reorganization. However, the weighting shall be
28 reduced by the supplementary weighting added for a
29 pupil whose residency is not within the reorganized
30 district.

31 2. For purposes of this section, a reorganized
32 district is one in which the reorganization was
33 approved in an election pursuant to sections 275.18
34 and 275.20 and takes effect on or after July 1, 2002,
35 and on or before July 1, 2006. Each district which
36 initiates, by a vote of the board of directors or
37 jointly by the affected boards, action to bring about
38 a reorganization or dissolution to take effect on or
39 after July 1, 2002, and on or before July 1, 2006,
40 shall certify the date and the nature of the action
41 taken to the department of education by January 1 of
42 the year in which the reorganization or dissolution
43 takes effect.

44 3. Notwithstanding subsection 1, a school district
45 which was participating in a whole grade sharing
46 arrangement during the budget year beginning July 1,
47 2001, and which received a maximum of two years of
48 supplementary weighting pursuant to section 257.11,
49 subsection 2, paragraph "c", shall include additional
50 pupils added by the application of the supplementary

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1 weighting plan, equal to the pupils added by the
2 application of the supplementary weighting plan in the
3 year preceding the reorganization, for a period of
4 four years following the effective date of the
5 reorganization.

6 4. A school district shall be eligible for a
7 combined maximum total of six years of supplementary
8 weighting under the provisions of this section and
9 section 257.11, subsection 2, paragraph "c".

10 Sec. 7. Section 257.13, subsections 1 and 2, Code
11 2001, are amended to read as follows:

12 1. For the school budget year beginning July 1,
13 ~~2000 2001, and succeeding budget years~~, if a
14 district's actual enrollment for the budget year,
15 determined under section 257.6, is greater than its
16 budget enrollment for the budget year, the district

17 shall be eligible to receive an on-time funding budget
18 adjustment. The adjustment shall be in an amount
19 equal to ~~fifty percent~~ of the difference between the
20 actual enrollment for the budget year and the budget
21 enrollment for the budget year, multiplied by the
22 district cost per pupil.

23 2. The board of directors of a school district
24 that wishes to receive an on-time funding budget
25 adjustment shall adopt a resolution to receive the
26 adjustment and notify the school budget review
27 committee by November 1, 2000 annually. The school
28 budget review committee shall establish a modified
29 allowable growth in an amount determined pursuant to
30 subsection 1.

31 Sec. 8. Section 257.14, subsection 1, Code 2001,
32 is amended to read as follows:

33 1. For the budget year commencing July 1, 2000
34 2001, if the department of management determines that
35 the regular program district cost of a school district
36 for a budget year is less than the total of the
37 regular program district cost plus any adjustment
38 added under this section for the base year for that
39 school district, the school district shall be eligible
40 to receive a budget adjustment for that district for
41 that budget year up to an amount equal to the
42 difference. The board of directors of a school
43 district that wishes to receive a budget adjustment
44 pursuant to this subsection shall, notwithstanding the
45 public notice and hearing provisions of chapter 24 or
46 any other provision to the contrary, within thirty
47 days following ~~April 6, 2000~~ the effective date of
48 this Act, adopt a resolution to receive the budget
49 adjustment and immediately notify the department of
50 management of the adoption of the resolution and the

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1 amount of the budget adjustment to be received.

2 Sec. 9. Section 257.14, subsection 2, Code 2001,
3 is amended by striking the subsection and inserting in
4 lieu thereof the following:

5 2. For the budget year commencing July 1, 2002,
6 and succeeding budget years, if the department of
7 management determines that the regular program
8 district cost of a school district for a budget year
9 is less than one hundred one percent of the regular
10 program district cost for the base year for that
11 school district, a district shall be eligible for a
12 budget adjustment corresponding to the following
13 schedule:

14 a. For the budget year commencing July 1, 2002,
15 the greater of the difference between the regular

16 program district cost for the budget year and one
17 hundred one percent of the regular program district
18 cost for the base year, or ninety percent of the
19 amount by which the budget guarantee as calculated for
20 the budget year beginning July 1, 2001, exceeds the
21 adjusted guarantee amount. For purposes of this
22 paragraph, the "adjusted guarantee amount" means the
23 amount which would be applicable for the budget year
24 beginning July 1, 2002, if the budget guarantee were
25 determined for that budget year as calculated for the
26 budget year beginning July 1, 2001.

27 b. For the budget year commencing July 1, 2003,
28 the greater of the difference between the regular
29 program district cost for the budget year and one
30 hundred one percent of the regular program district
31 cost for the base year, or eighty percent of the
32 amount by which the budget guarantee as calculated for
33 the budget year beginning July 1, 2001, exceeds the
34 adjusted guarantee amount. For purposes of this
35 paragraph, the "adjusted guarantee amount" means the
36 amount which would be applicable for the budget year
37 beginning July 1, 2003, if the budget guarantee were
38 determined for that budget year as calculated for the
39 budget year beginning July 1, 2001.

40 c. For the budget year commencing July 1, 2004,
41 the greater of the difference between the regular
42 program district cost for the budget year and one
43 hundred one percent of the regular program district
44 cost for the base year, or seventy percent of the
45 amount by which the budget guarantee as calculated for
46 the budget year beginning July 1, 2001, exceeds the
47 adjusted guarantee amount. For purposes of this
48 paragraph, the "adjusted guarantee amount" means the
49 amount which would be applicable for the budget year
50 beginning July 1, 2004, if the budget guarantee were

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1 determined for that budget year as calculated for the
2 budget year beginning July 1, 2001.

3 d. For the budget year commencing July 1, 2005,
4 the greater of the difference between the regular
5 program district cost for the budget year and one
6 hundred one percent of the regular program district
7 cost for the base year, or sixty percent of the amount
8 by which the budget guarantee as calculated for the
9 budget year beginning July 1, 2001, exceeds the
10 adjusted guarantee amount. For purposes of this
11 paragraph, the "adjusted guarantee amount" means the
12 amount which would be applicable for the budget year
13 beginning July 1, 2005, if the budget guarantee were
14 determined for that budget year as calculated for the

15 budget year beginning July 1, 2001.

16 e. For the budget year commencing July 1, 2006,
17 and each budget year thereafter, the difference
18 between the regular program district cost for the
19 budget year and one hundred one percent of the regular
20 program district cost for the base year.

21 For the purposes of this subsection, a school
22 district shall be eligible to apply the eighty,
23 seventy, and sixty percent provisions in paragraphs
24 "b", "c", and "d", only if the school district
25 received a budget adjustment for the budget year
26 beginning July 1, 2002, based on the ninety percent
27 provision in paragraph "a".

28 The board of directors of a school district that
29 wishes to receive a budget adjustment pursuant to this
30 subsection shall adopt a resolution to receive the
31 budget adjustment and shall, by April 1, annually,
32 notify the department of management of the adoption of
33 the resolution and the amount of the budget adjustment
34 to be received.

35 Sec. 10. EFFECTIVE DATE. Section 8 of this Act,
36 being deemed of immediate importance, takes effect
37 upon enactment."

38 2. Title page, by striking lines 1 and 2 and
39 inserting the following: "An Act relating to certain
40 school finance provisions and providing an effective
41 date."

Committee on Education

H-1359

1 Amend House File 582 as follows:

2 1. Page 4, by striking lines 14 through 19 and
3 inserting the following: "board shall dismiss a
4 petition, application, or plan for voluntary or
5 involuntary annexation which violates the terms of the
6 agreement."

7 2. Page 4, line 28, by inserting after the word
8 "uniform" the following: "and regular city".

9 3. Page 4, line 32, by inserting after the word
10 "application." the following: "A certified survey of
11 the land area must be made if territory comprising
12 less than eighty-five percent of the land area is
13 included with the consent of the property owners. The
14 survey shall be paid by the applicants."

15 4. Page 4, by striking lines 33 and 34 and
16 inserting the following: "and a map of showing the
17 territory showing its location in relationship to and
18 the entire city."

19 5. Page 5, line 8, by inserting after the word
20 "county." the following: "The board shall not approve

21 an annexation filed under this subsection if the
22 territory included without the consent of the property
23 owners is the only portion of the territory to be
24 annexed that is adjacent to the annexing city."

25 6. Page 6, line 4, by inserting after the word
26 "application." the following: "The council shall not
27 approve an application if the territory to be added
28 does not create more uniform and regular city
29 boundaries."

30 7. Page 6, line 29, by inserting after the word
31 "resolution." the following: "The map shall show the
32 territory and the entire city to which the annexation
33 is directed."

34 8. Page 6, line 35, by inserting after the word
35 "board." the following: "The application must contain
36 a legal description and a map showing the territory
37 and the entire city to which the annexation is
38 directed."

39 9. Page 7, line 2, by inserting after the word
40 "island." the following: "The board shall not approve
41 an application if the territory to be added does not
42 create more uniform and regular city boundaries."

43 10. Page 8, by inserting after line 8 the
44 following:

45 "Sec. ____ Section 368.11, subsection 2, Code
46 2001, is amended to read as follows:

47 2. A map of the territory, and of the entire city
48 or cities involved."

49 11. Page 8, line 24, by striking the word
50 "petitioner" and inserting the following: "annexing

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1 city".

2 12. Page 11, line 18, by inserting after the word
3 "developed" the following: "or subdivided".

4 13. Page 11, by inserting after line 19, the
5 following:

6 "NEW SUBSECTION. 11. An annexation if the
7 territory to be added does not create more uniform and
8 regular city boundaries."

9 14. By renumbering as necessary.

FALLON of Polk

H-1361

1 Amend House File 452 as follows:

2 1. Page 1, by striking lines 1 through 20 and
3 inserting the following:

4 "Sec. ____ Section 232.133, subsections 1 and 2,
5 Code 2001, are amended to read as follows:

- 6 1. An interested party aggrieved by an order or
7 decree of the juvenile court may appeal from the court
8 for review of questions of law or fact. However, an
9 order adjudicating a child to have committed a
10 delinquent act, entered pursuant to section 232.47,
11 shall not be appealed until the court enters a
12 corresponding dispositional order pursuant to section
13 232.52. An appeal that affects the custody of a child
14 shall be heard at the earliest practicable time.
15 2. ~~The procedure for such~~ Except for appeals from
16 an order entered pursuant to section 232.117,
17 appellate procedures shall be governed by the same
18 provisions applicable to appeals from the district
19 court ~~provided that when such order or decree affects~~
20 ~~the custody of a child the appeal shall be heard at~~
21 ~~the earliest practicable time.~~ The supreme court may
22 prescribe rules to expedite the resolution of appeals
23 from final orders entered pursuant to section
24 232.117."
25 2. Title page, by striking lines 1 and 2, and
26 inserting the following: "An Act relating to appeals
27 filed in juvenile court proceedings."

BODDICKER of Cedar

H-1363

- 1 Amend House File 598 as follows:
2 1. Page 1, line 12, by inserting after the word
3 "center." the following: "The director of public
4 health shall implement the grant program in a manner
5 that does not result in additional administrative
6 costs to the Iowa department of public health."

FOEGE of Linn

H-1365

- 1 Amend Senate File 346, as passed by the Senate, as
2 follows:
3 1. Page 1, line 12, by striking the words "may
4 shall" and inserting the following: "may".

BAUDLER of Adair

H-1366

- 1 Amend House File 638 as follows:
2 1. Page 1, line 13, by inserting after the word
3 "state." the following: "For purposes of this
4 subsection, "area zoned and used for commercial or
5 industrial purposes" means an area zoned for

6 commercial or industrial purposes in accordance with
7 chapter 414, in the case of city zoning, or chapter
8 335, in the case of county zoning, in which one or
9 more commercial or industrial activities, as defined
10 under the city or county zoning ordinance, are
11 located."

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

14 "Sec. ____ EFFECTIVE DATE – RULES. Section 1 of
15 this Act, amending section 306B.2, subsection 4, shall
16 take effect July 1, 2003. However, the state
17 department of transportation shall adopt rules prior
18 to July 1, 2003, to be effective July 1, 2003,
19 regarding approval by the department of the erection
20 or maintenance of advertising devices along interstate
21 highways pursuant to section 306B.2, subsection 4, as
22 amended by this Act. Such rules shall require that
23 advertising devices erected or maintained pursuant to
24 section 306B.2, subsection 4, as amended by this Act,
25 be in compliance with the provisions of the federal
26 Highway Beautification Act of 1965, 23 U.S.C. § 131."

27 3. Title page, line 2, by inserting after the
28 word "highways" the following: "and providing an
29 effective date".

30 4. By renumbering as necessary.

HUSER of Polk

H-1367

1 Amend Senate File 196, 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. INTERIM STUDY COMMITTEE. The
6 legislative council is requested to appoint an interim
7 study committee to review the regulation of executive
8 branch and legislative branch lobbyists. Committee
9 membership shall be determined by the legislative
10 council, and shall include at least one member of the
11 majority and minority party from each chamber of the
12 general assembly. The committee review shall include
13 but shall not be limited to a review of current
14 statutory requirements for lobbyist registration and
15 reporting; legislative rules and rules of the ethics
16 and campaign disclosure board regulating lobbyists and
17 lobbying activities; a comparison of other states'
18 efforts to regulate lobbyists and lobbying activities;
19 and recommendations concerning the most effective
20 means of regulating lobbyists. The committee shall
21 meet as necessary prior to submission of the report,
22 and may take testimony from any source including

23 lobbyists or the public, as the committee deems
24 appropriate, in fulfilling its duties. Staffing for
25 the committee shall be provided by the legal counsel
26 of the ethics and campaign disclosure board. The
27 committee report may include recommendations for
28 changes in existing rules and statutes, and the
29 committee may request the assistance of the
30 legislative service bureau in preparing a draft of
31 proposed legislation. The committee report shall be
32 submitted to the legislature no later than November 1,
33 2001."

34 2. Title page, by striking lines 1 through 3 and
35 inserting the following: "An Act relating to
36 establishment of a study committee relating to
37 regulation of lobbyists."

38 3. By renumbering as necessary.

Committee on State Government

H-1368

1 Amend Senate File 461, as passed by the Senate, as
2 follows:

3 1. Page 1, line 13, by inserting after the word
4 "state," the following: "For purposes of this
5 subsection, "area zoned and used for commercial or
6 industrial purposes" means an area zoned for
7 commercial or industrial purposes in accordance with
8 chapter 414, in the case of city zoning, or chapter
9 335, in the case of county zoning, in which one or
10 more commercial or industrial activities, as defined
11 under the city or county zoning ordinance, are
12 located."

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

15 "Sec. ____ EFFECTIVE DATE – RULES. Section 1 of
16 this Act, amending section 306B.2, subsection 4, shall
17 take effect July 1, 2003. However, the state
18 department of transportation shall adopt rules prior
19 to July 1, 2003, to be effective July 1, 2003,
20 regarding approval by the department of the erection
21 or maintenance of advertising devices along interstate
22 highways pursuant to section 306B.2, subsection 4, as
23 amended by this Act. Such rules shall require that
24 advertising devices erected or maintained pursuant to
25 section 306B.2, subsection 4, as amended by this Act,
26 be in compliance with the provisions of the federal
27 Highway Beautification Act of 1965, 23 U.S.C. § 131."

28 3. Title page, line 2, by inserting after the
29 word "highways" the following: "and providing an
30 effective date".

31 4. By renumbering as necessary.

HUSER of Polk

H-1369

1 Amend Senate File 355, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, lines 16 and 17, by striking the words
4 "who has not suffered bodily harm".
5 2. Page 4, by inserting after line 11 the
6 following:
7 "7. If it is determined that custody of a newborn
8 infant has been released under this section and that
9 the newborn infant has been subject to child abuse, as
10 defined in section 232.68, or a child endangerment
11 offense under section 726.6, other than abandonment,
12 the department of human services in determining
13 whether the name of the perpetrator shall be placed in
14 the central child abuse registry under section 232.71D
15 and the court in determining a sentence under section
16 726.6, shall consider the parent's action in releasing
17 custody of the newborn infant under this section to be
18 a positive mitigating circumstance."

SMITH of Marshall

H-1371

1 Amend House File 116 as follows:
2 1. Page 1, by inserting after line 7, the
3 following:
4 "Sec. ____ Section 144.29A, subsection 1,
5 paragraph e, Code 2001, is amended by striking the
6 paragraph."
7 2. By renumbering as necessary.

METCALF of Polk

H-1372

1 Amend House File 116 as follows:
2 1. Page 1, by inserting after line 7, the
3 following:
4 "Sec. ____ Section 144.29A, subsection 1,
5 paragraph h, Code 2001, is amended by striking the
6 paragraph."
7 2. By renumbering as necessary.

METCALF of Polk

H-1373

- 1 Amend House File 116 as follows:
- 2 1. Page 1, line 1, by striking the words
- 3 "paragraphs c and" and inserting the following:
- 4 "paragraph c".
- 5 2. Page 1, by striking line 2, and inserting the
- 6 following: "Code 2001, is amended to read as
- 7 follows:"
- 8 3. Page 1, by striking lines 6 and 7.
- 9 4. Page 1, by inserting before line 8, the
- 10 following:
- 11 "Sec. ____ Section 144.29A, subsection 1,
- 12 paragraph j, Code 2001, is amended by striking the
- 13 paragraph."
- 14 5. By renumbering as necessary.

METCALF of Polk

H-1374

- 1 Amend House File 116 as follows:
- 2 1. Page 1, by inserting after line 7, the
- 3 following:
- 4 "Sec. ____ Section 144.29A, subsection 1,
- 5 paragraph g, Code 2001, is amended by striking the
- 6 paragraph."
- 7 2. By renumbering as necessary.

METCALF of Polk

H-1375

- 1 Amend House File 116 as follows:
- 2 1. Page 1, by inserting after line 7, the
- 3 following:
- 4 "Sec. ____ Section 144.29A, subsection 1,
- 5 paragraph i, Code 2001, is amended by striking the
- 6 paragraph."
- 7 2. By renumbering as necessary.

METCALF of Polk

H-1376

- 1 Amend House File 116 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section 144.29A, subsection 1,
- 5 paragraph a, Code 2001, is amended by striking the
- 6 paragraph."

- 7 2. By renumbering as necessary.

METCALF of Polk

H-1377

- 1 Amend House File 116 as follows:
2 1. Page 1, by inserting after line 7, the
3 following:
4 "Sec. ____ Section 144.29A, subsection 1,
5 paragraph f, Code 2001, is amended by striking the
6 paragraph."
7 2. By renumbering as necessary.

METCALF of Polk

H-1378

- 1 Amend House File 116, as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 144.29A, subsection 1,
5 paragraph b, Code 2001, is amended by striking the
6 paragraph."
7 2. By renumbering as necessary.

METCALF of Polk

H-1379

- 1 Amend House File 116 as follows:
2 1. Page 1, by inserting after line 7, the
3 following:
4 "Sec. ____ Section 144.29A, subsection 1,
5 paragraph d, Code 2001, is amended by striking the
6 paragraph."
7 2. By renumbering as necessary.

METCALF of Polk

H-1387

- 1 Amend House File 670 as follows:
2 1. Page 1, by striking lines 19 and 20 and
3 inserting the following: "license pursuant to section
4 272.2, subsection 13, paragraph "b". Prior to
5 licensure as a conditional administrator or a".
6 2. Page 2, by striking lines 19 through 21 and
7 inserting the following: "training program, and a
8 nontraditional practitioner preparation instruction
9 program in accordance with section 256.16, subsection
10 3. An individual may be".

- 11 3. Page 2, by striking lines 24 through 26 and
12 inserting the following: "administrator under a
13 conditional license. However, an individual
14 licensed".
15 4. Page 3, line 4, by striking the word "twelve-
16 week".

FOEGE of Linn

H-1390

- 1 Amend House File 116 as follows:
2 1. Page 1, by striking lines 1 through 14, and
3 inserting the following:
4 "Section 1. Section 144.29A, Code 2001, is
5 repealed.
6 Sec. ____ Section 144.52, subsection 7, Code 2001,
7 is amended by striking the subsection."
8 2. Title page, line 1, by striking the words
9 "information to be included in" and inserting the
10 following: "the repeal of".

WINCKLER of Scott

H-1392

- 1 Amend House File 116 as follows:
2 1. Page 1, by striking lines 1 through 14, and
3 inserting the following:
4 "Section 1. Section 144.29A, Code 2001, is amended
5 to read as follows:
6 144.29A TERMINATION OF PREGNANCY HEALTH-RELATED
7 REPORTING.
8 1. A health care provider who initially identifies
9 and diagnoses a spontaneous termination of pregnancy
10 or who induces a termination of pregnancy or who
11 prescribes viagra shall file with the department a
12 report for each termination or each prescription
13 within thirty days of the occurrence. The health care
14 provider shall make a good faith effort to obtain all
15 of the following information that is available with
16 respect to each termination or prescription, as
17 appropriate:
18 a. The confidential health care provider code as
19 assigned by the department.
20 b. The report tracking number.
21 c. The maternal health services region of the Iowa
22 department of public health, as designated as of July
23 1, 1997, in which the patient resides.
24 d. The race of the patient.
25 e. The age of the patient.
26 f. The marital status of the patient.

27 g. The educational level of the patient.
28 h. The number of previous pregnancies, live
29 births, and spontaneous or induced terminations of
30 pregnancies or the number of previous prescriptions of
31 viagra.
32 i. The month and year in which the termination
33 occurred or in which viagra was prescribed.
34 j. The number of weeks since the patient's last
35 menstrual period and a clinical estimate of gestation.
36 2. It is the intent of the general assembly that
37 the information shall be collected, reproduced,
38 released, and disclosed in a manner specified by rule
39 of the department, adopted pursuant to chapter 17A,
40 which ensures the anonymity of the patient ~~who~~
41 ~~experiences a termination of pregnancy~~, the health
42 care provider who identifies and diagnoses or induces
43 a termination of pregnancy or who prescribed viagra,
44 and the hospital, clinic, or other health facility in
45 which a termination of pregnancy is identified and
46 diagnosed or induced or in which the viagra
47 prescription is provided. The department may share
48 information with federal public health officials for
49 the purposes of securing federal funding or conducting
50 public health research. However, in sharing the

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1 information, the department shall not relinquish
2 control of the information, and any agreement entered
3 into by the department with federal public health
4 officials to share information shall prohibit the use,
5 reproduction, release, or disclosure of the
6 information by federal public health officials in a
7 manner which violates this section. The department
8 shall publish, annually, a demographic summary of the
9 information obtained pursuant to this section, except
10 that the department shall not reproduce, release, or
11 disclose any information obtained pursuant to this
12 section which reveals the identity of any patient,
13 health care provider, hospital, clinic, or other
14 health facility, and shall ensure anonymity in the
15 following ways:
16 a. The department may use information concerning
17 the report tracking number or concerning the identity
18 of a reporting health care provider, hospital, clinic,
19 or other health facility only for purposes of
20 information collection. The department shall not
21 reproduce, release, or disclose this information for
22 any purpose other than for use in annually publishing
23 the demographic summary under this section.
24 b. The department shall enter the information,
25 from any report of ~~termination~~ submitted, within

26 thirty days of receipt of the report, and shall
27 immediately destroy the report following entry of the
28 information. However, entry of the information from a
29 report shall not include any health care provider,
30 hospital, clinic, or other health facility
31 identification information including, but not limited
32 to, the confidential health care provider code, as
33 assigned by the department.

34 c. To protect confidentiality, the department
35 shall limit release of information to release in an
36 aggregate form which prevents identification of any
37 individual patient, health care provider, hospital,
38 clinic, or other health facility. For the purposes of
39 this paragraph, "aggregate form" means a compilation
40 of the information received by the department on
41 ~~termination of pregnancies~~ for each information item
42 listed, with the exceptions of the report tracking
43 number, the health care provider code, and any set of
44 information for which the amount is so small that the
45 confidentiality of any person to whom the information
46 relates may be compromised. The department shall
47 establish a methodology to provide a statistically
48 verifiable basis for any determination of the correct
49 amount at which information may be released so that
50 the confidentiality of any person is not compromised.

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1 3. Except as specified in subsection 2, reports,
2 information, and records submitted and maintained
3 pursuant to this section are strictly confidential and
4 shall not be released or made public upon subpoena,
5 search warrant, discovery proceedings, or by any other
6 means.

7 4. The department shall assign a code to any
8 health care provider who may be required to report a
9 ~~termination~~ under this section. An application
10 procedure shall not be required for assignment of a
11 code to a health care provider.

12 5. A health care provider shall assign a report
13 tracking number which enables the health care provider
14 to access the patient's medical information without
15 identifying the patient.

16 6. To ensure proper performance of the reporting
17 requirements under this section, it is preferred that
18 a health care provider who practices within a
19 hospital, clinic, or other health facility authorize
20 one staff person to fulfill the reporting
21 requirements.

22 7. For the purposes of this section, "health care
23 provider" means an individual licensed under chapter
24 148, 148C, 148D, 150, 150A, or 152, or any individual

25 who provides medical services under the authorization
26 of the licensee.

27 8. For the purposes of this section, "inducing a
28 termination of pregnancy" means the use of any means
29 to terminate the pregnancy of a woman known to be
30 pregnant with the intent other than to produce a live
31 birth or to remove a dead fetus.

32 9. For the purposes of this section, "spontaneous
33 termination of pregnancy" means the occurrence of an
34 unintended termination of pregnancy at any time during
35 the period from conception to twenty weeks gestation
36 and which is not a spontaneous termination of
37 pregnancy at any time during the period from twenty
38 weeks or greater which is reported to the department
39 as a fetal death under this chapter."

40 2. Title page, line 1, by inserting after the
41 word "in" the following: "health-related reporting
42 including".

HATCH of Polk

H-1393

1 Amend House File 116 as follows:

2 1. Page 1, by striking lines 1 through 14 and
3 inserting the following:

4 "Section 1. Section 144.29A, Code 2001, is amended
5 to read as follows:

6 ~~144.29A~~ TERMINATION OF PREGNANCY HEALTH-RELATED
7 REPORTING.

8 1. A health care provider who initially identifies
9 and diagnoses a spontaneous termination of pregnancy
10 or who induces a termination of pregnancy or who
11 initially identifies or diagnoses an incidence of
12 respiratory or lung disease shall file with the
13 department a report for each termination incidence
14 within thirty days of the occurrence. The health care
15 provider shall make a good faith effort to obtain all
16 of the following information that is available with
17 respect to each termination incidence, as applicable:

18 a. The confidential health care provider code as
19 assigned by the department.

20 b. The report tracking number.

21 c. The maternal health services region of the Iowa
22 department of public health, as designated as of July
23 1, 1997, in which the patient resides.

24 d. The race of the patient.

25 e. The age of the patient.

26 f. The marital status of the patient.

27 g. The educational level of the patient.

28 h. The number of previous pregnancies, live
29 births, and spontaneous or induced terminations of

30 pregnancies or the number of previous incidences of
31 respiratory or lung disease identified or diagnosed.

32 i. The month and year in which the termination
33 occurred or in which the respiratory or lung disease
34 was identified or diagnosed.

35 j. The number of weeks since the patient's last
36 menstrual period and a clinical estimate of gestation.

37 2. It is the intent of the general assembly that
38 the information shall be collected, reproduced,
39 released, and disclosed in a manner specified by rule
40 of the department, adopted pursuant to chapter 17A,
41 which ensures the anonymity of the patient ~~who~~
42 ~~experiences a termination of pregnancy,~~ the health
43 care provider who identifies and diagnoses or induces
44 a termination of pregnancy or who identifies or
45 diagnoses an incidence of respiratory or lung disease,
46 and the hospital, clinic, or other health facility in
47 which a termination of pregnancy is identified and
48 diagnosed or induced or in which the incidence of
49 respiratory or lung disease was identified or
50 diagnosed. The department may share information with

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1 federal public health officials for the purposes of
2 securing federal funding or conducting public health
3 research. However, in sharing the information, the
4 department shall not relinquish control of the
5 information, and any agreement entered into by the
6 department with federal public health officials to
7 share information shall prohibit the use,
8 reproduction, release, or disclosure of the
9 information by federal public health officials in a
10 manner which violates this section. The department
11 shall publish, annually, a demographic summary of the
12 information obtained pursuant to this section, except
13 that the department shall not reproduce, release, or
14 disclose any information obtained pursuant to this
15 section which reveals the identity of any patient,
16 health care provider, hospital, clinic, or other
17 health facility, and shall ensure anonymity in the
18 following ways:

19 a. The department may use information concerning
20 the report tracking number or concerning the identity
21 of a reporting health care provider, hospital, clinic,
22 or other health facility only for purposes of
23 information collection. The department shall not
24 reproduce, release, or disclose this information for
25 any purpose other than for use in annually publishing
26 the demographic summary under this section.

27 b. The department shall enter the information,
28 from any report of ~~termination~~ submitted, within

29 thirty days of receipt of the report, and shall
30 immediately destroy the report following entry of the
31 information. However, entry of the information from a
32 report shall not include any health care provider,
33 hospital, clinic, or other health facility
34 identification information including, but not limited
35 to, the confidential health care provider code, as
36 assigned by the department.
37 c. To protect confidentiality, the department
38 shall limit release of information to release in an
39 aggregate form which prevents identification of any
40 individual patient, health care provider, hospital,
41 clinic, or other health facility. For the purposes of
42 this paragraph, "aggregate form" means a compilation
43 of the information received by the department on
44 ~~termination of pregnancies~~ for each information item
45 listed, with the exceptions of the report tracking
46 number, the health care provider code, and any set of
47 information for which the amount is so small that the
48 confidentiality of any person to whom the information
49 relates may be compromised. The department shall
50 establish a methodology to provide a statistically

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1 verifiable basis for any determination of the correct
2 amount at which information may be released so that
3 the confidentiality of any person is not compromised.
4 3. Except as specified in subsection 2, reports,
5 information, and records submitted and maintained
6 pursuant to this section are strictly confidential and
7 shall not be released or made public upon subpoena,
8 search warrant, discovery proceedings, or by any other
9 means.

10 4. The department shall assign a code to any
11 health care provider who may be required to report a
12 ~~termination~~ under this section. An application
13 procedure shall not be required for assignment of a
14 code to a health care provider.

15 5. A health care provider shall assign a report
16 tracking number which enables the health care provider
17 to access the patient's medical information without
18 identifying the patient.

19 6. To ensure proper performance of the reporting
20 requirements under this section, it is preferred that
21 a health care provider who practices within a
22 hospital, clinic, or other health facility authorize
23 one staff person to fulfill the reporting
24 requirements.

25 7. For the purposes of this section, "health care
26 provider" means an individual licensed under chapter
27 148, 148C, 148D, 150, 150A, or 152, or any individual

28 who provides medical services under the authorization
29 of the licensee.

30 8. For the purposes of this section, "inducing a
31 termination of pregnancy" means the use of any means
32 to terminate the pregnancy of a woman known to be
33 pregnant with the intent other than to produce a live
34 birth or to remove a dead fetus.

35 9. For the purposes of this section, "spontaneous
36 termination of pregnancy" means the occurrence of an
37 unintended termination of pregnancy at any time during
38 the period from conception to twenty weeks gestation
39 and which is not a spontaneous termination of
40 pregnancy at any time during the period from twenty
41 weeks or greater which is reported to the department
42 as a fetal death under this chapter."

43 2. Title page, line 1, by inserting after the
44 word "in" the following: "health-related reporting
45 including".

PETERSEN of Polk

H-1394

1 Amend House File 116 as follows:

2 1. Page 1, by striking lines 1 through 14, and
3 inserting the following:

4 "Section 1. Section 144.29A, Code 2001, is amended
5 to read as follows:

6 144.29A TERMINATION OF PREGNANCY HEALTH-RELATED
7 REPORTING.

8 1. A health care provider who initially identifies
9 and diagnoses a spontaneous termination of pregnancy
10 or who induces a termination of pregnancy or who
11 initially identifies or diagnoses cancer shall file
12 with the department a report for each termination
13 incidence within thirty days of the occurrence. The
14 health care provider shall make a good faith effort to
15 obtain all of the following information that is
16 available with respect to each termination incidence,
17 as applicable:

18 a. The confidential health care provider code as
19 assigned by the department.

20 b. The report tracking number.

21 c. The maternal health services region of the Iowa
22 department of public health, as designated as of July
23 1, 1997, in which the patient resides.

24 d. The race of the patient.

25 e. The age of the patient.

26 f. The marital status of the patient.

27 g. The educational level of the patient.

28 h. The number of previous pregnancies, live
29 births, and spontaneous or induced terminations of

30 pregnancies or the number of previous diagnoses of
31 cancer.
32 i. The month and year in which the termination
33 occurred or the cancer was identified or diagnosed.
34 j. The number of weeks since the patient's last
35 menstrual period and a clinical estimate of gestation.
36 2. It is the intent of the general assembly that
37 the information shall be collected, reproduced,
38 released, and disclosed in a manner specified by rule
39 of the department, adopted pursuant to chapter 17A,
40 which ensures the anonymity of the patient ~~who~~
41 ~~experiences a termination of pregnancy,~~ the health
42 care provider who identifies and diagnoses or induces
43 a termination of pregnancy or who identifies or
44 diagnoses the patient's cancer, and the hospital,
45 clinic, or other health facility in which a
46 termination of pregnancy is identified and diagnosed
47 or induced or in which the patient's cancer is
48 identified or diagnosed. The department may share
49 information with federal public health officials for
50 the purposes of securing federal funding or conducting

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1 public health research. However, in sharing the
2 information, the department shall not relinquish
3 control of the information, and any agreement entered
4 into by the department with federal public health
5 officials to share information shall prohibit the use,
6 reproduction, release, or disclosure of the
7 information by federal public health officials in a
8 manner which violates this section. The department
9 shall publish, annually, a demographic summary of the
10 information obtained pursuant to this section, except
11 that the department shall not reproduce, release, or
12 disclose any information obtained pursuant to this
13 section which reveals the identity of any patient,
14 health care provider, hospital, clinic, or other
15 health facility, and shall ensure anonymity in the
16 following ways:
17 a. The department may use information concerning
18 the report tracking number or concerning the identity
19 of a reporting health care provider, hospital, clinic,
20 or other health facility only for purposes of
21 information collection. The department shall not
22 reproduce, release, or disclose this information for
23 any purpose other than for use in annually publishing
24 the demographic summary under this section.
25 b. The department shall enter the information,
26 from any report ~~of termination~~ submitted, within
27 thirty days of receipt of the report, and shall
28 immediately destroy the report following entry of the

29 information. However, entry of the information from a
30 report shall not include any health care provider,
31 hospital, clinic, or other health facility
32 identification information including, but not limited
33 to, the confidential health care provider code, as
34 assigned by the department.
35 c. To protect confidentiality, the department
36 shall limit release of information to release in an
37 aggregate form which prevents identification of any
38 individual patient, health care provider, hospital,
39 clinic, or other health facility. For the purposes of
40 this paragraph, "aggregate form" means a compilation
41 of the information received by the department on
42 ~~termination of pregnancies~~ for each information item
43 listed, with the exceptions of the report tracking
44 number, the health care provider code, and any set of
45 information for which the amount is so small that the
46 confidentiality of any person to whom the information
47 relates may be compromised. The department shall
48 establish a methodology to provide a statistically
49 verifiable basis for any determination of the correct
50 amount at which information may be released so that

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1 the confidentiality of any person is not compromised.
2 3. Except as specified in subsection 2, reports,
3 information, and records submitted and maintained
4 pursuant to this section are strictly confidential and
5 shall not be released or made public upon subpoena,
6 search warrant, discovery proceedings, or by any other
7 means.
8 4. The department shall assign a code to any
9 health care provider who may be required to report a
10 ~~termination~~ under this section. An application
11 procedure shall not be required for assignment of a
12 code to a health care provider.
13 5. A health care provider shall assign a report
14 tracking number which enables the health care provider
15 to access the patient's medical information without
16 identifying the patient.
17 6. To ensure proper performance of the reporting
18 requirements under this section, it is preferred that
19 a health care provider who practices within a
20 hospital, clinic, or other health facility authorize
21 one staff person to fulfill the reporting
22 requirements.
23 7. For the purposes of this section, "health care
24 provider" means an individual licensed under chapter
25 148, 148C, 148D, 150, 150A, or 152, or any individual
26 who provides medical services under the authorization
27 of the licensee.

28 8. For the purposes of this section, "inducing a
29 termination of pregnancy" means the use of any means
30 to terminate the pregnancy of a woman known to be
31 pregnant with the intent other than to produce a live
32 birth or to remove a dead fetus.
33 9. For the purposes of this section, "spontaneous
34 termination of pregnancy" means the occurrence of an
35 unintended termination of pregnancy at any time during
36 the period from conception to twenty weeks gestation
37 and which is not a spontaneous termination of
38 pregnancy at any time during the period from twenty
39 weeks or greater which is reported to the department
40 as a fetal death under this chapter."
41 2. Title page, line 1, by inserting after the
42 word "in" the following: "health-related reporting
43 including".

WINCKLER of Scott

H-1395

1 Amend House File 116 as follows:

2 1. Page 1, line 1, by inserting after the letter
3 "c" the following: ", d, e, f, g".

4 2. Page 1, by inserting after line 5, the
5 following:

6 "d. The race of the patient and the race of the
7 putative father.

8 e. The age of the patient and the age of the
9 putative father.

10 f. The marital status of the patient and the
11 marital status of the putative father.

12 g. The educational level of the patient and the
13 educational level of the putative father."

14 3. Page 1, by inserting after line 14, the
15 following:

16 "Sec. __. Section 144.29A, subsection 2,
17 unnumbered paragraph 1, Code 2001, is amended to read
18 as follows:

19 It is the intent of the general assembly that the
20 information shall be collected, reproduced, released,
21 and disclosed in a manner specified by rule of the
22 department, adopted pursuant to chapter 17A, which
23 ensures the anonymity of the patient who experiences a
24 termination of pregnancy, the putative father, the
25 health care provider who identifies and diagnoses or
26 induces a termination of pregnancy, and the hospital,
27 clinic, or other health facility in which a
28 termination of pregnancy is identified and diagnosed
29 or induced. The department may share information with
30 federal public health officials for the purposes of
31 securing federal funding or conducting public health

32 research. However, in sharing the information, the
33 department shall not relinquish control of the
34 information, and any agreement entered into by the
35 department with federal public health officials to
36 share information shall prohibit the use,
37 reproduction, release, or disclosure of the
38 information by federal public health officials in a
39 manner which violates this section. The department
40 shall publish, annually, a demographic summary of the
41 information obtained pursuant to this section, except
42 that the department shall not reproduce, release, or
43 disclose any information obtained pursuant to this
44 section which reveals the identity of any patient,
45 health care provider, hospital, clinic, or other
46 health facility, and shall ensure anonymity in the
47 following ways:"
48 4. By renumbering as necessary.

MASCHER of Johnson

H-1396

1 Amend House File 116 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 144.29A, subsection 1,
5 unnumbered paragraph 1, Code 2001, is amended to read
6 as follows:
7 A health care provider who initially identifies and
8 diagnoses a ~~spontaneous termination of pregnancy~~ or
9 who induces a termination of pregnancy shall file with
10 the department a report for each termination within
11 thirty days of the occurrence. The health care
12 provider shall make a good faith effort to obtain all
13 of the following information that is available with
14 respect to each termination:"
15 2. Page 1, line 1, by inserting after the letter
16 "c" the following: ", h".
17 3. Page 1, by inserting after line 5, the
18 following:
19 "h. The number of previous pregnancies, live
20 births, and ~~spontaneous or~~ induced terminations of
21 pregnancies."
22 4. Page 1, by inserting after line 14, the
23 following:
24 "Sec. ____ Section 144.29A, subsection 9, Code
25 2001, is amended by striking the subsection."
26 5. By renumbering as necessary.

LENSING of Johnson

H-1397

1 Amend House File 577 as follows:

2 1. Page 6, by inserting after line 21 the
3 following:

4 "4. a. If a rate-regulated public utility files
5 an application to construct an electric power
6 generating facility pursuant to section 476A.3, the
7 board shall specify in advance, by order issued after
8 a contested case proceeding, the ratemaking principles
9 that will apply when the costs of the facility are
10 included in regulated electric rates.

11 b. In determining the applicable ratemaking
12 principles, the board shall not be limited to
13 traditional ratemaking principles or traditional cost
14 recovery mechanisms.

15 c. The applicable ratemaking principles shall be
16 determined in a contested case proceeding, which
17 proceeding may be combined with the proceeding for
18 issuance of a certificate conducted pursuant to
19 chapter 476A.

20 d. The order setting forth the applicable
21 ratemaking principles shall be issued prior to the
22 commencement of construction of the facility.

23 e. Following issuance of the order, the rate-
24 regulated public utility shall have the option of
25 proceeding with construction of the facility, or
26 withdrawing its application for a certificate under
27 chapter 476A.

28 f. Notwithstanding any provision of this chapter
29 to the contrary, the ratemaking principles established
30 by the order issued pursuant to paragraph "d" shall be
31 binding with regard to the specific electric power
32 generating facility in any subsequent rate proceeding.

33 Sec. ___. Section 476A.4, Code 2001, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 5. A proceeding for the issuance
36 of a certificate under section 476A.5 may be
37 consolidated with a contested case proceeding for
38 determination of applicable ratemaking principles
39 under section 476.53."

40 2. Page 8, by inserting after line 4 the
41 following:

42 "Sec. ___. Section 476A.7, Code 2001, is amended
43 by adding the following new subsection:

44 NEW SUBSECTION. 3. Pursuant to the provisions of
45 section 476.53, a rate-regulated public utility shall
46 have the option of withdrawing its application for
47 issuance of a certificate at any time prior to the
48 issuance of the certificate, or after the certificate
49 has been issued."

50 3. By renumbering as necessary.

JENKINS of Black Hawk

H-1399

- 1 Amend House File 577 as follows:
- 2 1. Page 1, line 24, by striking the word "from"
- 3 and inserting the following: "from, or for the lease
- 4 of,".
- 5 2. Page 1, line 26, by inserting after the word
- 6 "purchased" the following: "or nameplate capacity of
- 7 the facility leased".

JENKINS of Black Hawk

H-1401

- 1 Amend the amendment, H-1397, to House File 577, as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "facility" the following: "in Iowa".
- 5 2. Page 1, line 25, by inserting after the word
- 6 "facility" the following: "in Iowa".

JENKINS of Black Hawk

H-1403

- 1 Amend the amendment, H-1297 to House File 577 as
- 2 follows:
- 3 1. Page 1, by inserting after line 8 the
- 4 following:
- 5 "___ Page 2, line 13, by striking the word "The"
- 6 and inserting the following: "Prior to implementation
- 7 of the contract, and prior to inclusion of contract
- 8 costs in the regulated retail rates of the public
- 9 utility, the public utility shall submit the proposed
- 10 contract to a vote of its retail customers. If a
- 11 majority of the retail customers approve the contract,
- 12 then the".

CHIODO of Polk

H-1406

- 1 Amend the amendment, H-1398, to House File 577 as
- 2 follows:
- 3 1. By striking page 1, line 2, through page 2,
- 4 line 6, and inserting the following:
- 5 "___ By striking page 1, line 11, through page
- 6 2, line 30, and inserting the following:

7 "NEW SUBSECTION. 16A. PUBLIC UTILITY LEASE OF
8 ASSETS.

9 a. A rate-regulated public utility shall file with
10 the board any lease of assets from an affiliate,
11 subsidiary, or any other entity owned or controlled
12 directly or indirectly by such utility or any
13 affiliate, subsidiary, parent company, associate, or
14 any corporation whose controlling stockholders are
15 also controlling stockholders of such utility, if the
16 lease of assets meets all of the following conditions:

17 (1) The lease term is for a period of twenty-five
18 years or longer.

19 (2) The lease relates to an electric power
20 generating facility that is being planned or is under
21 construction in Iowa as of the date of the lease.

22 (3) The lease involves the acquisition of the
23 capacity of the facility, or a right to any percentage
24 of the capacity of the facility that equals or exceeds
25 five percent of the public utility's Iowa retail load.

26 (4) The lease provides that the public utility
27 will control, operate, and maintain the electric power
28 generating facility during the term of the lease, and
29 will control the use and sale of all electricity
30 generated at the facility during the term of the
31 lease.

32 (5) A provision at the end of the original lease
33 term that allows an option for either the extension of
34 the lease, pursuant to review under the terms of this
35 subsection, as applicable, or for the purchase of the
36 electric power generating facility, subject to the
37 approval of the board.

38 b. The board shall approve the lease if it finds,
39 after a contested case proceeding, that the terms of
40 the lease are reasonable and prudent.

41 c. The costs of the lease approved by the board
42 shall be included in the public utility's regulated
43 retail electric rates.

44 d. The board shall amortize the costs of the lease
45 over the expected useful life of the electric power
46 generating facility. However, the board shall not
47 allow recovery by the public utility in excess of the
48 proportional share of total amortized costs for the
49 term of the lease, if the expected useful life of the
50 electric power generating facility is longer than the

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1 term of the lease.

2 e. The board may approve a surcharge to retail
3 customers for the cost of capital being invested in
4 the electric power generating facility during the
5 period of construction, if the board finds that it is

6 in the public interest to provide an incentive to
7 ensure the construction of a new electric power
8 generating facility in Iowa."
9 _____. Title page, lines 3 and 4, by striking the
10 words "power purchase contracts" and inserting the
11 following: "certain leases of assets by public
12 utilities".
13 _____. By renumbering or correcting internal
14 references as necessary."

CHIODO of Polk

H-1407

1 Amend the amendment, H-1397, to House File 577, as
2 follows:
3 1. Page 1, by striking lines 2 through 50, and
4 inserting the following:
5 "_____. By striking page 1, line 11, through page
6 2, line 30, and inserting the following:
7 "NEW SUBSECTION. 16A. PUBLIC UTILITY LEASE OF
8 ASSETS.
9 a. A rate-regulated public utility shall file with
10 the board any lease of assets from an affiliate,
11 subsidiary, or any other entity owned or controlled
12 directly or indirectly by such utility or any
13 affiliate, subsidiary, parent company, associate, or
14 any corporation whose controlling stockholders are
15 also controlling stockholders of such utility, if the
16 lease of assets meets all of the following conditions:
17 (1) The lease term is for a period of twenty-five
18 years or longer.
19 (2) The lease relates to an electric power
20 generating facility that is being planned or is under
21 construction in Iowa as of the date of the lease.
22 (3) The lease involves the acquisition of the
23 capacity of the facility, or a right to any percentage
24 of the capacity of the facility that equals or exceeds
25 five percent of the public utility's Iowa retail load.
26 (4) The lease provides that the public utility
27 will control, operate, and maintain the electric power
28 generating facility during the term of the lease, and
29 will control the use and sale of all electricity
30 generated at the facility during the term of the
31 lease.
32 (5) A provision at the end of the original lease
33 term that allows an option for either the extension of
34 the lease, pursuant to review under the terms of this
35 subsection, as applicable, or for the purchase of the
36 electric power generating facility, subject to the
37 approval of the board.
38 b. The board shall approve the lease if it finds,

39 after a contested case proceeding, that the terms of
40 the lease are reasonable and prudent.
41 c. The costs of the lease approved by the board
42 shall be included in the public utility's regulated
43 retail electric rates.
44 d. The board shall amortize the costs of the lease
45 over the expected useful life of the electric power
46 generating facility. However, the board shall not
47 allow recovery by the public utility in excess of the
48 proportional share of total amortized costs for the
49 term of the lease, if the expected useful life of the
50 electric power generating facility is longer than the

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1 term of the lease.
2 e. The board may approve a surcharge to retail
3 customers for the cost of capital being invested in
4 the electric power generating facility during the
5 period of construction, if the board finds that it is
6 in the public interest to provide an incentive to
7 ensure the construction of a new electric power
8 generating facility in Iowa."
9 _____. Title page, lines 3 and 4, by striking the
10 words "power purchase contracts" and inserting the
11 following: "certain leases of assets by public
12 utilities".
13 _____. By renumbering, redesignating, and
14 correcting internal references as necessary."

CHIODO of Polk

H-1408

1 Amend House File 646 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 321J.2, subsection 1,
5 paragraph b, Code 2001, is amended to read as follows:
6 b. While having an alcohol concentration of ~~10~~
7 .08 or more."
8 2. Page 1, by inserting after line 18 the
9 following:
10 "Sec. _____. Section 321J.6, subsection 1, paragraph
11 g, Code 2001, is amended to read as follows:
12 g. The preliminary breath screening test was
13 administered and it indicated an alcohol concentration
14 of .02 or more but less than ~~10~~ .08 and the person is
15 under the age of twenty-one.
16 Sec. _____. Section 321J.12, subsection 5, Code
17 2001, is amended to read as follows:
18 5. Upon certification, subject to penalty of

19 perjury, by the peace officer that there existed
20 reasonable grounds to believe that the person had been
21 operating a motor vehicle in violation of section
22 321J.2A, that there existed one or more of the
23 necessary conditions for chemical testing described in
24 section 321J.6, subsection 1, and that the person
25 submitted to chemical testing and the test results
26 indicated an alcohol concentration as defined in
27 ~~section 321J.1~~ of .02 or more but less than ~~10~~ .08,
28 the department shall revoke the person's driver's
29 license or operating privilege for a period of sixty
30 days if the person has had no previous revocation
31 under this chapter, and for a period of ninety days if
32 the person has had a previous revocation under this
33 chapter.

34 Sec. __. IMPLEMENTATION OF ACT. Section 25B.2,
35 subsection 3, shall not apply to this Act."

36 3. Title page, lines 1 and 2, by striking the
37 words "sentences of incarceration for third or
38 subsequent".

39 4. By renumbering as necessary.

RAECKER of Polk
GRUNDBERG of Polk
KREIMAN of Davis

H-1410

1 Amend the amendment, H-1398, to House File 577 as
2 follows:

3 1. By striking page 1, line 2, through page 2,
4 line 6, and inserting the following:

5 " __. By striking page 1, line 11, through page
6 2, line 30, and inserting the following:

7 "NEW SUBSECTION. 16A. PUBLIC UTILITY LEASE OF
8 ASSETS.

9 a. A rate-regulated public utility shall file with
10 the board any lease of assets from an affiliate,
11 subsidiary, or any other entity owned or controlled
12 directly or indirectly by such utility or any
13 affiliate, subsidiary, parent company, associate, or
14 any corporation whose controlling stockholders are
15 also controlling stockholders of such utility, if the
16 lease of assets meets all of the following conditions:

17 (1) The lease term is for a period of twenty-five
18 years or longer.

19 (2) The lease relates to an electric power
20 generating facility that is being planned or is under
21 construction in Iowa as of the date of the lease.

22 (3) The lease involves the acquisition of the
23 capacity of the facility, or a right to any percentage
24 of the capacity of the facility that equals or exceeds

25 five percent of the public utility's Iowa retail load.
26 (4) The lease provides that the public utility
27 will control, operate, and maintain the electric power
28 generating facility during the term of the lease,
29 including employment of employees of the public
30 utility required to fully staff the facility, and will
31 control the use and sale of all electricity generated
32 at the facility during the term of the lease.
33 (5) A provision at the end of the original lease
34 term that allows an option for either the extension of
35 the lease, pursuant to review under the terms of this
36 subsection, as applicable, or for the purchase of the
37 electric power generating facility, subject to the
38 approval of the board.
39 b. The board shall approve the lease if it finds,
40 after a contested case proceeding, that the terms of
41 the lease are reasonable and prudent.
42 c. The costs of the lease approved by the board
43 shall be included in the public utility's regulated
44 retail electric rates.
45 d. The board shall amortize the costs of the lease
46 over the expected useful life of the electric power
47 generating facility. However, the board shall not
48 allow recovery by the public utility in excess of the
49 proportional share of total amortized costs for the
50 term of the lease, if the expected useful life of the

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1 electric power generating facility is longer than the
2 term of the lease.
3 e. The board may approve a surcharge to retail
4 customers for the cost of capital being invested in
5 the electric power generating facility during the
6 period of construction, if the board finds that it is
7 in the public interest to provide an incentive to
8 ensure the construction of a new electric power
9 generating facility in Iowa."
10 _____. Title page, lines 3 and 4, by striking the
11 words "power purchase contracts" and inserting the
12 following: "certain leases of assets by public
13 utilities".
14 _____. By renumbering or correcting internal
15 references as necessary."

CHIODO of Polk

H-1411

1 Amend the amendment, H-1397, to House File 577, as
2 follows:
3 1. Page 1, by striking lines 2 through 50, and

4 inserting the following:

5 "____. By striking page 1, line 11, through page

6 2, line 30, and inserting the following:

7 "NEW SUBSECTION. 16A. PUBLIC UTILITY LEASE OF
8 ASSETS.

9 a. A rate-regulated public utility shall file with
10 the board any lease of assets from an affiliate,
11 subsidiary, or any other entity owned or controlled
12 directly or indirectly by such utility or any
13 affiliate, subsidiary, parent company, associate, or
14 any corporation whose controlling stockholders are
15 also controlling stockholders of such utility, if the
16 lease of assets meets all of the following conditions:

17 (1) The lease term is for a period of twenty-five
18 years or longer.

19 (2) The lease relates to an electric power
20 generating facility that is being planned or is under
21 construction in Iowa as of the date of the lease.

22 (3) The lease involves the acquisition of the
23 capacity of the facility, or a right to any percentage
24 of the capacity of the facility that equals or exceeds
25 five percent of the public utility's Iowa retail load.

26 (4) The lease provides that the public utility
27 will control, operate, and maintain the electric power
28 generating facility during the term of the lease,
29 including employment of employees of the public
30 utility required to fully staff the facility, and will
31 control the use and sale of all electricity generated
32 at the facility during the term of the lease.

33 (5) A provision at the end of the original lease
34 term that allows an option for either the extension of
35 the lease, pursuant to review under the terms of this
36 subsection, as applicable, or for the purchase of the
37 electric power generating facility, subject to the
38 approval of the board.

39 b. The board shall approve the lease if it finds,
40 after a contested case proceeding, that the terms of
41 the lease are reasonable and prudent.

42 c. The costs of the lease approved by the board
43 shall be included in the public utility's regulated
44 retail electric rates.

45 d. The board shall amortize the costs of the lease
46 over the expected useful life of the electric power
47 generating facility. However, the board shall not
48 allow recovery by the public utility in excess of the
49 proportional share of total amortized costs for the
50 term of the lease, if the expected useful life of the

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1 electric power generating facility is longer than the
2 term of the lease.

- 3 e. The board may approve a surcharge to retail
4 customers for the cost of capital being invested in
5 the electric power generating facility during the
6 period of construction, if the board finds that it is
7 in the public interest to provide an incentive to
8 ensure the construction of a new electric power
9 generating facility in Iowa."
10 _____. Title page, lines 3 and 4, by striking the
11 words "power purchase contracts" and inserting the
12 following: "certain leases of assets by public
13 utilities".
14 _____. By renumbering, redesignating, and
15 correcting internal references as necessary."

CHIODO of Polk

H-1414

- 1 Amend House File 116 as follows:
2 1. Page 1, by striking lines 1 through 14 and
3 inserting the following:
4 "Section 1. Section 144.29A, Code 2001, is amended
5 to read as follows:
6 144.29A TERMINATION OF PREGNANCY HEALTH-RELATED
7 REPORTING.
8 1. A health care provider who initially identifies
9 and diagnoses a spontaneous termination of pregnancy
10 or who induces a termination of pregnancy or who
11 initially identifies or diagnoses an incidence of a
12 sports-related injury sustained during kindergarten
13 through grade twelve curricular or extracurricular
14 athletic activities shall file with the department a
15 report for each ~~termination incidence~~ within thirty
16 days of the occurrence. The health care provider
17 shall make a good faith effort to obtain all of the
18 following information that is available with respect
19 to each ~~termination incidence~~, as applicable:
20 a. The confidential health care provider code as
21 assigned by the department.
22 b. The report tracking number.
23 c. The maternal health services region of the Iowa
24 department of public health, as designated as of July
25 1, 1997, in which the patient resides.
26 d. The race of the patient.
27 e. The age of the patient.
28 f. The marital status of the patient.
29 g. The educational level of the patient.
30 h. The number of previous pregnancies, live
31 births, and spontaneous or induced terminations of
32 pregnancies or the number of previous incidences of
33 sports-related injuries sustained during kindergarten
34 through grade twelve curricular or extracurricular

35 athletic activities identified or diagnosed.

36 i. The month and year in which the termination
37 occurred or in which the incidence of sports-related
38 injuries sustained during kindergarten through grade
39 twelve curricular or extracurricular athletic
40 activities was identified or diagnosed.

41 j. The number of weeks since the patient's last
42 menstrual period and a clinical estimate of gestation.

43 2. It is the intent of the general assembly that
44 the information shall be collected, reproduced,
45 released, and disclosed in a manner specified by rule
46 of the department, adopted pursuant to chapter 17A,
47 which ensures the anonymity of the patient ~~who~~
48 ~~experiences a termination of pregnancy,~~ the health
49 care provider who identifies and diagnoses or induces
50 a termination of pregnancy or who identifies or

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1 diagnoses an incidence of sports-related injury
2 sustained during kindergarten through grade twelve
3 curricular or extracurricular athletic activities, and
4 the hospital, clinic, or other health facility in
5 which a termination of pregnancy is identified and
6 diagnosed or induced or in which the incidence of
7 sports-related injury sustained during kindergarten
8 through grade twelve curricular or extracurricular
9 athletic activities was identified or diagnosed. The
10 department may share information with federal public
11 health officials for the purposes of securing federal
12 funding or conducting public health research.
13 However, in sharing the information, the department
14 shall not relinquish control of the information, and
15 any agreement entered into by the department with
16 federal public health officials to share information
17 shall prohibit the use, reproduction, release, or
18 disclosure of the information by federal public health
19 officials in a manner which violates this section.
20 The department shall publish, annually, a demographic
21 summary of the information obtained pursuant to this
22 section, except that the department shall not
23 reproduce, release, or disclose any information
24 obtained pursuant to this section which reveals the
25 identity of any patient, health care provider,
26 hospital, clinic, or other health facility, and shall
27 ensure anonymity in the following ways:
28 a. The department may use information concerning
29 the report tracking number or concerning the identity
30 of a reporting health care provider, hospital, clinic,
31 or other health facility only for purposes of
32 information collection. The department shall not
33 reproduce, release, or disclose this information for

34 any purpose other than for use in annually publishing
35 the demographic summary under this section.
36 b. The department shall enter the information,
37 from any report of ~~termination~~ submitted, within
38 thirty days of receipt of the report, and shall
39 immediately destroy the report following entry of the
40 information. However, entry of the information from a
41 report shall not include any health care provider,
42 hospital, clinic, or other health facility
43 identification information including, but not limited
44 to, the confidential health care provider code, as
45 assigned by the department.
46 c. To protect confidentiality, the department
47 shall limit release of information to release in an
48 aggregate form which prevents identification of any
49 individual patient, health care provider, hospital,
50 clinic, or other health facility. For the purposes of

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1 this paragraph, "aggregate form" means a compilation
2 of the information received by the department ~~on~~
3 ~~termination of pregnancies~~ for each information item
4 listed, with the exceptions of the report tracking
5 number, the health care provider code, and any set of
6 information for which the amount is so small that the
7 confidentiality of any person to whom the information
8 relates may be compromised. The department shall
9 establish a methodology to provide a statistically
10 verifiable basis for any determination of the correct
11 amount at which information may be released so that
12 the confidentiality of any person is not compromised.
13 3. Except as specified in subsection 2, reports,
14 information, and records submitted and maintained
15 pursuant to this section are strictly confidential and
16 shall not be released or made public upon subpoena,
17 search warrant, discovery proceedings, or by any other
18 means.
19 4. The department shall assign a code to any
20 health care provider who may be required to report a
21 ~~termination~~ under this section. An application
22 procedure shall not be required for assignment of a
23 code to a health care provider.
24 5. A health care provider shall assign a report
25 tracking number which enables the health care provider
26 to access the patient's medical information without
27 identifying the patient.
28 6. To ensure proper performance of the reporting
29 requirements under this section, it is preferred that
30 a health care provider who practices within a
31 hospital, clinic, or other health facility authorize
32 one staff person to fulfill the reporting

33 requirements.

34 7. For the purposes of this section, "health care
35 provider" means an individual licensed under chapter
36 148, 148C, 148D, 150, 150A, or 152, or any individual
37 who provides medical services under the authorization
38 of the licensee.

39 8. For the purposes of this section, "inducing a
40 termination of pregnancy" means the use of any means
41 to terminate the pregnancy of a woman known to be
42 pregnant with the intent other than to produce a live
43 birth or to remove a dead fetus.

44 9. For the purposes of this section, "spontaneous
45 termination of pregnancy" means the occurrence of an
46 unintended termination of pregnancy at any time during
47 the period from conception to twenty weeks gestation
48 and which is not a spontaneous termination of
49 pregnancy at any time during the period from twenty
50 weeks or greater which is reported to the department

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1 as a fetal death under this chapter."

2 2. Title page, line 1, by inserting after the
3 word "in" the following: "health-related reporting
4 including".

ATTEBERRY of Delaware

H-1417

1 Amend House File 382 as follows:

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

4 "Sec. ____ Section 514I.5, subsection 8, Code
5 2001, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. o. Allowable deductions to be used
8 in the computation of family income, including but not
9 limited to a deduction for the costs of child care."

10 2. By renumbering as necessary.

REYNOLDS of Van Buren

H-1418

1 Amend House File 116 as follows:

2 1. Page 1, by inserting before line 15, the
3 following:

4 "NEW PARAGRAPH. ____ Any complication resulting
5 from the induced termination of pregnancy procedure,
6 including but not limited to death, internal bleeding,
7 hemorrhaging, or infection."

- 8 2. By renumbering, redesignating, and correcting
9 internal references as necessary.

TREMMELE of Wapello

H-1419

- 1 Amend the amendment, H-1162 to House File 116 as
2 follows:
3 1. Page 1, by inserting after line 5, the
4 following:
5 "____. Page 1, line 13, by striking the word
6 "abortion" and inserting the following: "termination
7 of pregnancy".
8 2. By renumbering as necessary.

BODDICKER of Cedar

H-1420

- 1 Amend the amendment, H-1179 to House File 116 as
2 follows:
3 1. Page 1, line 10, by inserting after the word
4 "performs" the following: "circumcisions".
5 2. Page 1, line 13, by inserting after the word
6 "termination," the following: "circumcision".
7 3. Page 1, line 26, by inserting after the word
8 "patient" the following: "and the race of the
9 putative father".
10 4. Page 1, line 27, by inserting after the word
11 "patient" the following: "and the age of the putative
12 father".
13 5. Page 1, line 28, by inserting after the word
14 "patient" the following: "and the marital status of
15 the putative father".
16 6. Page 1, line 29, by inserting after the word
17 "patient" the following: "and the educational level
18 of the putative father".
19 7. Page 1, line 47, by inserting after the word
20 "pregnancy," the following: "circumcision".
21 8. Page 1, line 49, by inserting after the word
22 "procedures" the following: ", the putative father".
23 9. Page 2, line 1, by inserting after the word
24 "the" the following: "circumcision".
25 10. Page 2, line 5, by inserting after the word
26 "a" the following: "circumcision".
27 11. Page 2, line 35, by inserting after the word
28 "termination," the following: "circumcision".
29 12. Page 3, line 2, by inserting after the word
30 "pregnancies," the following: "circumcisions".
31 13. Page 3, line 22, by inserting after the word

32 "termination," the following: "circumcision".

FOEGE of Linn

H-1424

1 Amend Senate File 437, as passed by the Senate, as
2 follows:
3 1. Page 2, by inserting after line 35 the
4 following:
5 "Sec. ____ Section 321G.7, unnumbered paragraph 2,
6 Code 2001, is amended to read as follows:
7 The department shall remit the fees to the
8 treasurer of state, who shall place the money in a
9 special conservation fund. The special conservation
10 fund shall also include moneys transferred to the fund
11 pursuant to section 452A.84. The money is moneys in
12 the fund are appropriated to the department for the
13 all-terrain vehicle and snowmobile programs of the
14 state. All-terrain vehicle fees shall be used only
15 for all-terrain vehicle programs and snowmobile fees
16 shall be used only for snowmobile programs. Joint
17 programs shall be supported from both types of fees on
18 a usage basis. The all-terrain vehicle and snowmobile
19 programs shall include grants, subgrants, contracts,
20 or cost-sharing of all-terrain vehicle and snowmobile
21 programs with political subdivisions or incorporated
22 private organizations or both in accordance with rules
23 adopted by the commission. All all-terrain vehicle
24 programs using cost-sharing, grants, subgrants, or
25 contracts shall establish and implement a safety
26 instruction program either singly or in cooperation
27 with other all-terrain vehicle programs. At least
28 fifty percent of the special fund shall be available
29 for political subdivisions or incorporated private
30 organizations or both. Moneys from the special fund
31 not used by the political subdivisions or incorporated
32 private organizations or both shall remain in the all-
33 terrain vehicle or snowmobile accounts. The
34 department may use funds from these accounts for the
35 administration of the all-terrain vehicle and
36 snowmobile programs."
37 2. Page 5, by inserting after line 28 the
38 following:
39 "Sec. ____ Section 452A.79, Code 2001, is amended
40 to read as follows:
41 452A.79 USE OF REVENUE.
42 1. The Except as otherwise provided in this
43 section, the net proceeds of the excise tax on the
44 diesel special fuel and the excise tax on motor fuel
45 and other special fuel, and penalties collected under
46 the provision of this chapter, shall be credited to

47 the road use tax fund.
48 2. Annually, the first four hundred eleven
49 thousand three hundred eleven dollars derived from the
50 excise tax on the sale of motor fuel used in

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1 watercraft, computed pursuant to section 452A.84,
2 shall be deposited in the general fund of the state.
3 The moneys in excess of four hundred eleven thousand
4 three hundred eleven dollars shall be deposited in the
5 rebuild Iowa infrastructure fund. Moneys deposited to
6 the general fund and to the rebuild Iowa
7 infrastructure fund under this section subsection and
8 section 452A.84 are subject to the requirements of
9 section 8.60 and are subject to appropriation by the
10 general assembly to the department of natural
11 resources for use in its recreational boating program,
12 which may include but is not limited to:
13 1. a. Dredging and renovation of lakes of this
14 state.
15 2. b. Acquisition, development, and maintenance of
16 access to public boating waters.
17 3. c. Development and maintenance of boating
18 facilities and navigation aids.
19 4. d. Administration, operation, and maintenance
20 of recreational boating activities of the department
21 of natural resources.
22 5. e. Acquisition, development, and maintenance of
23 recreation facilities associated with recreational
24 boating.
25 3. Annually, the moneys derived from the excise
26 tax on the sale of motor fuels used in all-terrain
27 vehicles and snowmobiles, computed pursuant to section
28 452A.84, shall be transferred to the special
29 conservation fund created in section 321G.7.
30 Sec. ____ Section 452A.84, Code 2001, is amended
31 to read as follows:
32 452A.84 TRANSFER TO STATE GENERAL FUND FUNDS.
33 1. The treasurer of state shall transfer from the
34 motor fuel tax fund to the general fund of the state
35 that portion of moneys collected under this chapter
36 attributable to motor fuel used in watercraft computed
37 as follows:
38 1. a. Determine monthly the total amount of motor
39 fuel tax collected under this chapter and multiply the
40 amount by nine-tenths of one percent.
41 2. b. Subtract from the figure computed pursuant
42 to subsection 1 of this section paragraph "a", three
43 percent of the figure for administrative costs and
44 further subtract from the figure the amounts refunded
45 to commercial fishers pursuant to section 452A.17,

46 subsection 1, paragraph "a", subparagraph (7). All
47 moneys remaining after claims for refund and the cost
48 of administration have been made shall be transferred
49 to the general fund of the state.
50 2. The treasurer of state shall transfer from the

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1 motor fuel tax fund to the special conservation fund
2 credited in section 321G.7 that portion of moneys
3 collected under this chapter attributable to motor
4 fuel used in all-terrain vehicles and snowmobiles
5 computed as follows:
6 a. Determine monthly the total amount of motor
7 fuel tax collected under this chapter and multiply the
8 amount by twenty-five hundredths of one percent.
9 b. Subtract from the figure computed pursuant to
10 paragraph "a", three percent of the figure for
11 administrative costs."
12 3. Title page, line 2, by inserting after the
13 word "snowmobiles" the following: "and authorizing
14 funding for all-terrain vehicle and snowmobile trails
15 and programs".
16 4. By renumbering as necessary.

QUIRK of Chickasaw

H-1428

1 Amend House File 690 as follows:
2 1. Page 1, by striking lines 1 through 24.
3 2. Page 2, line 10, by inserting after the word
4 "faith" the following: ", or the person's designee".
5 3. Page 2, by inserting before line 17, the
6 following:
7 "____. At a minimum, premarital education provided
8 under this section shall include discussion of
9 children, finances, communication techniques, conflict
10 resolution, and expectations of responsibilities."
11 4. Page 2, by striking lines 17 through 20 and
12 inserting the following:
13 "Sec.____. Section 595.4, Code 2001, is amended to
14 read as follows:
15 595.4 AGE AND QUALIFICATION – VERIFIED
16 APPLICATION – WAITING PERIOD – EXCEPTION.
17 1. Previous to the issuance of any license to
18 marry, the parties desiring the license shall sign and
19 file a verified application with the county registrar
20 which application either may be mailed to the parties
21 at their request or may be signed by them at the
22 office of the county registrar in the county in which
23 the license is to be issued. The application shall

24 include the social security number of each applicant
25 and shall set forth at least one affidavit of some
26 competent and disinterested person stating the facts
27 as to age and qualification of the parties. Upon the
28 filing of the application for a license to marry, the
29 county registrar shall file the application in a
30 record kept for that purpose and shall take all
31 necessary steps to ensure the confidentiality of the
32 social security number of each applicant. All
33 information included on an application may be provided
34 as mutually agreed upon by the division of records and
35 statistics and the child support recovery unit,
36 including by automated exchange.

37 2. Upon receipt of a verified application, the
38 county registrar may issue the license ~~which shall not~~
39 ~~become valid until the expiration of three days after~~
40 ~~the date of issuance of the license.~~ If the license
41 has not been issued within six months from the date of
42 the application, the application is void.

43 3. A license that is issued under subsection 2,
44 shall become valid as follows:

45 a. If the parties desiring the license have
46 participated in premarital education and have
47 documented completion of premarital education in
48 accordance with section 595.3B, the license shall
49 become valid upon the date of issuance of the license.

50 b. If the parties desiring the license have not

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1 participated in premarital education and have not
2 documented completion of premarital education in
3 accordance with section 595.3B, the license shall not
4 become valid until the expiration of thirty days after
5 the date of issuance of the license.

6 4. A license to marry may be validated prior to
7 the expiration of ~~three~~ thirty days from the date of
8 issuance of the license in cases of emergency or
9 extraordinary circumstances. An order authorizing the
10 validation of a license may be granted by a judge of
11 the district court under conditions of emergency or
12 extraordinary circumstances upon application of the
13 parties filed with the county registrar. No order may
14 be granted unless the parties have filed an
15 application for a marriage license in a county within
16 the judicial district. An application for an order
17 shall be made on forms furnished by the county
18 registrar at the same time the application for the
19 license to marry is made. After examining the
20 application for the marriage license and issuing the
21 license, the county registrar shall refer the parties
22 to a judge of the district court for action on the

23 application for an order authorizing the validation of
 24 a marriage license prior to expiration of ~~three~~ thirty
 25 days from the date of issuance of the license. The
 26 judge shall, if satisfied as to the existence of an
 27 emergency or extraordinary circumstances, grant an
 28 order authorizing the validation of a license to marry
 29 prior to the expiration of ~~three~~ thirty days from the
 30 date of issuance of the license to marry. The county
 31 registrar shall validate a license to marry upon
 32 presentation by the parties of the order authorizing a
 33 license to be validated. A fee of five dollars shall
 34 be paid to the county registrar at the time the
 35 application for the order is made, which fee is in
 36 addition to the fee prescribed by law for the issuance
 37 of a marriage license.

38 Sec. ____ EFFECTIVE DATE. This Act takes effect
 39 January 1, 2002."

40 5. Title page, line 1, by inserting after the
 41 word "education" the following: "and providing an
 42 effective date".

WARNSTADT of Woodbury
 BODDICKER of Cedar
 REYNOLDS of Van Buren
 KREIMAN of Davis

H-1430

1 Amend Senate File 165, 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 ENGLISH - IOWA'S
 6 COMMON LANGUAGE.

7 The general assembly of the state of Iowa
 8 recognizes that English is the common language used in
 9 Iowa and recognizes that fluency in English is
 10 necessary for full integration into the American
 11 culture."

12 2. Title page, by striking lines 1 and 2 and
 13 inserting the following: "An Act affirming that
 14 English is Iowa's common language."

Committee on Local Government

H-1432

1 Amend Senate File 106, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 4, by striking line 29 and inserting the
 4 following: "2001, is amended to read as follows:

5 a. ~~Yard signs shall not be placed on any property~~

6 which adjoins a city, county, or state roadway sooner
7 than forty-five days preceding a primary or general
8 election and shall be removed within seven days after
9 the primary or general election in which the name of
10 the particular candidate or ballot issue described on
11 the yard sign appears on the ballot. Yard signs are
12 subject to removal by highway authorities as provided
13 in section 319.13, or by county or city law
14 enforcement authorities in a manner consistent with
15 section 319.13. The placement or erection of yard
16 signs shall be exempt from the requirements of chapter
17 480. Notice may be provided to the chairperson of the
18 appropriate county central committee if the highway
19 authorities are unable to provide notice to the
20 candidate, candidate's committee, or political
21 committee regarding the yard sign."

22 2. Page 19, by inserting after line 2, the
23 following:

24 "Sec. ____ Section 455B.190A, subsection 1,
25 paragraph e, Code 2001, is amended by striking the
26 paragraph.

27 Sec. ____ Section 455B.190A, subsection 2,
28 paragraphs f and g, Code 2001, are amended to read as
29 follows:

30 f. The department shall develop continuing
31 education requirements for certification of a well
32 contractor ~~in consultation with the well contractors'~~
33 ~~council.~~

34 g. The examination shall be developed by the
35 department ~~in consultation with the well contractors'~~
36 ~~council.~~ The examination shall be updated as
37 necessary to reflect current groundwater law and well
38 construction, maintenance, and abandonment practices."

39 3. Page 19, line 25, by striking the words
40 "remediation agrichemical reimbursement" and inserting
41 the following: "agrichemical remediation
42 reimbursement".

43 4. Page 25, line 9, by striking the word "three"
44 and inserting the following: "three five".

45 5. Page 25, by inserting after line 22, the
46 following:

47 "Sec. ____ Section 546.2, subsection 3, paragraph
48 f, Code 2001, is amended to read as follows:

49 f. Alcoholic beverages Alcohol and tobacco
50 control.

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1 Sec. ____ Section 546.9, Code 2001, is amended to
2 read as follows:

3 546.9 ALCOHOLIC BEVERAGES ALCOHOL AND TOBACCO
4 CONTROL DIVISION.

5 ~~The alcoholic beverages~~ alcohol and tobacco control
6 division shall enforce and implement chapter 123. The
7 division is headed by the administrator of ~~alcoholic~~
8 beverages alcohol and tobacco control who shall be
9 appointed pursuant to section 123.10. The ~~alcoholic~~
10 beverages alcohol and tobacco control commission shall
11 perform duties within the division pursuant to chapter
12 123."

13 6. Page 26, by inserting after line 21 the
14 following:

15 "Sec. ____ Section 633.568, Code 2001, is amended
16 to read as follows:

17 633.568 NOTICE TO PROPOSED WARD.

18 1. a. If the proposed ward is an adult, notice of
19 the filing of the petition shall be served upon the
20 proposed ward in the manner of an original notice and
21 the content of the notice is governed by the rules of
22 civil procedure governing original notice.

23 b. Except where the ward is the petitioner, notice
24 shall also be served upon the ward's spouse. If the
25 ward has no spouse, notice shall be served upon the
26 ward's adult children, if any.

27 2. a. If the proposed ward is a minor or if the
28 proposed ward is an adult under a standby petition and
29 the court determines, pursuant to section 633.575,
30 subsection 1, paragraph "b", that the proposed ward is
31 entitled to representation, notice in the manner of
32 original notice, or another form of notice ordered by
33 the court, given to the attorney appointed to
34 represent the ward is notice to the proposed ward.

35 b. Notice shall also be served upon the:

36 (1) The parents of the proposed ward, if the ward
37 is a minor.

38 (2) The spouse of the proposed ward, if the
39 proposed ward is an adult. If the ward has no spouse,
40 notice shall be serviced upon the proposed ward's
41 adult children, if any.

42 3. Service of notice under this section upon
43 persons other than the proposed ward shall be made
44 upon such persons whose identities are reasonably
45 ascertainable pursuant to section 633.40, subsection

46 5. Proof of service shall be made by affidavit, to
47 which copies of all documents served shall be
48 attached.

49 Sec. ____ Section 633.4105, subsection 2,
50 paragraph b, subparagraph (1), Code 2001, is amended

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1 to read as follows:

2 (1) By majority vote of all adult beneficiaries

3 and the representative of any minor or incompetent

4 beneficiary, as ~~defined by~~ provided in section
5 633.6303.

6 Sec. ____ Section 633.4106, subsection 1,
7 paragraph c, Code 2001, is amended to read as follows:

8 c. With the consent of the adult beneficiaries as
9 ~~defined in section 633.4105, subsection 1~~, if the
10 trust is irrevocable or the holder of the power to
11 revoke lacks competency or is not represented by a
12 guardian, conservator, or agent.

13 Sec. ____ Section 633.4213, subsections 5 and 6,
14 Code 2001, are amended to read as follows:

15 5. A trustee shall prepare and send to the
16 beneficiaries an ~~account~~ accounting of the trust
17 property, liabilities, receipts, and disbursements at
18 least annually, at the termination of the trust, and
19 upon a change of a trustee. An accounting on behalf
20 of a former trustee shall be prepared by the former
21 trustee, or if the trustee's appointment terminated by
22 reason of death or incapacity, by the former trustee's
23 personal representative or guardian or conservator.

24 6. Copies of accountings and other information
25 required under this section need only be sent to the
26 following beneficiaries:

27 a. The beneficiaries defined in section 633.4105.

28 b. Each beneficiary who has delivered to the
29 trustee or other fiduciary a written request for a
30 copy of the ~~account~~ accounting or other information.

31 Sec. ____ Section 633.6202, subsection 2,
32 paragraph o, Code 2001, is amended to read as follows:

33 o. Authorize or direct transfer ~~or of~~ a trust or
34 trust property to or from another jurisdiction."

35 7. Page 27, line 2, by striking the word "person"
36 and inserting the following: "person₁".

37 8. Page 27, line 3, by striking the words "of
38 release" and inserting the following: "of release₁".

39 9. Page 31, by inserting after line 35, the
40 following:

41 "Sec. ____ ALCOHOLIC BEVERAGES DIVISION NAME
42 CHANGES.

43 1. Sections 18.14, 22.7, 123.3, 123.4, 123.10,
44 123.14, 123.20, 142A.3, 142A.4, 142A.5, 321.19,
45 455C.3, and 455C.4, Code 2001, are amended by striking
46 the words "alcoholic beverages division" and inserting
47 in lieu thereof the words "alcohol and tobacco control
48 division".

49 2. Sections 123.3, 123.5, and 123.8, Code 2001,
50 are amended by striking the words "alcoholic beverages

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1 commission" and inserting in lieu thereof the words
2 "alcohol and tobacco control commission".

3 3. The Code editor is directed to change all
4 references to the "alcoholic beverages division" to
5 the "alcohol and tobacco control division" and further
6 to change all references to "alcoholic beverages
7 commission" to the "alcohol and tobacco control
8 commission" in any section of the 2001 Code of Iowa
9 and in any enactment which is codified on or after the
10 effective date of this Act and in which there is no
11 doubt as to the intent to refer to that division or
12 commission. The Code editor is further directed to
13 change all references to the "administrator of the
14 alcoholic beverages division" or the "administrator of
15 alcoholic beverages" to the "administrator of the
16 alcohol and tobacco control division" or the
17 "administrator of alcohol and tobacco control",
18 respectively, in any section of the 2001 Code of Iowa
19 and in any enactment which is codified on or after the
20 effective date of this Act and in which there is no
21 doubt as to the intent to refer to that
22 administrator."
23 10. By numbering and renumbering and changing
24 internal references as necessary.

Committee on Judiciary

H-1434

1 Amend House File 661 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. DEMOLITION SITE WASTE MATERIAL TASK
5 FORCE.
6 1. The department of natural resources, in
7 cooperation with the department of economic
8 development, shall establish a task force to study
9 issues related to the proper disposal of waste
10 material from buildings demolished in cities and
11 counties. The task force shall study issues
12 including, but not limited to, all of the following:
13 a. The proper removal and disposal of waste
14 material containing lead-based paints and asbestos.
15 b. The proper removal and disposal of any other
16 hazardous waste material or waste material commonly
17 found in old buildings that may be considered a health
18 hazard if removed improperly.
19 c. Any alternatives to the disposal of waste
20 material from demolition sites such as salvage
21 operations.
22 d. The training of fire department personnel in
23 relation to the disposal of waste material from
24 demolition sites.
25 2. The task force membership shall include, but

26 not be limited to, all of the following:
27 a. Representatives from the department of natural
28 resources knowledgeable in air toxics and toxic
29 materials.
30 b. Representatives from the department of economic
31 development knowledgeable in community development.
32 c. Four members of the general assembly with not
33 more than one member from each chamber being from the
34 same political party. The two senators shall be
35 designated by the president of the senate after
36 consultation with the majority and minority leaders of
37 the senate. The two representatives shall be
38 designated by the speaker of the house of
39 representatives after consultation with the majority
40 and minority leaders of the house of representatives.
41 3. By January 1, 2002, the task force shall submit
42 a report to the general assembly, including
43 recommendations, regarding issues relating to the
44 disposal of debris from demolition sites in Iowa."
45 2. Title page, by striking line 1 and inserting
46 the following: "An Act establishing a demolition site
47 waste material task force."

LENSING of Johnson

H-1435

1 Amend Senate File 437, as passed by the Senate, as
2 follows:
3 1. Page 2, line 12, by inserting after the word
4 "commission." the following: "The rules shall provide
5 that the identification number is readable at a
6 distance for law enforcement purposes."

CORMACK of Webster

H-1437

1 Amend Senate File 240, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 15, by inserting after the word
4 "events." the following: "The school district shall
5 also retain control over the designation of a name for
6 the school facility or any portion of the school
7 facility, and over the display or distribution of any
8 advertisement, announcement, or information within or
9 on the grounds of the school facility."

Committee on Education

H-1440

- 1 Amend Senate File 349, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 33 through 35 and
4 inserting the following: "information to the board.
5 However, the board may regard any information
6 submitted to it as confidential, pursuant to section
7 22.7, subsection 18, until the board determines that
8 there is no probable cause to believe a violation has
9 occurred, until the board directs administrative
10 resolution or informal settlement of the matter, or
11 until a notice of a contested case proceeding is
12 issued under subsection 9."

Committee on State Government

H-1445

- 1 Amend Senate File 394, as passed by the Senate, as
2 follows:
3 1. Page 2, lines 33 and 34, by striking the words
4 "as prescribed by rule of the department".
5 2. Page 3, by striking lines 3 through 24 and
6 inserting the following:
7 "Sec. ____ Section 135G.4, Code 2001, is amended
8 by adding the following new subsection:
9 NEW SUBSECTION. 3A. Birth centers shall pay a
10 license fee in accordance with the following schedule:
11 a. A birth center shall pay a fee of fifteen
12 dollars upon filing of an initial application for
13 licensure.
14 b. A birth center shall pay an annual license
15 renewal fee of fifteen dollars upon filing of a
16 license renewal application."
17 3. Title page, line 2, by striking the words "
18 and providing an effective date".

Committee on Human Resources

H-1447

- 1 Amend Senate File 425, 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 16.91, subsection 6, Code
6 2001, is amended to read as follows:
7 6. Prior to the issuance of a title guaranty, the
8 division shall require evidence that an abstract of
9 title to the property in question has been brought up-
10 to-date and certified by a participating abstractor in

11 a form approved by division rules and a title opinion
12 issued by a participating attorney in the form
13 approved in the rules stating the attorney's opinion
14 as to the title. The division shall require evidence
15 of the abstract being brought up-to-date and the
16 abstractor shall retain evidence of the abstract as
17 determined by the board. Pursuant to chapter 17A, the
18 division may establish standards for title searches
19 and underwriting procedures and requirements for the
20 issuance of a title guaranty policy if a title
21 guaranty has previously been issued on the property in
22 question."

Committee on Commerce and Regulation

H-1450

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 24, by inserting after the word
4 "school" the following: ", or a state public charter
5 school district as the context indicates,".
6 2. Page 2, by striking lines 7 and 8 and
7 inserting the following: "256F.5. The state board
8 shall approve not more than ten pilot charter school
9 applications, of which not more than two shall be
10 applications for the conversion of public school
11 districts to pilot charter school districts. The
12 state board shall".
13 3. Page 2, line 13, by striking the words
14 "charter school" and inserting the following: "pilot
15 charter school district".
16 4. Page 2, line 15, by inserting after the word
17 "purpose." the following: "However, the application
18 for approval of a pilot charter school district
19 required in accordance with section 256F.6 shall be
20 substantially complete and accurate and shall be made
21 available to the public prior to submitting to the
22 voters of the school district the question of whether
23 to operate the entire school district as a state
24 public pilot charter school district."
25 5. Page 2, line 17, by inserting after the word
26 "approval" the following: "or disapproval".
27 6. Page 2, line 34, by inserting before the word
28 "charter" the following: "pilot".
29 7. Page 3, by striking lines 12 and 13, and
30 inserting the following: "instruction under a
31 contract with an area education agency, and all
32 parents and guardians of children enrolled in the
33 school".
34 8. Page 3, by striking line 16, and inserting the
35 following: "school's board of directors. The

- 36 meetings and the records of the board of".
37 9. Page 3, line 27, by inserting before the word
38 "charter" the following: "pilot".
39 10. Page 3, line 30, by inserting before the word
40 "charter" the following: "pilot".
41 11. Page 3, by striking lines 32 through 34, and
42 inserting the following: "approval. If the school
43 board denies the application, the sponsor may appeal
44 the school board's decision to the state board. The
45 decision of the state board is final and not subject
46 to review by any court. A school board seeking to".
47 12. Page 4, line 3, by inserting before the word
48 "charter" the following: "pilot".
49 13. Page 4, line 9, by striking the word "school"
50 and inserting the following: "pilot charter school".

Page 2

- 1 14. Page 4, line 16, by inserting before the word
2 "charter" the following: "pilot".
3 15. Page 5, line 13, by inserting after the words
4 "a charter." the following: "A pilot charter school
5 district shall not exceed the levy limits or purposes
6 for the levies established or bonds issued."
7 16. Page 5, by striking line 24 and inserting the
8 following: "chapter 256B. However, a child requiring
9 special education shall not be enrolled in the pilot
10 charter school unless the pilot charter school is able
11 to provide the appropriate special education program
12 for that student in accordance with rules adopted by
13 the department. The school district of residence and
14 the pilot charter school shall jointly determine
15 whether the pilot charter school's special education
16 program is appropriate for the student. If the
17 appropriateness of the special education program in
18 the resident district is questioned by the parent, the
19 parent may obtain a review in accordance with section
20 256B.6. If the appropriateness of the special
21 education program in the pilot charter school is at
22 issue, the final determination of the appropriateness
23 of a special education program shall be the
24 responsibility of the director of special education of
25 the area education agency in which the pilot charter
26 school is located, based upon the decision of a
27 diagnostic-education team from the pilot charter
28 school that shall include a representative from the
29 resident district which has the authority to commit
30 district resources. The school district of residence
31 shall".
32 17. Page 5, line 25, by striking the word
33 "state".
34 18. Page 5, line 27, by striking the word

35 "extraordinary" and inserting the following:
36 "excess".
37 19. Page 7, line 12, by inserting after the word
38 "program" the following: "and curriculum".
39 20. Page 8, line 24, by inserting before the word
40 "charter" the following: "pilot".
41 21. Page 8, line 33, by inserting before the word
42 "charter" the following: "pilot".
43 22. Page 9, line 1, by inserting before the word
44 "charter" the following: "pilot".
45 23. Page 9, by striking lines 16 and 17 and
46 inserting the following:
47 "4. Individuals employed by a pilot charter school
48 shall be public school employees for purposes of
49 retirement under chapter 97B."
50 24. Page 10, line 17, by inserting before the

Page 3

1 word "charter" the following: "pilot".
2 25. Page 10, line 33, by inserting after the word
3 "year." the following: "Final action to revoke a
4 contract shall be taken in a manner least disruptive
5 to students enrolled in the pilot charter school."
6 26. Page 12, line 19, by inserting before the
7 word "charter" the following: "pilot".
8 27. By striking page 12, line 23 through page 13,
9 line 21, and inserting the following:
10 "2. If the pilot charter school does not elect to
11 provide transportation for students enrolled at the
12 pilot charter school, the school district in which the
13 pilot charter school is located shall provide
14 transportation to resident students enrolled in the
15 pilot charter school who are eligible for
16 transportation in accordance with section 285.1. The
17 pilot charter school shall pay the school district for
18 transportation services provided pursuant to this
19 subsection in an amount that shall not exceed the
20 district average cost per student transported."
21 28. Page 13, line 23, by inserting before the
22 word "charter" the following: "pilot".
23 29. Page 14, line 2, by inserting before the word
24 "charter" the following: "pilot".
25 30. Page 14, line 5, by inserting before the word
26 "charter" the following: "pilot".
27 31. Page 14, line 9, by inserting before the word
28 "charter" the following: "pilot".
29 32. Page 14, line 17, by inserting before the
30 word "charter" the following: "pilot".
31 33. Page 15, line 1, by inserting before the word
32 "charter" the following: "pilot".
33 34. Page 15, line 10, by inserting before the

34 word "charter" the following: "pilot".
35 35. Page 16, by inserting after line 25, the
36 following:
37 "Sec.____. Section 257.31, subsection 5, paragraph
38 d, is amended to read as follows:
39 d. The closing of a nonpublic school, wholly or in
40 part, or the opening or closing of a pilot charter
41 school."
42 36. Page 17, line 1, by inserting after the
43 figure "476" the following: "or House File 672".

Committee on Education

H-1451

1 Amend Senate File 428, 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. STATEWIDE CENTRAL INTAKE UNIT FOR
6 RECEIVING REPORTS OF CHILD ABUSE.
7 1. The legislative council is requested to
8 establish a study committee for the 2001 interim to
9 consider creation of a statewide central intake unit
10 by the department of human services for receiving
11 child abuse reports.
12 2. The study committee should include members of
13 the general assembly, individuals knowledgeable about
14 child protection and prevention of child abuse, and
15 other interested persons, including but not limited to
16 representatives of the department of human services,
17 the juvenile court and juvenile court services, the
18 department of justice, the citizens' aide, county
19 attorneys, guardians ad litem, child advocates, and
20 critics of the child protection system.
21 3. The study committee should be directed to
22 utilize national experts, to address other issues
23 associated with the state's child protection system,
24 and to report its findings and recommendations for
25 consideration by the governor and the Seventy-ninth
26 General Assembly, 2002 Regular Session."
27 2. Title page, by striking line 1 and inserting
28 the following: "An Act requesting a study to consider
29 creation of a".

Committee on Human Resources

H-1452

1 Amend Senate File 494, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 1 through 17, and

4 inserting the following:

5 "Section 1. Section 654B.3, subsection 1,
6 paragraph a, subparagraph (2), Code 2001, is amended
7 to read as follows:

8 (2) ~~The dispute involves a claim which has been~~
9 ~~brought as person is a party in a class action as~~
10 ~~provided in section 654B.4A.~~

11 Sec. 2. Section 654B.4, subsection 2, paragraph b,
12 Code 2001, is amended to read as follows:

13 b. ~~The dispute involves a claim which has been~~
14 ~~brought as person is a party in a class action as~~
15 ~~provided in section 654B.4A.~~

16 Sec. 3. NEW SECTION. 654B.4A PARTIES IN CLASS
17 ACTIONS.

18 1. a. A person who is a member of a class in a
19 class action to adjudicate a dispute is not required
20 to have received a mediation release as otherwise
21 required in this chapter, if the person is not a
22 representative party. Except as provided in paragraph
23 "b", a person shall not be a representative party in a
24 class action unless the person has received a
25 mediation release as provided in section 654B.8 prior
26 to the initiation of the civil proceeding or the
27 parties to the dispute waive mediation as provided in
28 section 654B.4.

29 b. In a civil proceeding to adjudicate a dispute
30 in which at least one representative plaintiff and one
31 representative defendant has received a mediation
32 release, a court upon petition by any party may issue
33 an order waiving the requirement that a person must
34 have received a mediation release as provided in
35 paragraph "a", based on the fair and efficient
36 adjudication of the dispute. The order shall require
37 that the person receive a mediation release prior to
38 acting as a representative party in trial or
39 settlement conference. The court may for good cause
40 grant a continuance if necessary. The mediation shall
41 be conducted as provided in this chapter, unless the
42 court otherwise orders.

43 2. A person who signs a mediation agreement as
44 provided in section 654B.8 shall not be a
45 representative party in the class action.

46 Sec. 4. Section 654B.8, subsection 2, Code 2001,
47 is amended to read as follows:

48 2. a. The mediator shall issue a mediation
49 release unless the other party desiring to initiate a
50 civil proceeding to resolve the dispute fails to

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1 personally attend and participate in all mediation
2 meetings. The mediator shall issue a mediation

3 release if the farm resident waives or fails to
4 personally attend and participate in all mediation
5 meetings, regardless of participation by the other
6 party. ~~However, if All of the following shall apply:~~

7 (1) If the other party or the farm resident is not
8 a natural person, the other party or farm resident
9 must be represented by a natural person who is an
10 officer, director, employee, or partner of the other
11 party or farm resident.

12 (2) If a person acts in a fiduciary capacity for
13 the other party or farm resident, the fiduciary may
14 represent the other party or farm resident.

15 (3) If the other party or farm resident may be a
16 member of a class in a class action adjudicating the
17 dispute, the other party or farm resident may be
18 represented by a person who may act as a
19 representative party in the class action. The other
20 party or farm resident being represented is not
21 required to participate in a mediation meeting. The
22 mediator must receive a statement by an attorney for
23 the other party or farm resident verifying that the
24 other party or farm resident may be a member of a
25 class in a class action adjudicating the dispute and
26 that the other party or farm resident may be
27 represented by the person as a representative party in
28 the class action.

29 (4) If the other party or farm resident or
30 eligible representative is not able to attend and
31 participate as required in this paragraph due to
32 physical infirmity, mental infirmity, or other exigent
33 circumstances determined reasonable by the farm
34 mediation service, the other party or farm resident
35 must be represented by another natural person.

36 PARAGRAPH DIVIDED. Any Except as provided in this
37 paragraph, a representative of the other party or the
38 farm resident must be authorized to sign instruments
39 provided by this chapter, including a mediation
40 agreement or a statement prepared by the mediator that
41 mediation was waived. However, any representative of
42 the other party or farm representative who may be a
43 representative party in a class action to adjudicate a
44 dispute shall not be authorized to sign a mediation
45 agreement for another party in the dispute.

46 b. This section does not require a party to reach
47 an agreement. This section does not require a person
48 to change a position, alter an activity which is a
49 subject of the dispute, or restructure a contract in
50 order to receive a mediation release.

2 by certified mail of a denial to issue a mediation
3 release and the reasons for the denial. The notice
4 shall state that the party has seven days from the
5 date that the notice is delivered to appeal the
6 mediator's decision, pursuant to procedures adopted by
7 the service. After a final decision by the farm
8 mediation service, the party may seek an action for
9 judicial review pursuant to section 654B.10."

Committee on Agriculture

H-1455

1 Amend Senate File 355, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 6, by inserting after line 24 the
4 following:
5 "4. Materials that encourage the parent to
6 consider placing the child for adoption. The
7 materials shall inform the parent of the process of
8 adoption and its benefits, including the requirements
9 for confidentiality in the adoption process, the
10 importance of adoption to individuals and to society
11 in general, and the state's interest in encouraging
12 parents to choose the option of childbirth followed by
13 adoption rather than abortion."

EICHHORN of Hamilton

H-1456

1 Amend Senate File 372, as passed by the Senate, as
2 follows:
3 1. Page 3, by inserting after line 10, the
4 following:
5 "Sec. ____ Section 331.605, Code 2001, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 6A. A technology fee of five
8 dollars for each recorded transaction for which a fee
9 is paid pursuant to section 331.604. The technology
10 fee shall be used exclusively for the purpose of
11 implementing the requirements of chapter 554D in the
12 county."

PETERSEN of Polk

H-1459

1 Amend Senate File 485, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 15, by inserting before the word
4 "and" the following: "jurisdiction in return of

5 seized property proceedings as provided in section
6 809.4."

7 2. Page 1, by inserting after line 19 the
8 following:

9 "Sec. ____ Section 809.4, Code 2001, is amended to
10 read as follows:

11 809.4 HEARING – APPEAL.

12 An application for the return of seized property
13 shall be set for hearing not less than five nor more
14 than thirty days after the filing of the application
15 and shall be tried to the court. All claims to the
16 same property shall be heard in one proceeding unless
17 it is shown that the proceeding would result in
18 prejudice to one or more of the parties. If the total
19 value of the property sought to be returned is less
20 than five thousand dollars, the proceeding may be
21 conducted by a magistrate ~~or a district associate~~
22 judge with appeal to be as in the case of small
23 claims. If the total value of the property sought to
24 be returned is less than ten thousand dollars, the
25 proceeding may be conducted by a district associate
26 judge with appeal to be as in the case of small
27 claims. In all other cases, the hearing shall be
28 conducted by a district judge, with appeal as provided
29 in section 809.12A."

30 3. Page 1, line 24, by striking the word "five"
31 and inserting the following: "ten".

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

34 "Sec. ____ Section 902.4, Code 2001, is amended to
35 read as follows:

36 902.4 RECONSIDERATION OF FELON'S SENTENCE.

37 For a period of ~~ninety days~~ one year from the date
38 when a person convicted of a felony, other than a
39 class "A" felony or a felony for which a minimum
40 sentence of confinement is imposed, begins to serve a
41 sentence of confinement, the court, on its own motion
42 or on the recommendation of the director of the Iowa
43 department of corrections, may order the person to be
44 returned to the court, at which time the court may
45 review its previous action and reaffirm it or
46 substitute for it any sentence permitted by law.
47 Copies of the order to return the person to the court
48 shall be provided to the attorney for the state, the
49 defendant's attorney, and the defendant. Upon a
50 request of the attorney for the state, the defendant's

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1 attorney, or the defendant if the defendant has no
2 attorney, the court may, but is not required to,
3 conduct a hearing on the issue of reconsideration of

4 sentence. The court shall not disclose its decision
5 to reconsider or not to reconsider the sentence of
6 confinement until the date reconsideration is ordered
7 or the date the ~~ninety-day~~ one-year period expires,
8 whichever occurs first. The district court retains
9 jurisdiction for the limited purposes of conducting
10 such review and entering an appropriate order
11 notwithstanding the timely filing of a notice of
12 appeal. The court's final order in the proceeding
13 shall be delivered to the defendant personally or by
14 certified mail. The court's decision to take the
15 action or not to take the action is not subject to
16 appeal. However, for the purposes of appeal, a
17 judgment of conviction of a felony is a final judgment
18 when pronounced."

19 5. Title page, line 1, by inserting after the
20 word "forfeiture" the following: "and seized
21 property".

22 6. Title page, line 2, by inserting after the
23 word "proceedings" the following: ", and providing
24 for reconsideration of a felon's sentence".

25 7. By renumbering, relettering, or redesignating
26 and correcting internal references as necessary.

Committee on Judiciary

H-1462

1 Amend Senate File 419, as passed by the Senate, as
2 follows:

3 1. By striking page 1, line 1, through page 2,
4 line 25.

5 2. Page 2, by striking lines 28 and 29, and
6 inserting the following: "708.12 ASSAULT,
7 HARASSMENT, AND STALKING – NO-CONTACT."

8 3. Page 2, by striking lines 31 and 32, and
9 inserting the following: "section 708.1, harassment
10 in violation of".

11 4. Page 3, by striking lines 2 and 3, and
12 inserting the following: "708.1, or a violation of
13 section 708.7".

14 5. Page 4, by striking lines 1 and 2, and
15 inserting the following: "or a violation of section
16 708.7".

17 6. Title page, by striking lines 1 and 2, and
18 inserting the following: "An Act relating to
19 protection for persons involved in an assault."

20 7. By renumbering as necessary.

MILLAGE of Scott

H-1463

- 1 Amend Senate File 410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 18 the
- 4 following:
- 5 "Sec. ____ Section 455B.133, Code 2001, is amended
- 6 by adding the following new subsection:
- 7 **NEW SUBSECTION.** 10. Develop comprehensive plans
- 8 and programs for the abatement, control, and
- 9 prevention of airborne pollutants originating from
- 10 confinement feeding operations. The plans may include
- 11 schedules for compliance. The standards may vary
- 12 based on the animal weight capacity of the confinement
- 13 feeding operation and the distance from an object or
- 14 location for which a separation distance is required
- 15 pursuant to section 455B.162. The standards, to every
- 16 extent practicable, shall apply to gases that may have
- 17 a deleterious effect upon human health, including but
- 18 not limited to hydrogen sulfide, ammonia, methane, and
- 19 any class of mercaptan. The standards shall not apply
- 20 to small animal feeding operations."
- 21 2. By renumbering as necessary.

JOCHUM of Dubuque

H-1464

- 1 Amend the amendment, H-1444, to Senate File 342, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, line 50, by inserting after the word
- 4 "vote," the following: "If there is a question as to
- 5 whether the identification displayed by the voter is
- 6 proper identification, the precinct election official
- 7 shall allow the person to cast a ballot in the manner
- 8 prescribed by section 49.81."

T. TAYLOR of Linn

H-1468

- 1 Amend the amendment, H-1444, to Senate File 342, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 50, the
- 4 following:
- 5 "Sec. ____ NOTIFICATION TO VOTERS. For elections
- 6 held after the effective date of this Act, up to and
- 7 including the general election held on the first
- 8 Tuesday after the first Monday in November 2002, the
- 9 commissioner of elections in each county shall, seven
- 10 days before the election, send by regular mail a
- 11 notice to each registered voter in the county

- 12 informing the voter that the voter will be required to
- 13 show identification in order to vote. The notice
- 14 shall list the acceptable forms of identification as
- 15 those forms are specified in section 49.77."
- 16 2. By renumbering as necessary.

T. TAYLOR of Linn

H-1470

- 1 Amend Senate File 240, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 22, and inserting the
- 4 following:
- 5 "2. All construction work initiated under this
- 6 program shall conform to the competitive bidding".

HANSEN of Pottawattamie
PETERSEN of Polk

H-1475

- 1 Amend the amendment, H-1421, to Senate File 209, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 37, the
- 5 following:
- 6 "___ Page 2, line 27, by striking the word
- 7 "LIVESTOCK" and inserting the following: "DAIRY
- 8 CATTLE".
- 9 2. Page 2, by striking lines 5 and 6, and
- 10 inserting the following: "inserting the following:
- 11 "1. The department with assistance by the attorney
- 12 general shall have the same authority to enforce this
- 13 chapter as it does".
- 14 3. Page 2, by inserting after line 9, the
- 15 following:
- 16 "___ This section does not prevent a person from
- 17 commencing a civil cause of action based on any right
- 18 that the person may assert under statute or common
- 19 law".
- 20 4. By renumbering as necessary.

KREIMAN of Davis

H-1476

- 1 Amend the amendment, H-1444, to Senate File 342, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 50, the
- 4 following:
- 5 "Sec. __. NEW SECTION. 49.78 CENTRAL

6 REPOSITORY.

7 The state commission of elections shall establish a
8 central repository for the collection and
9 dissemination of data and information pertaining to
10 denials for requests for ballots and challenged
11 ballots in elections held in the state of Iowa.
12 Information regarding denials for requests for ballots
13 to participate in an election or challenged ballots in
14 an election shall be gathered from precinct election
15 officials and given to the county commissioner of
16 elections. The county commissioner of elections shall
17 within five days of the election, report the
18 information listed below to the state commissioner of
19 elections for placement in the central repository.
20 The data to be collected shall include, but is not
21 limited to, the denied or challenged voter's race or
22 ethnicity, age, and sex. The data regarding the
23 denied or challenged voter shall be obtained from the
24 required photo identification or based on the
25 statements of the precinct election official. The
26 data shall include the name of the precinct election
27 official who denied permission to vote or challenged
28 the ballot cast. It shall include a description of
29 the action taken and the rationale for the action.
30 The precinct election official shall provide any
31 person who is denied the right to vote or whose vote
32 is challenged, a business card which contains the name
33 of the precinct election official, the name, telephone
34 number, and address of the county commissioner of
35 elections, and the name, address, and telephone number
36 of the state commissioner of elections. The business
37 card shall outline the appeal procedures for the voter
38 who was denied the right to vote or whose ballot was
39 challenged.
40 The state commissioner of elections shall adopt
41 rules pursuant to chapter 17A to administer this
42 section."

43 2. By renumbering as necessary.

SMITH of Marshall

H-1485

1 Amend Senate File 458, as passed by the Senate, as
2 follows:
3 1. Page 14, by inserting after line 24 the
4 following:

5 "DIVISION ____
6 PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN
7 Sec. ____ Section 135H.10, Code 2001, is amended
8 by adding the following new subsection:
9 NEW SUBSECTION. 3. a. The department of human

10 services and any other state agency shall not require
11 a psychiatric medical institution for children to
12 collect client payments or otherwise enforce client
13 financial participation for the services provided by
14 the psychiatric institution.

15 b. The first two thousand dollars in income earned
16 by a child residing at a psychiatric medical
17 institution for children shall be disregarded in
18 determining the child's financial eligibility or
19 amount of client financial responsibility for services
20 at the psychiatric institution."

21 2. Title page, line 5, by inserting after the
22 word "dispositions," the following: "psychiatric
23 medical institutions for children,".

24 3. By renumbering as necessary.

DE BOEF of Mahaska
FOEGE of Linn
HEATON of Henry

H-1486

1 Amend the amendment, H-1443, to Senate File 350, as
2 passed by the Senate, as follows:

3 1. Page 3, by inserting after line 10, the
4 following:

5 "___ Page 8, by inserting after line 27 the
6 following:

7 "Sec. ___. Section 321J.21, Code 2001, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. 3. This section does not apply to
10 a person whose driver's license or nonresident
11 operating privilege has been suspended, denied,
12 revoked, or barred due to a violation of this chapter
13 and who drives a motor vehicle at an organized racing
14 event that is not held on a public highway.""

15 2. Page 3, by inserting after line 35, the
16 following:

17 "___ Title page, line 5, by inserting after the
18 word "vehicles," the following: "operation of motor
19 vehicles while suspended, denied, revoked, or
20 barred,"."

21 3. By renumbering, redesignating, and correcting
22 internal references as necessary.

COHOON of Des Moines

H-1487

1 Amend Senate File 350, as passed by the Senate, as
2 follows:

3 1. Page 8, by inserting after line 27 the

4 following:

5 "Sec.____. Section 321J.21, Code 2001, is amended

6 by adding the following new subsection:

7 NEW SUBSECTION. 3. This section does not apply to

8 a person whose driver's license or nonresident

9 operating privilege has been suspended, denied,

10 revoked, or barred due to a violation of this chapter

11 and who drives a motor vehicle at an organized racing

12 event that is not held on a public highway."

13 2. Title page, line 5, by inserting after the

14 word "vehicles," the following: "operation of motor

15 vehicles while suspended, denied, revoked, or

16 barred,".

17 3. By renumbering as necessary.

COHOON of Des Moines

H-1488

1 Amend Senate File 240, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 3 the

4 following:

5 "Sec.____. CONDITIONAL EFFECTIVENESS. This Act

6 takes effect only if 2001 Iowa Acts, Senate File 476

7 or House File 672 is enacted, and if the general

8 assembly appropriates not less than \$40 million for

9 the fiscal year beginning July 1, 2001, and ending

10 June 30, 2002, for the purpose of funding the

11 implementation of Senate File 476 or House File 672."

12 2. Title page, line 2, by inserting after the

13 word "program" the following: "and providing for

14 conditional effectiveness".

15 3. By renumbering as necessary.

STEVENS of Dickinson

H-1490

1 Amend the amendment, H-1450, to Senate File 348, as

2 amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 2, by striking lines 7 through 33 and

5 inserting the following:

6 "____. Page 5, by striking lines 24 and 25 and

7 inserting the following: "chapter 256B. The school

8 district of residence may pay to the pilot charter

9 school the difference between the moneys".

10 2. By renumbering as necessary.

STEVENS of Dickinson

H-1491

- 1 Amend the amendment, H-1450, to Senate File 348, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking lines 7 through 31.
- 5 2. By renumbering as necessary.

STEVENS of Dickinson

H-1492

- 1 Amend Senate File 348, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, line 3, by inserting after the word
- 4 "years." the following: "Notwithstanding sections
- 5 282.1 and 282.24, a pilot charter school may charge a
- 6 student who is not a resident of Iowa tuition and
- 7 fees, but shall not include the student in the pilot
- 8 charter school's enrollment for state school
- 9 foundation aid purposes."

STEVENS of Dickinson

H-1495

- 1 Amend Senate File 348, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, line 13, by inserting after the word
- 4 "students." the following: "If a pilot charter school
- 5 chooses not to comply with all of the provisions of
- 6 statute or administrative rule, in accordance with
- 7 section 256F.5, subsection 1, the pilot charter school
- 8 shall provide a statement indicating the provisions
- 9 with which the pilot charter school does not comply."

MASCHER of Johnson

H-1496

- 1 Amend Senate File 348, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 19 through 22.

WINCKLER of Scott

H-1497

- 1 Amend the amendment, H-1450, to Senate File 348, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 41 through 46.

- 5 2. By renumbering as necessary.

WINCKLER of Scott

H-1498

- 1 Amend the amendment, H-1450, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, line 20, by striking the words
5 "district average" and inserting the following:
6 "actual".

FREVERT of Palo Alto

H-1499

- 1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 11, by inserting after line 11 the
4 following:
5 "___ If the state board revokes the contract of a
6 pilot charter school contract in accordance with this
7 section, the state of Iowa shall assume all of the
8 outstanding obligations of the pilot charter school
9 and be liable for and recognize, assume, and carry out
10 all valid contracts and obligations of the pilot
11 charter school, unless expressly prohibited by Article
12 VII, section 1, of the Constitution of the State of
13 Iowa."
14 2. By renumbering as necessary.

MASCHER of Johnson

H-1500

- 1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 8, line 32, by inserting after the word
4 "employees." the following: "However, the procedure
5 for discharge of a teacher shall be as provided in
6 sections 279.15 through 279.19, and 279.27."
7 2. Page 9, by striking lines 5 through 7, and
8 inserting the following: "directors of a charter
9 school is a public employer for the purposes of
10 chapter 20. The collective bargaining agreement of
11 the district in which the pilot charter school is
12 located shall serve as the base agreement and the
13 employees of the pilot charter school shall
14 automatically be accreted to the bargaining unit of
15 that collective bargaining agreement for purposes of
16 negotiating the contracts for the pilot charter

17 school's initial year of operation without further
18 action by the public employment relations board. The
19 pilot charter school board, using the base agreement
20 as its existing contract, shall bargain with the
21 employees of the pilot charter school for the pilot
22 charter school's initial school year unless a
23 bargaining agreement was already concluded by the
24 school district and its employees for that school
25 year. After the pilot charter school's initial year
26 of operation, the bargaining units at the".

MASCHER of Johnson

H-1501

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 17, by inserting after line 1 the
4 following:
5 "Sec.____. CONTINGENT EFFECTIVENESS. This Act is
6 effective contingent upon an appropriation by the
7 Seventy-ninth General Assembly, First Session, for the
8 fiscal year beginning July 1, 2001, to the department
9 of education in an amount sufficient to administer the
10 pilot charter school program as set forth by this
11 Act."
12 2. Title page, line 2, by striking the words "a
13 conditional effective date" and inserting the
14 following: "conditional and contingent
15 effectiveness".
16 3. By renumbering as necessary.

WINCKLER of Scott

H-1502

1 Amend the amendment, H-1450, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 3 through 5.
5 2. Page 1, by striking lines 9 through 11 and
6 inserting the following: "applications. The".
7 3. Page 1, by striking lines 13 through 26 and
8 inserting the following:
9 "____. Page 2, by striking lines 11 through 26."
10 4. Page 2, by striking lines 3 through 6 and
11 inserting the following:
12 "____. Page 5, by striking lines 10 through 17 and
13 inserting the following: "294A, as if it did not
14 operate under a charter."
15 _____. Page 5, by striking lines 19 through 21 and
16 inserting the following: "that existed prior to its

17 becoming a pilot charter school. The enrollment of
18 the pilot charter school shall be calculated and
19 submitted as provided in".
20 5. Page 3, by striking lines 2 through 5 and
21 inserting the following:
22 "_. By striking page 10, line 33 through page
23 11, line 3 and inserting the following: "contract by
24 the last day of classes in the school year. Final
25 action to revoke a contract shall be taken in a manner
26 least disruptive to students enrolled in the pilot
27 charter school.
28 _. If a pilot charter school contract is revoked
29 in accordance with this chapter, a student who
30 attended the school, siblings of the student, or
31 another student who resides in the same place as the
32 student may enroll in the resident district or may
33 submit an application to a nonresident district
34 according to section 282.18 at any time. Applications
35 and notices required by section 282.18 shall be
36 processed and provided in a prompt manner. The
37 application and notice deadlines in section 282.18 do
38 not apply under these circumstances."
39 _. By striking page 11, line 12 through page
40 12, line 17."
41 6. Page 3, by inserting after line 34 the
42 following:
43 "_. Page 15, lines 16 and 17, by striking the
44 words and figures "Except as provided in section
45 256F.5, subsection 1, paragraph "f", a" and inserting
46 the following: "A".
47 7. By renumbering as necessary.

LENSING of Johnson

H-1503

1 Amend the amendment, H-1450, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 6 through 12.
5 2. By renumbering as necessary.

GREIMANN of Story

H-1504

1 Amend the amendment, H-1450, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 21, by inserting after the word
5 "public" the following: "at a public hearing held

6 ninety days".

LENSING of Johnson

H-1505

- 1 Amend Senate File 348, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 18, by striking the words "a
- 4 majority" and inserting the following: "at least
- 5 sixty percent".

GREIMANN of Story

H-1506

- 1 Amend the amendment, H-1450, to Senate File 348, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 5 and
- 5 inserting the following:
- 6 "_. Page 1, by inserting after line 24 the
- 7 following:
- 8 "_. "Pilot charter school district" means a
- 9 state public pilot charter school district operated as
- 10 a pilot charter school program unless the context
- 11 otherwise requires.""
- 12 2. By renumbering as necessary.

BUKTA of Clinton

H-1507

- 1 Amend the amendment, H-1450, to Senate File 348, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 29 through 33 and
- 5 inserting the following:
- 6 "_. Page 3, by striking lines 10 through 13,
- 7 and inserting the following: "manner after the school
- 8 begins operating. The registered voters of the school
- 9 district in which the pilot charter school is
- 10 located".

BUKTA of Clinton

H-1508

- 1 Amend Senate File 348, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by striking line 8 and inserting the
- 4 following:

5 "f. Receive state or federal moneys or be eligible
6 to receive state or federal".

7 2. Page 5, line 9, by inserting after the figure
8 "257," the following: "283A,".

9 3. Page 6, by inserting after line 7 the
10 following:

11 "k. Be subject to and comply with chapter 283A
12 relating to school meal programs as if it did not
13 operate under a charter."

14 4. By renumbering as necessary.

GREIMANN of Story

H-1509

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 9, by inserting after line 26 the
4 following:

5 "Sec. . NEW SECTION. 256F.8A ENROLLMENT
6 NOTIFICATION.

7 By January 1 of the preceding school year, the
8 parent or guardian shall send notification to the
9 district of residence, on forms prescribed by the
10 department of education, that the parent or guardian
11 intends to enroll the parent's or guardian's child in
12 a pilot charter school. A parent or guardian is
13 exempt from this requirement if the parent can show
14 good cause, as defined in section 282.18, for failure
15 to make notification in accordance with this section."

16 2. By renumbering as necessary.

MASCHER of Johnson

H-1514

1 Amend Senate File 342, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 1C.1, Code 2001, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 7A. General election day, the
8 first Tuesday after the first Monday in November of
9 each even-numbered year.

10 Sec. . Section 1C.2, Code 2001, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 5A. General election day, the
13 first Tuesday after the first Monday in November of
14 each even-numbered year."

15 2. Title page, line 1, by inserting after the
16 word "Act" the following: "relating to elections by

- 17 establishing general election day as a state public
- 18 holiday by".
- 19 3. By renumbering as necessary.

JOCHUM of Dubuque

H-1520

- 1 Amend Senate File 348, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, line 11, by inserting after the word
- 4 "disability," the following: "proficiency in English,
- 5 status as a homeless person, economic status,"

WINCKLER of Scott

H-1521

- 1 Amend Senate File 348, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 14, line 12, by inserting after the word
- 4 "capital," the following: "However, the sponsor of
- 5 the pilot charter school shall be responsible for the
- 6 initial costs of establishing the pilot charter
- 7 school."

WINCKLER of Scott

H-1523

- 1 Amend Senate File 348, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 35, by striking the figure "2001"
- 4 and inserting the following: "2002".

MASCHER of Johnson

H-1528

- 1 Amend Senate File 240, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 21, by striking the words
- 4 "private investor" and inserting the following:
- 5 "school district".
- 6 2. Page 2, by striking lines 27 through 31 and
- 7 inserting the following: "contracting third parties.
- 8 The private investor shall agree to maintain the".

BUKTA of Clinton

H-1529

- 1 Amend Senate File 348, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 35, by striking the words "full-
- 4 time teachers" and inserting the following:
- 5 "individuals employed".

BUKTA of Clinton

H-1530

- 1 Amend Senate File 348, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, by inserting after line 6, the
- 4 following:
- 5 "____. In the fifth year of a pilot charter
- 6 school's operation, the state board shall determine
- 7 whether the pilot charter school meets the goals and
- 8 objectives that the school district in which the pilot
- 9 charter school is located has established in
- 10 accordance to section 256.7, subsection 21.
- 11 Notwithstanding subsection 1, if the pilot charter
- 12 school does not meet these goals and objectives, the
- 13 state board shall revoke the pilot charter school's
- 14 contract at the end of that school year."
- 15 2. By renumbering as necessary.

MASCHER of Johnson

H-1532

- 1 Amend Senate File 348, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "site" the following: "and to be more involved in the
- 5 direct management of the school.
- 6 7. Increase parental involvement.
- 7 8. Increase student access to advanced placement
- 8 courses and talented and gifted programs."
- 9 2. By renumbering as necessary.

FREVERT of Palo Alto

H-1533

- 1 Amend the amendment, H-1450, to Senate File 348, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, by striking lines 42 and 43, and
- 5 inserting the following:
- 6 "____. Page 17, by striking line 1 and inserting

7 the following: "effect only if 2001 Iowa Acts, Senate
8 File 476 or House File 672 is enacted, and if the
9 general assembly appropriates not less than \$40
10 million for the fiscal year beginning July 1, 2001,
11 and ending June 30, 2002, for the purpose of funding
12 the implementation of Senate File 476 or House File
13 672.""

MASCHER of Johnson

H-1534

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 6, by inserting after line 7 the
4 following:
5 "k. Be subject to and comply with the policies
6 adopted by the school board of the school district in
7 which the pilot charter school is located."
8 2. By renumbering as necessary.

RICHARDSON of Warren

H-1535

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 6, line 22, by inserting after the word
4 "lot." the following: "However, a pilot charter
5 school district shall enroll all eligible resident
6 students, regardless of capacity."

COHOON of Des Moines

H-1536

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 10, by inserting after line 6, the
4 following:
5 " _____. In the fifth year of a pilot charter
6 school's operation, the state board shall assess the
7 progress made by the pilot charter school against the
8 student achievement baseline measurements established
9 in the first year of the pilot charter school's
10 operation. Notwithstanding subsection 1, if the state
11 board assessment fails to find evidence of adequate
12 academic progress, the state board shall revoke the
13 pilot charter school's contract at the end of that
14 school year."

- 15 2. By renumbering as necessary.

MASCHER of Johnson

H-1537

- 1 Amend Senate File 240, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 2, line 21 through page 3,
4 line 3.
5 2. Page 3, by striking line 27.
6 3. By renumbering as necessary.

WITT of Black Hawk

H-1538

- 1 Amend Senate File 240, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, line 29, by inserting after the word
4 "investors." the following: "The criteria developed
5 to assist a school district in the selection of
6 private investors from among the proposals submitted
7 shall include the requirement that an open bidding
8 process be utilized, whereby if equally qualified
9 proposals are submitted a preference shall be awarded
10 for private investors utilizing union employees and
11 paying then-prevailing competitive wages."

T. TAYLOR of Linn

H-1539

- 1 Amend Senate File 240, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 26, by inserting after the word
4 "corporation." the following: "All projects shall
5 also conform to state and local building codes
6 generally and as specifically applicable to school
7 buildings and facilities, including specifications
8 regarding ensuring that buildings and facilities are
9 accessible to and functional for persons with
10 disabilities."

T. TAYLOR of Linn

H-1540

- 1 Amend Senate File 240, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 12, by striking the word "six"
4 and inserting the following: "three".

- 5 2. Page 3, by striking line 7 and inserting the
- 6 following: "total of three public schools, two
- 7 located in school districts".
- 8 3. Page 3, line 9, by striking the word "two" and
- 9 inserting the following: "one".

SCHERRMAN of Dubuque

H-1541

- 1 Amend Senate File 240, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 25, by inserting after the word
- 4 "district" the following: "in consultation with
- 5 teachers employed by the district and other school
- 6 district employees".

QUIRK of Chickasaw

H-1542

- 1 Amend Senate File 240, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 1, by inserting after the word
- 4 "program," the following: "community members and
- 5 organizations which contracted for use of the facility
- 6 during periods when the facility was not being
- 7 utilized by the school district,".

WARNSTADT of Woodbury

H-1543

- 1 Amend Senate File 240, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 16 through 20, and
- 4 inserting the following:
- 5 "5. All costs relating to ongoing furnishings and
- 6 equipment replacement and all tax benefits and
- 7 liabilities relating to the construction and ownership
- 8 of the facility shall be the responsibility of the
- 9 private investor. Maintenance costs shall be the
- 10 responsibility of the school district."

FALCK of Fayette

H-1544

- 1 Amend Senate File 240, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking line 1, and inserting the
- 4 following: "school facility by the school district at

5 any point during".

SCHRADER of Marion

H-1545

1 Amend Senate File 240, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 22 through 26 and
4 inserting the following:
5 "2. Prior to entering into an agreement with a
6 selected private investor regarding the construction
7 of a school facility and a lease-purchase arrangement,
8 a school board shall hold a public hearing on the
9 question of entering into the agreement. The board
10 shall set forth its proposal in a resolution and shall
11 publish the notice of the time and place of a public
12 hearing on the resolution. Notice of the time and
13 place of the public hearing shall be published not
14 less than thirty days before the public hearing in a
15 newspaper which is a newspaper of general circulation
16 in the school district. At the hearing, or no later
17 than thirty days after the date of the hearing, the
18 board shall take action to adopt a resolution to
19 direct the county commissioner of elections to submit
20 the question of entering into the agreement to the
21 registered voters of the school district at the next
22 regular school election or at a special election. If
23 sixty percent of those voting on the question favors
24 entering into the agreement, the board shall adopt a
25 resolution to enter into the agreement and certify the
26 results of the election to the department of
27 management."

FALCK of Fayette

H-1546

1 Amend Senate File 240, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 33 and 34, and
4 inserting the following: "A lease agreement shall
5 extend for a duration mutually agreed upon by the
6 private investor and the school district, with the
7 option to continue the lease at the end of".

SCHRADER of Marion

H-1547

1 Amend Senate File 240, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 1, by striking lines 19 through 21, and
- 4 inserting the following: "completion of a fully
- 5 operational school facility by a mutually agreed upon
- 6 date. Private investors and school districts shall by
- 7 mutual agreement determine responsibility for
- 8 financing the purchase of all classroom furnishings
- 9 and school facility equipment."

HUSER of Polk

H-1548

- 1 Amend Senate File 240, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 3, by striking the word "The" and
- 4 inserting the following: "If funds are appropriated
- 5 to the department of education in an amount determined
- 6 sufficient to administer the program, the".

HUSER of Polk

H-1551

- 1 Amend Senate File 240, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 1, by inserting after the word
- 4 "facilities," the following: "before and after school
- 5 care programs, institutions governed by the state
- 6 board of regents, private four-year postsecondary
- 7 institutions,".

WITT of Black Hawk

H-1552

- 1 Amend the Senate amendment, H-1478, to House File
- 2 356, as passed by the House, as follows:
- 3 1. Page 1, line 5, by striking the word "Sec.
- 4 ____," and inserting the following: "Sec. 9."
- 5 2. Page 1, by striking line 18 and inserting the
- 6 following: "courts.
- 7 Sec. 10. Section 9 of this Act, being deemed of
- 8 immediate importance, takes effect upon enactment."
- 9 ____ Title page, line 2, by inserting after the
- 10 word "law" the following: "and providing an effective
- 11 date".

DOTZLER of Black Hawk
HOFFMAN of Crawford

H-1554

- 1 Amend Senate File 350, as passed by the Senate, as
2 follows:
3 1. Page 6, by inserting after line 25 the
4 following:
5 "Sec. ____ Section 321.445, subsection 2,
6 unnumbered paragraph 1, Code 2001, is amended to read
7 as follows:
8 The driver and front seat occupants of a type of
9 motor vehicle ~~which~~ that is subject to registration in
10 Iowa, except a motorcycle or a motorized bicycle,
11 shall each wear a properly adjusted and fastened
12 safety belt or safety harness any time the vehicle is
13 in forward motion on a street or highway in this state
14 except that a child under ~~six~~ thirteen years of age
15 shall be secured as required under section 321.446.
16 Sec. ____ Section 321.446, subsection 2, Code
17 2001, is amended to read as follows:
18 2. A child at least three years of age but under
19 ~~six~~ thirteen years of age who is being transported in
20 a motor vehicle subject to registration, except a
21 school bus or motorcycle, shall be secured during
22 transit by either a child restraint system that meets
23 federal motor vehicle safety standards and is used in
24 accordance with the manufacturer's instructions, or by
25 a safety belt or safety harness of a type approved
26 under section 321.445."
27 2. By renumbering as necessary.

LENSING of Johnson

H-1564

- 1 Amend Senate File 240, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 26, by inserting after the word
4 "corporation." the following:
5 "At the hearing held pursuant to section 73A.3, or
6 no later than thirty days after the date of the
7 hearing, the board shall take action to adopt a
8 resolution to direct the county commissioner of
9 elections to submit the question of entering into the
10 agreement to the registered voters of the school
11 district at the next regular school election or at a
12 special election. If sixty percent of those voting on
13 the question favors entering into the agreement, the
14 board shall adopt a resolution to enter into the
15 agreement and certify the results of the election to
16 the department of management."

FALCK of Fayette

H-1579

- 1 Amend Senate File 342, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 1. Section 48A.11, subsection 2, Code
6 2001, is amended by adding the following new
7 paragraph:
8 NEW PARAGRAPH. c. A statement that a voter will
9 be required to show identification before being
10 allowed to vote.
11 Sec. ____ Section 48A.11, subsection 3, Code 2001,
12 is amended by adding the following new paragraph:
13 NEW PARAGRAPH. c. That a voter will be required
14 to show identification before being allowed to vote."
15 2. By renumbering and correcting internal
16 references as necessary.

MASCHER of Johnson

H-1580

- 1 Amend Senate File 350, as passed by the Senate, as
2 follows:
3 1. Page 9, by inserting after line 31 the
4 following:
5 "Sec. ____ NEW SECTION. 327F.8 CLOSE-CLEARANCE
6 WARNING DEVICES.
7 1. A railroad company shall place a warning device
8 at a location where the close-clearance between a
9 railway owned by the railroad company and a building,
10 machinery, trees, brush, or other object is such that
11 the building, machinery, trees, brush, or other object
12 physically impedes a person who is lawfully riding the
13 side of the train in the course of the person's duties
14 in service to the railroad company from clearing the
15 building, machinery, trees, brush, or other object.
16 2. The warning device shall be placed in a
17 location which provides adequate notice to a person
18 riding the side of a train so that the person may
19 prepare for the close-clearance.
20 3. Placement of a warning device pursuant to this
21 section does not relieve a railroad company from any
22 duties required under chapter 317 or section 327F.27.
23 4. A violation of this section is punishable as a
24 schedule "one" penalty under section 327C.5.
25 Sec. ____ NEW SECTION. 327F.21 RAILROAD TRAIN
26 CREWS.
27 1. As used in this section, unless the context
28 otherwise requires:
29 a. "Cab" means the crew compartment of the engine

30 of a railroad train or locomotive.

31 b. "Department" means the state department of
32 transportation.

33 c. "Director" means the director of transportation
34 or the director's designee.

35 d. "Qualified railroad locomotive engineer" means
36 a person who has successfully completed a railroad
37 carrier's training program for a train service
38 engineer, locomotive servicing engineer, or student
39 engineer and passed an examination on railroad
40 operation rules.

41 e. "Qualified railroad trainperson" means a person
42 who has successfully completed a railroad carrier's
43 training program and passed an examination on railroad
44 operation rules.

45 2. Any person operating or controlling a railroad
46 in this state shall not allow the operation of any
47 railroad train or locomotive in this state unless the
48 railroad train or locomotive has a crew of at least
49 two individuals. One of the individuals shall be a
50 qualified railroad locomotive engineer. The other

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1 individual shall be either a qualified railroad
2 locomotive engineer or a qualified railroad
3 trainperson. The qualified railroad locomotive
4 engineer shall be present in the cab and operate the
5 control locomotive at all times that the railroad
6 train or locomotive is in motion. The other crew
7 member shall be present in the cab at all times the
8 railroad train or locomotive is in motion, but may
9 dismount the railroad train or locomotive when
10 necessary to perform switching activities and other
11 job-related duties. However, this subsection shall
12 not apply to the extent that it is contrary to or
13 inconsistent with a regulation or order of the federal
14 railroad administration.

15 3. The director may, pursuant to rules adopted by
16 the department, grant an exception to the requirements
17 of subsection 2 if the director determines that the
18 exception will not endanger the life or property of
19 any person.

20 4. A person who violates this section is, upon
21 conviction for a first offense, subject to a schedule
22 "one" penalty as provided under section 327C.5. A
23 person who violates this section is, upon conviction
24 for a second offense committed within three years of
25 the first offense, subject to a schedule "two" penalty
26 as provided under section 327C.5. A person who
27 violates this section is, upon conviction for a third
28 or subsequent offense committed within three years of

- 29 the first offense, subject to a schedule "three"
30 penalty as provided under section 327C.5."
31 2. Title page, line 6, by striking the words "and
32 bulk liquid transport" and inserting the following:
33 "bulk liquid transport, and railroad safety and
34 providing penalties".
35 3. By renumbering as necessary.

T. TAYLOR of Linn

H-1581

- 1 Amend Senate File 350, as passed by the Senate, as
2 follows:
3 1. Page 9, by inserting after line 31 the
4 following:
5 "Sec. ____ NEW SECTION. 327F.32 RAILROAD
6 ACCIDENTS – EMPLOYEE LEAVE AND TRAUMA COUNSELING.
7 1. A railroad company shall make trauma counseling
8 available to an employee of the railroad company
9 involved in an accident on a railway or right of way
10 under the control of the company if the accident
11 results in the death of or serious bodily injury to a
12 person. The counseling shall be made available to the
13 employee within forty-eight hours of the accident.
14 2. An employee involved in an accident described
15 in subsection 1 shall be given leave from duty with
16 compensation and applicable benefits for a minimum of
17 three days following the accident. If the railroad
18 company makes an affirmative showing that the accident
19 was due to the negligence or willful act of an
20 employee involved in an accident described in
21 subsection 1, the leave provided to the employee who
22 acted negligently or willfully may be provided without
23 compensation and benefits.
24 3. An engineer returning to duty following leave
25 provided pursuant to subsection 2 shall, upon request,
26 be assigned an assistant engineer or other qualified
27 person to accompany the engineer for such time as may
28 be necessary to guarantee the public safety or until a
29 qualified medical practitioner determines that the
30 engineer does not suffer from a posttraumatic stress
31 disorder.
32 4. The director shall adopt rules for
33 administration and enforcement of this section."
34 2. Title page, line 6, by striking the words "and
35 bulk liquid transport" and inserting the following:
36 "bulk liquid transport, and railroad accidents".
37 3. By renumbering as necessary.

SMITH of Marshall

H-1585

- 1 Amend Senate File 350, as passed by the Senate, as
2 follows:
3 1. Page 3, by inserting after line 5 the
4 following:
5 "Sec. __. Section 321.194, subsection 1,
6 paragraph a, Code 2001, is amended by adding the
7 following new unnumbered paragraph:
8 **NEW UNNUMBERED PARAGRAPH.** A person shall not
9 operate a motor vehicle pursuant to a driver's license
10 issued under this section with a passenger in the
11 motor vehicle, unless the passenger is a sibling of
12 the person or is at least eighteen years of age."
13 2. Title page, line 3, by inserting after the
14 word "permits," the following: "school permits,"
15 3. By renumbering as necessary. .

METCALF of Polk

H-1586

- 1 Amend House File 707 as follows:
2 1. Page 1, by inserting after line 12, the
3 following:
4 "Sec. __. Section 422.45, subsection 27,
5 paragraph a, unnumbered paragraph 1, and subparagraph
6 (1), Code 2001, are amended to read as follows:
7 The gross receipts from the sale, lease, or rental
8 of computers, racks, shelves, conveyors, machinery,
9 and equipment, including replacement parts, and
10 materials used to construct or self-construct
11 computers, racks, shelves, conveyors, machinery, and
12 equipment if such items are any of the following:
13 (1) Directly and primarily used in processing by a
14 manufacturer or directly used by an interstate
15 distributor.
16 Sec. __. Section 422.45, subsection 27, paragraph
17 d, Code 2001, is amended by adding the following new
18 subparagraph:
19 **NEW SUBPARAGRAPH.** (3A) "Interstate distributor"
20 means a business that owns and operates a distribution
21 center whose size is fifty thousand square feet or
22 greater, is located on property zoned for industrial
23 purposes, and employs fifty or more employees at that
24 site, and with over fifty percent of the total value
25 of products shipped annually from that site are to a
26 destination outside the borders of Iowa.
27 Sec. 100. **NEW SECTION.** 427B.29 PROPERTY SUBJECT
28 TO SPECIAL VALUATION.
29 Racks, shelves, conveyors, machinery, equipment,
30 and computers directly used by an interstate

31 distributor, as defined in section 422.45, subsection
32 27, paragraph "d", which is first assessed for
33 taxation in this state on or after January 1, 2002,
34 shall be exempt from taxation. The exemption in this
35 section shall not affect the exemption that any
36 property may be entitled to pursuant to section
37 427B.17, subsection 2.

38 Sec.____. IMPLEMENTATION OF ACT. Section 25B.7
39 does not apply to the property tax exemption provided
40 in section 100 of this Act."

41 2. Page 1, line 13, by striking the word "This"
42 and inserting the following: "Section 1 of this".

43 3. Title page, line 3, by inserting after the
44 word "purposes" the following: ", exempting the sale,
45 lease, or rental of certain property to an interstate
46 distributor from sales and use taxes, and exempting
47 certain property of an interstate distributor from
48 property tax,".

HOVERSTEN of Woodbury

H-1587

1 Amend Senate File 450, as passed by the Senate, as
2 follows:

3 1. Page 1, line 29, by striking the figure "2002"
4 and inserting the following: "2003".

Committee on Ways and Means

H-1593

1 Amend House File 698 as follows:

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

4 "Section 1. Section 476.6, Code 2001, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 16A. POWER PURCHASE CONTRACTS.

7 a. A rate-regulated public utility shall file with
8 the board any contract for the purchase of electric
9 power to serve Iowa retail electric consumers if the
10 contract meets all of the following conditions:

11 (1) The contract term is for a period of five
12 years or longer.

13 (2) The amount of power purchased equals or
14 exceeds five percent of the public utility's Iowa
15 retail load.

16 (3) The power is being purchased from a new
17 electric power generating facility that is being
18 planned or is under construction in Iowa as of the
19 date of the contract.

20 b. A public utility, at its option, may file with

21 the board other contracts for the purchase of electric
22 power from an electric power generating facility in
23 Iowa if the amount of power purchased equals or
24 exceeds twenty-five megawatts.
25 c. The board shall issue its decision within
26 ninety days after the public utility's filing is
27 deemed complete; however, upon good cause shown, the
28 board may extend the time for issuing the order as
29 follows:
30 (1) The board may grant an extension of twenty
31 days.
32 (2) The board may grant more than one extension,
33 but each extension must rely upon a separate showing
34 of good cause.
35 (3) A subsequent extension must not be granted any
36 earlier than five days prior to the expiration of the
37 original ninety-day period, or the current extension.
38 d. The board shall approve the contract if it
39 finds, after a contested case proceeding, that the
40 terms of the contract are reasonable and prudent. In
41 determining whether the terms of the contract are
42 reasonable and prudent, the board may consider the
43 reliability and economic benefits of new, Iowa-based
44 generation. The rate-regulated public utility shall
45 also demonstrate to the board that it has considered
46 other sources for long-term electric supply, and that
47 the purchase power contract is reasonable when
48 compared to other feasible alternative sources of
49 supply including the building of utility-owned
50 generation. The board may condition its approval upon

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1 the utility and the successful bidder agreeing to
2 contract modifications identified by the board.
3 e. Board approval of a contract shall constitute
4 an irrevocable determination of the prudence and
5 reasonableness of the contract and its terms. The
6 board, subsequent to approval of a contract, may at
7 anytime by order compel the public utility to enforce
8 the terms of the contract.
9 f. The costs of the contract shall be included in
10 the public utility's regulated retail electric rates.
11 The public utility may propose to recover the costs
12 through an automatic adjustment of rates as provided
13 in subsection 11.
14 g. The board shall adopt rules pursuant to chapter
15 17A regarding the filing and approval of contracts
16 under this subsection, including rules to ensure that
17 there is a fair and open bidding process for power
18 purchase contracts.
19 Sec. ___. Section 476.53, Code 2001, is amended by

20 striking the section and inserting in lieu thereof the
21 following:
22 476.53 ELECTRIC GENERATING AND TRANSMISSION
23 FACILITIES.

24 1. It is the intent of the general assembly to
25 attract the development of electric power generating
26 and transmission facilities within the state in
27 sufficient quantity to ensure reliable electric
28 service to Iowa consumers and provide economic
29 benefits to the state.

30 2. The general assembly's intent with regard to
31 the development of electric power generating and
32 transmission facilities, as provided in subsection 1,
33 shall be implemented in a manner that is cost-
34 effective and compatible with the environmental
35 policies of the state, as expressed in Title XI.

36 3. a. If a rate-regulated public utility files an
37 application pursuant to section 476A.3 to construct an
38 electric power generating facility in Iowa equal to or
39 greater than three hundred megawatts of nameplate
40 baseload capacity, or an alternate energy facility as
41 defined in section 476.42, or if a rate-regulated
42 public utility leases or purchases, in whole or in
43 part, a new electric power generating facility in Iowa
44 equal to or greater than three hundred megawatts of
45 nameplate baseload capacity, or a new alternate energy
46 facility as defined in section 476.42, the board shall
47 specify in advance, by order issued after a contested
48 case proceeding, the ratemaking principles that will
49 apply when the costs of the facility are included in
50 regulated electric rates.

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1 b. In determining the applicable ratemaking
2 principles, the board shall not be limited to
3 traditional ratemaking principles or traditional cost
4 recovery mechanisms.

5 c. The applicable ratemaking principles shall be
6 determined in a contested case proceeding, which
7 proceeding may be combined with the proceeding for
8 issuance of a certificate conducted pursuant to
9 chapter 476A.

10 d. The order setting forth the applicable
11 ratemaking principles shall be issued prior to the
12 commencement of construction or lease of the facility.

13 e. Following issuance of the order, the rate-
14 regulated public utility shall have the option of
15 proceeding with construction or lease of the facility
16 in Iowa, or withdrawing its application for a
17 certificate under chapter 476A.

18 f. Notwithstanding any provision of this chapter

- 19 to the contrary, the ratemaking principles established
20 by the order issued pursuant to paragraph "d" shall be
21 binding with regard to the specific electric power
22 generating facility in any subsequent rate proceeding,
23 unless there is a sale, lease, or any other
24 disposition of a facility or lease, directly or
25 indirectly, including by merger or consolidation."
26 2. Page 1, line 3, by striking the figure "1."
27 3. Page 1, by striking lines 16 through 27.
28 4. By renumbering as necessary.

JENKINS of Black Hawk
HANSEN of Pottawattamie

H-1595

- 1 Amend House File 719 as follows:
2 1. Page 5, by inserting after line 10, the
3 following:
4 "Of the funds allocated in this paragraph "e",
5 \$605,455 shall be transferred to the public
6 broadcasting division of the department of education
7 for the final digital buildout of the Des Moines tower
8 facility."

RAECKER of Polk

H-1596

- 1 Amend Senate File 140, as passed by the Senate, as
2 follows:
3 1. Page 4, by striking lines 6 through 18.
4 2. Page 4, line 23, by striking the word and
5 figures "9, and 10" and inserting the following: "and
6 9".
7 3. Title page, by striking lines 5 and 6 and
8 inserting the following: "and".

JOCHUM of Dubuque

H-1598

- 1 Amend Senate File 499, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 24, by striking the word "ten"
4 and inserting the following: "five".
5 2. Page 1, line 26, by striking the word
6 "fifteen" and inserting the following: "ten".
7 3. Page 1, line 32, by striking the word "ten"
8 and inserting the following: "five".
9 4. Page 3, line 18, by striking the word "Thirty"
10 and inserting the following: "Twenty".

- 11 5. Page 3, line 20, by striking the word "Forty"
 12 and inserting the following: "Thirty".
 13 6. Page 3, line 22, by striking the word "Fifty"
 14 and inserting the following: "Forty".
 15 7. Page 3, line 24, by striking the words "Fifty
 16 dollars plus five" and inserting the following:
 17 "Forty dollars plus two".
 18 8. Page 3, line 31, by striking the word "Thirty"
 19 and inserting the following: "Twenty".
 20 9. Page 3, line 33, by striking the word "Fifty"
 21 and inserting the following: "Forty".
 22 10. Page 3, line 35, by striking the word
 23 "Seventy" and inserting the following: "Sixty".
 24 11. Page 4, line 2, by striking the words
 25 "Seventy dollars plus five" and inserting the
 26 following: "Sixty dollars plus two".

Committee on Ways and Means

H-1600

- 1 Amend House File 718 as follows:
 2 1. Page 3, by inserting after line 17 the
 3 following:
 4 "Notwithstanding section 8.57, subsection 5,
 5 paragraph "c", there is appropriated from the rebuild
 6 Iowa infrastructure fund to the department of economic
 7 development for the fiscal year beginning July 1,
 8 2001, and ending June 30, 2002, the following amount,
 9 or so much thereof as is necessary, to be used for the
 10 purpose designated:
 11 For the value-added agricultural products and
 12 processes financial assistance fund created in section
 13 15E.112:
 14 \$ 3,000,000"

KUHN of Floyd
 MERTZ of Kossuth

H-1602

- 1 Amend House File 719 as follows:
 2 1. Page 5, line 1, by striking the figure
 3 "1,500,000" and inserting the following: "500,000".
 4 2. Page 5, line 8, by striking the figure
 5 "4,273,000" and inserting the following: "5,273,000".

METCALF of Polk

H-1608

- 1 Amend the amendment, H-1590, to House File 719, as

2 follows:

3 1. Page, 1, by inserting after line 1, the

4 following:

5 "____. Page 5, line 1, by striking the figure

6 "1,500,000" and inserting the following: "500,000".

7 2. Page 1, line 14, by striking the figure

8 "3,649,000" and inserting the following: "4,649,000".

9 3. By renumbering, redesignating, and correcting

10 internal references as necessary.

METCALF of Polk

H-1625

1 Amend House File 582, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 2, line 34, by inserting after the word

4 "served" the following: "by regular mail".

5 2. Page 6, by inserting after line 3, the

6 following:

7 "Sec.____. Section 368.11, unnumbered paragraph 2,

8 Code 2001, is amended to read as follows:

9 Within thirty days of receipt of a petition, the

10 board of supervisors of each county where the

11 territory is located shall approve or disapprove the

12 petition. The county auditor shall immediately notify

13 the city development board of the county's decision.

14 Within ninety days of receipt of a petition

15 notification from the county, the city development

16 board shall initiate appropriate proceedings or

17 dismiss the petition. The board may combine for

18 consideration petitions or plans which concern the

19 same territory or city or which provide for a boundary

20 adjustment or incorporation affecting common

21 territory. The combined petitions may be submitted

22 for consideration by a special local committee

23 pursuant to section 368.14A."

24 3. Page 6, by inserting after line 17, the

25 following:

26 "Sec.____. Section 368.16, Code 2001, is amended

27 by adding the following new subsection:

28 NEW SUBSECTION. 8. Whether the board of

29 supervisors approved or disapproved the petition."

30 4. Page 6, line 22, by inserting after the word

31 "after" the following: "full".

32 5. By renumbering, relettering, or redesignating

33 and correcting internal references as necessary.

Senate Amendment

H-1626

1 Amend the amendment, H-1593, to House File 698, as
2 follows:

3 1. By striking page 1, line 2, through page 3,
4 line 28, and inserting the following:

5 "___ Page 1, by inserting before line 1, the
6 following:

7 "Section 1. Section 476A.6, Code 2001, is amended
8 to read as follows:

9 476A.6 DECISION - CRITERIA.

10 The board shall render a decision on the
11 application in an expeditious manner. A certificate
12 shall be issued to the applicant if the board finds
13 all of the following:

14 1. The services and operations resulting from the
15 construction of the facility are ~~required by the~~
16 ~~present or future public convenience, use and~~
17 necessity compatible with the energy policy of the
18 state as developed under section 476.53 and the
19 economic development policy of the state as expressed
20 in Title I, subtitle 5, and will not be detrimental to
21 the provision of adequate and reliable electric
22 service.

23 2. The applicant is willing to ~~perform such~~
24 ~~services and~~ construct, maintain, and operate the
25 facility pursuant to the provisions of the certificate
26 and this chapter.

27 3. The construction, maintenance, and operation of
28 the facility will ~~cause minimum adverse~~ be consistent
29 with reasonable land use, and environmental, and
30 aesthetic impact policies and are consonant with
31 reasonable utilization of air, land, and water
32 resources, ~~for beneficial purposes~~ considering
33 reasonably available technology and the economies of
34 available alternatives.

35 4. ~~The applicant, if a public utility as defined~~
36 ~~in section 476.1, has in effect a comprehensive energy~~
37 ~~management program designed to reduce peak loads and~~
38 ~~to increase efficiency of use of energy by all classes~~
39 ~~of customers of the utility, and the facility in the~~
40 ~~application is necessary notwithstanding the existence~~
41 ~~of the comprehensive energy management program. As~~
42 ~~used in this subsection, a "comprehensive energy~~
43 ~~management program" includes at a minimum the~~
44 ~~following:~~

45 a. ~~Establishment of load management and~~
46 ~~interruptible service programs, where cost effective.~~

47 b. ~~Development of wheeling agreements and other~~
48 ~~energy sharing agreements, where cost effective with~~
49 ~~utilities that have available capacity.~~

50 e. ~~Establishment of cost effective energy~~

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1 efficiency and renewable energy services and programs.

2 d. ~~Compliance with board rules on energy~~

3 ~~management procedures.~~

4 5. ~~The applicant, if a public utility as defined~~
5 ~~in section 476.1, shall demonstrate to the board that~~

6 ~~the utility has considered sources for long-term~~

7 ~~electric supply from either purchase of electricity or~~

8 ~~investment in facilities owned by other persons.~~

9 6. ~~The applicant, if a public utility as defined~~

10 ~~in section 476.1, has considered all feasible~~

11 ~~alternatives to the proposed facility including~~

12 ~~nongeneration alternatives; has ranked those~~

13 ~~alternatives by cost; has implemented the least-cost~~

14 ~~alternatives first; and the facility in the~~

15 ~~application is necessary notwithstanding the~~

16 ~~implementation of these alternatives.~~

17 Sec.____. Section 476A.7, Code 2001, is amended by

18 adding the following new subsection:

19 NEW SUBSECTION. 3. Pursuant to the provisions of

20 section 476.53, a rate-regulated public utility shall

21 have the option of withdrawing its application for

22 issuance of a certificate at any time prior to the

23 issuance of the certificate, or after the certificate

24 has been issued.

25 Sec.____. Section 476A.15, Code 2001, is amended

26 to read as follows:

27 476A.15 WAIVER.

28 The board, if it determines that the public

29 interest would not be adversely affected, may waive

30 any of the requirements of this chapter ~~for facilities~~

31 ~~with a capacity of one hundred or fewer megawatts.~~

32 Sec.____. NEW SECTION. 476A.20 DEFINITIONS.

33 For purposes of this subchapter, unless the context

34 otherwise requires:

35 1. "Electric power agency" means an entity as

36 defined in section 28F.2.

37 2. "Facility" means an electric power generating

38 plant, or transmission line or system, as defined in

39 section 476A.1.

40 3. "Public bond or obligation" means an obligation

41 as defined in section 76.14.

42 Sec.____. NEW SECTION. 476A.21 ELECTRIC POWER

43 AGENCY – GENERAL AUTHORITY.

44 In addition to other powers conferred upon an

45 electric power agency by chapter 28F or other

46 applicable law, an electric power agency may enter

47 into and carry out joint agreements with other

48 participants for the acquisition of ownership of a

49 joint facility and for the planning, financing,

50 operation, and maintenance of the joint facility, as

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1 provided in this subchapter.

2 Sec. . NEW SECTION. 476A.22 ELECTRIC POWER
3 AGENCY – AUTHORITY – CONFLICTING PROVISIONS.

4 1. In addition to any powers conferred upon an
5 electric power agency under chapter 28F or other
6 applicable law, an electric power agency may exercise
7 all other powers reasonably necessary or appropriate
8 for or incidental to the effectuation of the electric
9 power agency's authorized purposes, including without
10 limitation, the powers enumerated in chapters 6A and
11 6B for purposes of constructing or acquiring an
12 electric power facility.

13 2. An electric power agency, in connection with
14 its property and affairs, and in connection with
15 property within its control, may exercise any and all
16 powers that might be exercised by a natural person or
17 a private corporation in connection with similar
18 property and affairs.

19 3. The enumeration of specified powers and
20 functions of an electric power agency in this
21 subchapter is not a limitation of the powers of an
22 electric power agency, but the procedures prescribed
23 for exercising the powers and functions enumerated in
24 this subchapter control and govern in the event of any
25 conflict with any other provision of law.

26 4. The authority conferred pursuant to this
27 subchapter applies to electric power agencies,
28 notwithstanding any contrary provisions of section
29 28F.1.

30 Sec. . NEW SECTION. 476A.23 ISSUANCE OF
31 PUBLIC BONDS OR OBLIGATIONS – PURPOSES –
32 LIMITATIONS.

33 1. An electric power agency may from time to time
34 issue its public bonds or obligations in such
35 principal amounts as the electric power agency deems
36 necessary to provide sufficient funds to carry out any
37 of its purposes and powers, including but not limited
38 to any of the following:

39 a. The acquisition or construction of any project
40 to be owned or leased by the electric power agency, or
41 the acquisition of any interest in such project or any
42 right to the capacity of such project, including the
43 acquisition, construction, or acquisition of any
44 interest in an electric power generating plant to be
45 constructed in this state, or the acquisition,
46 construction, or acquisition of any interest in a
47 transmission line or system.

48 b. The funding or refunding of the principal of,
49 or interest or redemption premiums on, any public
50 bonds or obligations issued by the electric power

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1 agency whether or not the public bonds or obligations
2 or interest to be funded or refunded have become due.
3 c. The establishment or increase of reserves to
4 secure or to pay the public bonds or obligations or
5 interest on the public bonds or obligations.

6 d. The payment of all other costs or expenses of
7 the electric power agency incident to and necessary to
8 carry out its purposes and powers.

9 2. Notwithstanding anything in this subchapter or
10 chapter 28F to the contrary, a facility shall not be
11 financed with the proceeds of public bonds or
12 obligations, the interest on which is exempt from
13 federal income tax, unless the public issuer of such
14 public bonds or obligations covenants that the issuer
15 shall comply with the requirements or limitations
16 imposed by the Internal Revenue Code or other
17 applicable federal law to preserve the tax exemption
18 of interest payable on the bonds or obligations.

19 3. Notwithstanding anything in this subchapter or
20 chapter 28F to the contrary, an electric power
21 generating facility shall not be financed under this
22 subchapter unless all of the following conditions are
23 satisfied:

24 a. The electric power generating facility is
25 designed to serve only the electric power requirements
26 of retail customers of members that were municipal
27 electric utilities established in the state prior to
28 January 1, 2001.

29 b. The electric power agency annually files with
30 the board, in a manner to be determined by the board,
31 information regarding sales from the electric power
32 generating facility in sufficient detail to determine
33 compliance with these provisions.

34 The board shall report to the general assembly if
35 any of the provisions are being violated.

36 Sec. ____ NEW SECTION. 476A.24 PUBLIC BONDS OR
37 OBLIGATIONS AUTHORIZED BY RESOLUTION OF BOARD –
38 TERMS.

39 1. The board of directors of an electric power
40 agency, by resolution, may authorize the issuance of
41 public bonds or obligations of the electric power
42 agency.

43 2. The public bonds or obligations may be issued
44 in one or more series under the resolution or under a
45 trust indenture or other security agreement.

46 3. The resolution, trust indenture, or other
47 security agreement, with respect to such public bonds
48 or obligations, shall provide for all of the
49 following:

50 a. The date on the public bonds or obligations.

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- 1 b. The time of maturity.
- 2 c. The rate of interest.
- 3 d. The denomination.
- 4 e. The form, either coupon or registered.
- 5 f. The conversion, registration, and exchange
- 6 privileges.
- 7 g. The rank or priority.
- 8 h. The manner of execution.
- 9 i. The medium of payment, including the place of
- 10 payment, either within or outside of the state.
- 11 j. The terms of redemption, either with or without
- 12 premium.
- 13 k. Such other terms and conditions as set forth by
- 14 the board in the resolution, trust indenture, or other
- 15 security agreement.
- 16 4. Public bonds or obligations authorized by the
- 17 board of directors shall not be subject to any
- 18 restriction under other law with respect to the
- 19 amount, maturity, interest rate, or other terms of
- 20 obligation of a public agency or private person.
- 21 5. Chapter 75 shall not apply to public bonds or
- 22 obligations authorized by the board of directors as
- 23 provided in this section.
- 24 Sec. . **NEW SECTION. 476A.25 PUBLIC BONDS OR**
- 25 **OBLIGATIONS PAYABLE SOLELY FROM AGENCY REVENUES OR**
- 26 **FUNDS.**
- 27 1. The principal of and interest on any public
- 28 bonds or obligations issued by an electric power
- 29 agency shall be payable solely from the revenues or
- 30 funds pledged or available for their payment as
- 31 authorized in this subchapter.
- 32 2. Each public bond or obligation shall contain
- 33 all of the following terms:
- 34 a. That the principal of or interest on such
- 35 public bonds or obligation is payable solely from
- 36 revenues or funds of the electric power agency.
- 37 b. That neither the state or a political
- 38 subdivision of the state other than the electric power
- 39 agency, nor a public agency that is a member of the
- 40 electric power agency is obligated to pay the
- 41 principal or interest on such public bonds or
- 42 obligations.
- 43 c. That neither the full faith and credit nor the
- 44 taxing power of the state, of any political
- 45 subdivision of the state, or of any such public agency
- 46 is pledged to the payment of the principal of or the
- 47 interest on the public bonds or obligations.
- 48 Sec. . **NEW SECTION. 476A.26 PUBLIC BONDS OR**
- 49 **OBLIGATIONS – TYPES – SOURCES FOR PAYMENT –**
- 50 **SECURITY.**

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1 1. Except as otherwise expressly provided by this
2 subchapter or by the electric power agency, every
3 issue of public bonds or obligations of the electric
4 power agency shall be payable out of any revenues or
5 funds of the electric power agency, subject only to
6 any agreements with the holders of particular public
7 bonds or obligations pledging any particular revenues
8 or funds.

9 2. An electric power agency may issue types of
10 public bonds or obligations as it may determine,
11 including public bonds or obligations as to which the
12 principal and interest are payable exclusively from
13 the revenues from one or more projects, or from an
14 interest in such project or projects, or a right to
15 capacity of such project or projects, or from any
16 revenue-producing contract made by the electric power
17 agency with any person, or from its revenues
18 generally.

19 3. Any public bonds or obligations may be
20 additionally secured by a pledge of any grant,
21 subsidy, or contribution from any public agency or
22 other person, or a pledge of any income or revenues,
23 funds, or moneys of the electric power agency from any
24 other source.

25 Sec. . **NEW SECTION. 476A.27 PUBLIC BONDS OR**
26 **OBLIGATIONS AND RATES FOR DEBT SERVICE NOT SUBJECT TO**
27 **STATE APPROVAL.**

28 Public bonds or obligations of an electric power
29 agency may be issued under this subchapter, and rents,
30 rates, and charges may be established in the same
31 manner as provided in section 28F.5 and pledged for
32 the security of public bonds or obligations and
33 interest and redemption premiums on such public bonds
34 or obligations, without obtaining the consent of any
35 department, division, commission, board, bureau, or
36 agency of the state and without any other proceeding
37 or the happening of any other condition or occurrence,
38 except as specifically required by this subchapter.

39 Sec. . **NEW SECTION. 476A.28 PUBLIC BONDS OR**
40 **OBLIGATIONS TO BE NEGOTIABLE.**

41 All public bonds or obligations of an electric
42 power agency shall be negotiable within the meaning
43 and for all of the purposes of the uniform commercial
44 code, chapter 554, subject only to the registration
45 requirement of section 76.10.

46 Sec. . **NEW SECTION. 476A.29 VALIDITY OF**
47 **PUBLIC BONDS OR OBLIGATIONS AT DELIVERY - TEMPORARY**
48 **BONDS.**

49 1. Any public bonds or obligations may be issued
50 and delivered, notwithstanding that one or more of the

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1 officers executing them shall have ceased to hold
2 office at the time when the public bonds or
3 obligations are actually delivered.

4 2. Pending preparation of definitive bonds
5 obligations, an electric power agency may issue
6 temporary bonds or obligations that shall be exchanged
7 for the definitive bonds or obligations upon their
8 issuance.

9 Sec. ____ NEW SECTION. 476A.30 PUBLIC OR PRIVATE
10 SALE OF BONDS AND NOTES.

11 Public bonds or obligations of an electric power
12 agency may be sold at public or private sale for a
13 price and in a manner determined by the electric power
14 agency.

15 Sec. ____ NEW SECTION. 476A.31 PUBLIC BONDS OR
16 OBLIGATIONS AS SUITABLE INVESTMENTS FOR GOVERNMENTAL
17 UNITS, FINANCIAL INSTITUTIONS, AND FIDUCIARIES.

18 The following persons may legally invest any debt
19 service funds, money, or other funds belonging to such
20 person or within such person's control in any public
21 bonds or obligations issued pursuant to this
22 subchapter:

23 1. A bank, trust company, savings association,
24 building and loan association, savings and loan
25 association, or investment company.

26 2. An insurance company, insurance association, or
27 any other person carrying on an insurance business.

28 3. An executor, administrator, conservator,
29 trustee, or other fiduciary.

30 4. Any other person authorized to invest in bonds
31 or obligations of the state.

32 Sec. ____ NEW SECTION. 476A.32 RESOLUTION, TRUST
33 INDENTURE, OR SECURITY AGREEMENT CONSTITUTES CONTRACT
34 - PROVISIONS.

35 The resolution, trust indenture, or other security
36 agreement under which any public bonds or obligations
37 are issued shall constitute a contract with the
38 holders of the public bonds or obligations, and may
39 contain provisions, among others, prescribing any of
40 the following terms:

41 1. The terms and provisions of the public bonds or
42 obligations.

43 2. The mortgage or pledge of and the grant of a
44 security interest in any real or personal property and
45 all or any part of the revenue from any project or any
46 revenue producing contract made by the electric power
47 agency with any person to secure the payment of public
48 bonds or obligations, subject to any agreements with
49 the holders of public bonds or obligations which might
50 then exist.

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1 3. The custody, collection, securing, investment,
2 and payment of any revenues, assets, money, funds, or
3 property with respect to which the electric power
4 agency may have any rights or interest.

5 4. The rates or charges for electric energy sold
6 by, or services rendered by, the electric power
7 agency, the amount to be raised by the rates or
8 charges, and the use and disposition of any or all
9 revenue.

10 5. The creation of reserves or debt service funds
11 and the regulation and disposition of such reserves or
12 funds.

13 6. The purposes to which the proceeds from the
14 sale of any public bonds or obligations to be issued
15 may be applied, and the pledge of the proceeds to
16 secure the payment of the public bonds or obligations.

17 7. Limitations on the issuance of any additional
18 public bonds or obligations, the terms upon which
19 additional public bonds or obligations may be issued
20 and secured, and the refunding of outstanding public
21 bonds or obligations.

22 8. The rank or priority of any public bonds or
23 obligations with respect to any lien or security.

24 9. The creation of special funds or moneys to be
25 held for operating expenses, payment, or redemption of
26 public bonds or obligations, reserves or other
27 purposes, and the use and disposition of moneys held
28 in these funds.

29 10. The procedure by which the terms of any
30 contract with or for the benefit of the holders of
31 public bonds or obligations may be amended or
32 abrogated, the amount of public bonds or obligations
33 the holders of which must consent to such amendment or
34 abrogation, and the manner in which consent may be
35 given.

36 11. The definition of the acts or omissions to act
37 that constitute a default in the duties of the
38 electric power agency to holders of its public bonds
39 or obligations, and the rights and remedies of the
40 holders in the event of default including, if the
41 electric power agency so determines, the right to
42 accelerate the date of the maturation of the public
43 bonds or obligations or the right to appoint a
44 receiver or receivers of the property or revenues
45 subject to the lien of the resolution, trust
46 indenture, or other security agreement.

47 12. Any other or additional agreements with or for
48 the benefit of the holders of public bonds or
49 obligations or any covenants or restrictions necessary
50 or desirable to safeguard the interests of the

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1 holders.

2 13. The custody of any of the electric power
3 agency's property or investments, the safekeeping of
4 such property or investments, the insurance to be
5 carried on such property or investments, and the use
6 and disposition of insurance proceeds.

7 14. The vesting in a trustee or trustees, within
8 or outside the state, of such property, rights,
9 powers, and duties as the electric power agency may
10 determine; or the limiting or abrogating of the rights
11 of the holders of any public bonds or obligations to
12 appoint a trustee, or the limiting of the rights,
13 powers, and duties of such trustee.

14 15. The appointment of and the establishment of
15 the duties and obligations of any paying agent or
16 other fiduciary within or outside the state.

17 Sec. NEW SECTION. 476A.33 MORTGAGE OR TRUST
18 DEED TO SECURE BONDS.

19 For the security of public bonds or obligations
20 issued or to be issued by an electric power agency,
21 the electric power agency may mortgage or execute
22 deeds of trust of the whole or any part of its
23 property.

24 Sec. NEW SECTION. 476A.34 NO PERSONAL
25 LIABILITY ON PUBLIC BONDS OR OBLIGATIONS.

26 An official, director, member of an electric power
27 agency, or any person executing public bonds or
28 obligations shall not be liable personally on the
29 public bonds or obligations or be subject to any
30 personal liability or accountability by reason of the
31 issuance of such public bonds or obligations.

32 Sec. NEW SECTION. 476A.35 REPURCHASE OF
33 SECURITIES.

34 An electric power agency may purchase public bonds
35 or obligations out of any funds available for such
36 purchase, and hold, pledge, cancel, or resell the
37 public bonds or obligations, subject to and in
38 accordance with any agreements with the holders.

39 Sec. NEW SECTION. 476A.36 PLEDGE OF REVENUE
40 AS SECURITY.

41 An electric power agency may pledge its rates,
42 rents, and other revenues, or any part of such rates,
43 rents, and revenues, as security for the repayment,
44 with interest and redemption premiums, if any, of the
45 moneys borrowed by the electric power agency or
46 advanced to the electric power agency for any of its
47 authorized purposes and as security for the payment of
48 moneys due and owed by the electric power agency under
49 any contract.

50 Sec. CODE EDITOR DIRECTIVE. The Code editor

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- 1 shall change references to "this chapter" in sections
- 2 476A.1 through 476A.15 as necessary and appropriate to
- 3 reflect the addition of the new subchapter to chapter
- 4 476A as a result of this Act."
- 5 2. By renumbering as necessary.

CHIODO of Polk

H-1628

- 1 Amend House File 732 as follows:
- 2 1. Page 46, line 14, by striking the figure
- 3 "48,300,000" and inserting the following:
- 4 "56,013,969".
- 5 2. Page 46, line 15, by striking the figure
- 6 "2,103.50" and inserting the following: "2,201.66".
- 7 3. By striking page 46, line 35, through page 47,
- 8 line 4, and inserting the following:
- 9 "2. The director of human services may establish
- 10 new positions and add state employees to field
- 11 operations if the director determines that such action
- 12 can reasonably be expected to leverage additional
- 13 federal dollars. The intent of establishing or adding
- 14 these positions shall be to reduce caseloads to
- 15 reflect recognized national standards as determined by
- 16 the department."

MURPHY of Dubuque

H-1630

- 1 Amend House File 732 as follows:
- 2 1. Page 4, line 33, by striking the figure
- 3 "731,000" and inserting the following: "1,231,000".
- 4 2. By striking page 5, line 30, through page 6,
- 5 line 31.
- 6 3. Page 54, by striking lines 18 through 34.

GREIMANN of Story

H-1631

- 1 Amend the amendment H-1421, to Senate File 209, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 5, by striking the word
- 5 "infected" and inserting the following: "to be
- 6 infected".
- 7 2. Page 1, by striking lines 30 through 35.
- 8 3. Page 1, by striking lines 38 through 46, and

9 inserting the following:

10 "____. Page 2, line 28, by inserting after the

11 word "upon" the following: "express".

12 4. Page 1, lines 48 and 49, by striking the words

13 "dairy cattle" and inserting the following:

14 "livestock".

15 5. Page 2, by striking lines 1 through 3.

SENG of Scott

H-1632

1 Amend House File 716 as follows:

2 1. Page 3, by inserting after line 21, the

3 following:

4 "Sec.____. Section 423.24, subsection 1, paragraph

5 b, Code 2001, is amended to read as follows:

6 b. Any Of such revenues remaining shall be amounts

7 shall be credited to the general fund of the state and

8 the road use tax fund as follows:

9 (1) The general fund of the state shall be

10 credited with an amount required in order to reimburse

11 the general fund of the state for the reduction of

12 revenues attributed to persons claiming an ethanol

13 blended gasoline tax credit under sections 422.11C and

14 422.33, as provided by the department.

15 (2) The road use tax fund shall be credited with

16 any remaining amount."

17 2. By renumbering as necessary.

SHOULTZ of Black Hawk

H-1635

1 Amend House File 732 as follows:

2 1. Page 47, line 13, by striking the figure

3 "7,520,029" and inserting the following:

4 "15,365,042".

5 2. Page 47, line 14, by striking the figure

6 "385.00" and inserting the following: "396.20".

7 3. Page 47, by inserting after line 32 the

8 following:

9 "____. Of the funds appropriated in this section,

10 \$129,971 for the fiscal year beginning July 1, 2001,

11 shall be transferred to the state university of Iowa

12 for the university-affiliated program for the support

13 of Iowa creative employment options (CEO)."

MURPHY of Dubuque

H-1636

- 1 Amend House File 721 as follows:
- 2 1. Page 1, line 2, by striking the words
- 3 "paragraphs" and inserting the following:
- 4 "paragraph".
- 5 2. Page 1, by striking lines 9 through 11.

SHOULTZ of Black Hawk

H-1640

- 1 Amend House File 732 as follows:
- 2 1. Page 6, line 9, by inserting after the word
- 3 "activities," the following: "be accredited by the
- 4 council on accreditation for children and family
- 5 services,".

FOEGE of Linn
WISE of Lee

H-1643

- 1 Amend House File 732 as follows:
- 2 1. Page 46, line 14, by striking the figure
- 3 "48,300,000" and inserting the following:
- 4 "56,013,969".
- 5 2. Page 46, line 15, by striking the figure
- 6 "2,103.50" and inserting the following: "2,201.66".
- 7 3. By striking page 46, line 26, through page 47,
- 8 line 4, and inserting the following:
- 9 "2. The director of human services may establish
- 10 new positions and add state employees to field
- 11 operations if the director determines that such action
- 12 can reasonably be expected to leverage additional
- 13 federal dollars. The intent of establishing or adding
- 14 these positions shall be to reduce caseloads to
- 15 reflect recognized national standards as determined by
- 16 the department."

MURPHY of Dubuque

H-1644

- 1 Amend the amendment, H-1614, to Senate File 203, as
- 2 passed the Senate, as follows:
- 3 1. Page 7, by inserting after line 34 the
- 4 following:
- 5 "Sec. NEW SECTION. 285.17 TRANSPORTATION
- 6 FUNDING.
- 7 Transportation services provided by a school
- 8 district, other than for reimbursement of nonpublic

9 school pupil transportation pursuant to section 285.2,
10 shall be funded pursuant to the district
11 transportation levy established in section 298.4A. A
12 school district with an average transportation cost
13 exceeding the state average transportation cost by one
14 hundred fifty percent shall be eligible for
15 transportation assistance aid pursuant to section
16 257.31, subsection 17.

17 Sec.____. NEW SECTION. 298.4A DISTRICT
18 TRANSPORTATION LEVY.

19 1. The board of directors of an eligible school
20 district may certify for levy by April 15 of a school
21 year, a tax on all taxable property in the school
22 district for a district transportation levy. A school
23 district shall be eligible to levy for transportation
24 costs if the district's average transportation cost
25 exceeds one hundred seventy dollars per pupil. The
26 revenues from the tax levied in this section shall be
27 placed in the district transportation levy fund of the
28 school district. District transportation levy
29 revenues shall be expended for transportation costs
30 incurred pursuant to chapter 285 including, but not
31 limited to, costs for the following:

- 32 a. Transporting students.
- 33 b. Purchasing of transportation equipment.
- 34 c. Purchasing transportation services.
- 35 d. Leasing transportation equipment and lease-
- 36 purchasing transportation equipment.

37 2. The amount certified for levy shall not include
38 claims for reimbursement of nonpublic school pupil
39 transportation for which funds are appropriated to the
40 department of education pursuant to section 285.2.

41 Sec.____. NEW SECTION. 298A.3A DISTRICT
42 TRANSPORTATION LEVY FUND.

43 The district transportation levy fund is a special
44 revenue fund. A district transportation levy fund
45 must be established in any school corporation which
46 levies the tax authorized under section 298.4A."

47 2. By renumbering as necessary.

HEATON of Henry

H-1645

1 Amend House File 728 as follows:

2 1. Page 9, by inserting after line 15, the
3 following:

4 "Sec.____. NEW SECTION. 285.17 TRANSPORTATION
5 FUNDING.

6 Transportation services provided by a school
7 district, other than for reimbursement of nonpublic
8 school pupil transportation pursuant to section 285.2,

9 shall be funded pursuant to the district
10 transportation levy established in section 298.4A. A
11 school district with an average transportation cost
12 exceeding the state average transportation cost by one
13 hundred fifty percent shall be eligible for
14 transportation assistance aid pursuant to section
15 257.31, subsection 17.

16 Sec. ____ NEW SECTION. 298.4A DISTRICT
17 TRANSPORTATION LEVY.

18 1. The board of directors of an eligible school
19 district may certify for levy by April 15 of a school
20 year, a tax on all taxable property in the school
21 district for a district transportation levy. A school
22 district shall be eligible to levy for transportation
23 costs if the district's average transportation cost
24 exceeds one hundred seventy dollars per pupil. The
25 revenues from the tax levied in this section shall be
26 placed in the district transportation levy fund of the
27 school district. District transportation levy
28 revenues shall be expended for transportation costs
29 incurred pursuant to chapter 285 including, but not
30 limited to, costs for the following:

- 31 a. Transporting students.
- 32 b. Purchasing of transportation equipment.
- 33 c. Purchasing transportation services.
- 34 d. Leasing transportation equipment and lease-
35 purchasing transportation equipment.

36 2. The amount certified for levy shall not include
37 claims for reimbursement of nonpublic school pupil
38 transportation for which funds are appropriated to the
39 department of education pursuant to section 285.2.

40 Sec. ____ NEW SECTION. 298A.3A DISTRICT
41 TRANSPORTATION LEVY FUND.

42 The district transportation levy fund is a special
43 revenue fund. A district transportation levy fund
44 must be established in any school corporation which
45 levies the tax authorized under section 298.4A."

46 2. By renumbering as necessary.

HEATON of Henry

H-1647

1 Amend House File 725 as follows:

- 2 1. Page 2, line 20, by striking the figure
- 3 "846,627" and inserting the following: "1,096,627".
- 4 2. Page 4, line 28, by striking the figure
- 5 "4,612,753" and inserting the following: "4,862,753".
- 6 3. By striking page 7, line 16 through page 8,
- 7 line 7.

- 8 4. By renumbering as necessary.

MAY of Worth
GREIMANN of Story
SHOULTZ of Black Hawk

H-1649

- 1 Amend House File 732 as follows:
2 1. Page 57, by striking lines 3 through 11.
3 2. By renumbering as necessary.

SMITH of Marshall

H-1651

- 1 Amend House File 712 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 425.7, subsection 3,
5 unnumbered paragraph 2, Code 2001, is amended to read
6 as follows:
7 If a claim is disallowed by the director of revenue
8 and finance and not appealed to the state board of tax
9 review or appealed to and upheld by the state board of
10 tax review and a petition for judicial review is not
11 filed with respect to the disallowance, any amounts of
12 credits allowed and paid from the homestead credit
13 fund including the penalty, if any, become a lien upon
14 the property on which credit was originally granted,
15 if still in the hands of the claimant, and not in the
16 hands of a bona fide purchaser, and any amount so
17 erroneously paid including the penalty, if any, shall
18 be collected by the county treasurer in the same
19 manner as other taxes and the collections shall be
20 returned to the department of revenue and finance and
21 credited to the homestead credit fund. The director
22 of revenue and finance may institute legal proceedings
23 against a homestead credit claimant for the collection
24 of payments made on disallowed credits and the
25 penalty, if any. If a person makes a false claim or
26 affidavit with fraudulent intent to obtain the
27 homestead, the person is guilty of a fraudulent
28 practice and the claim shall be disallowed in full.
29 If the credit has been paid, the amount of the credit
30 plus a penalty equal to twenty-five percent of the
31 amount of credit plus interest, at the rate in effect
32 under section 421.7, from the time of payment shall be
33 collected by the county treasurer in the same manner
34 as other property taxes, penalty, and interest are
35 collected and when collected shall be paid to the
36 director of revenue and finance. If a homestead

37 credit is disallowed and the claimant failed to give
38 written notice to the assessor as required by section
39 425.2 when the property ceased to be used as a
40 homestead by the claimant, a civil penalty equal to
41 fifty five percent of the amount of the disallowed
42 credit is assessed against the claimant."

43 2. Page 2, by inserting after line 15 the
44 following:
45 "Sec. ____ Section 425.14, Code 2001, is
46 repealed."

47 3. Page 2, line 17 by inserting after the word
48 "for" the following: "homestead tax credits filed or
49 on file and for".

50 4. Title page, line 1, by inserting after the

Page 2

1 word "relating" the following: "to the homestead tax
2 credit and".

SIEVERS of Scott
GRUNDBERG of Polk

H-1658

1 Amend House File 732 as follows:

2 1. Page 4, line 3, by striking the figure
3 "28,638,329" and inserting the following:
4 "24,138,329".

5 2. Page 4, line 4, by striking the word "Of" and
6 inserting the following: "a. Of".

7 3. Page 4, by striking lines 23 and 24, and
8 inserting the following: "provisions to ensure
9 appropriate use of the funding.

10 b. Of the funds appropriated in this subsection,
11 \$200,000 shall be used for assistance to providers of
12 child care to school-age children in accordance with
13 this paragraph. Moneys allocated in this paragraph
14 shall be used for grants to licensed child care
15 facilities providing care to school-age children as of
16 July 1, 2001. The grants shall be used to increase
17 the number of school-age children served, for
18 expansion of slots, or for transportation costs. The
19 grant requirements shall include provision for local
20 match in the form of cash, in-kind services, or other
21 support.

22 c. Of the funds appropriated in this subsection,
23 \$300,000 shall be used for provision of educational
24 opportunities to registered child care home providers
25 in order to improve services and programs offered by
26 this category of providers and to increase the number
27 of providers. The department may contract with

- 28 institutions of higher education or child care
 29 resource and referral centers to provide the
 30 educational opportunities. Allowable administrative
 31 costs under the contracts shall not exceed 5 percent.
 32 d. The application for any of the grants described
 33 in the lettered paragraphs of this subsection shall
 34 not exceed two pages in length."
 35 4. By striking page 5, line 30, through page 6,
 36 line 31.
 37 5. Page 54, by striking lines 18 through 34.
 38 6. By renumbering as necessary.

PETERSEN of Polk

H-1660

- 1 Amend House File 725 as follows:
 2 1. Page 2, line 29, by striking the figure
 3 "\$218,376" and inserting the following: "\$318,376".

RAYHONS of Hancock

H-1665

- 1 Amend Senate File 528, as passed by the Senate, as
 2 follows:
 3 1. Page 5, by inserting after line 23 the
 4 following:
 5 "Sec. ____ Pursuant to section 313.4, subsection
 6 2, there is appropriated from the primary road fund to
 7 the department of general services for the fiscal year
 8 beginning July 1, 2001, and ending June 30, 2002, the
 9 following amount, or so much thereof as is necessary,
 10 to be used for the purpose designated:
 11 For planning and design of a state institutional
 12 road that shall be an extension of Twelfth street
 13 south of Court avenue, adjacent to the new judicial
 14 building in Des Moines:
 15\$ 34,000
 16 Notwithstanding section 8.33, moneys appropriated
 17 in this section that remain unencumbered or
 18 unobligated at the close of the fiscal year shall not
 19 revert but shall remain available for expenditure for
 20 the purpose designated until the close of the fiscal
 21 year that begins July 1, 2004."
 22 2. Title page, line 3, by inserting after the
 23 word "transportation" the following: "and the
 24 department of general services".
 25 3. By renumbering as necessary.

GIPP of Winneshiek

H-1670

- 1 Amend House File 725 as follows:
- 2 1. Page 9, by inserting after line 1, the
- 3 following:
- 4 "Sec. ____ HAZARDOUS SUBSTANCE REMEDIAL FUND.
- 5 Notwithstanding any provision of state law, there is
- 6 appropriated from the hazardous substance remedial
- 7 fund as created in section 455B.423 to the department
- 8 of natural resources for the fiscal year beginning
- 9 July 1, 2001, and ending June 30, 2002, the following
- 10 amount, or so much thereof as is necessary, to be used
- 11 for the purpose designated:
- 12 For payment of the department's workers'
- 13 compensation insurance premium:
- 14 \$ 73,606"
- 15 2. By renumbering as necessary.

DRAKE of Pottawattamie

H-1671

- 1 Amend House File 726 as follows:
- 2 1. Page 10, by inserting after line 1 the
- 3 following:
- 4 "____. In implementing the federal substance abuse
- 5 and treatment block grant and any applicable
- 6 provisions of the federal Public Health Service Act,
- 7 the department shall apply the provisions of Pub. L.
- 8 No. 106-310, } 3305, relating to services provided by
- 9 religious and other nongovernmental organizations."
- 10 2. By renumbering as necessary.

ALONS of Sioux

H-1673

- 1 Amend House File 732 as follows:
- 2 1. Page 47, line 14, by striking the figure
- 3 "385.00" and inserting the following: "245.00".

MURPHY of Dubuque

H-1674

- 1 Amend House File 732 as follows:
- 2 1. Page 46, line 14, by striking the figure
- 3 "48,300,000" and inserting the following:
- 4 "56,013,969".
- 5 2. Page 46, line 15, by striking the figure
- 6 "2,103.50" and inserting the following: "2,201.66".
- 7 3. By striking page 46, line 26, through page 47,

8 line 4, and inserting the following:
9 "2. The director of human services may establish
10 new positions and add state employees to field
11 operations if the director determines that such action
12 can reasonably be expected to leverage additional
13 federal dollars. The intent of establishing or adding
14 these positions shall be to reduce caseloads to
15 reflect standards established by the national
16 association of social workers."

MURPHY of Dubuque

H-1676

1 Amend House File 726 as follows:
2 1. Page 14, line 7, by striking the figure
3 "1,690,000" and inserting the following: "1,382,000".
4 2. Page 14, line 20, by striking the figure
5 "1,692,000" and inserting the following: "2,000,000".

SIEVERS of Scott
CORMACK of Webster
RAECKER of Polk

H-1679

1 Amend House File 732 as follows:
2 1. Page 22, by inserting after line 18, the
3 following:
4 "_. If federal funding is received, the
5 department may participate in a federal home telecare
6 pilot program intended to manage health care needs of
7 subpopulations of Iowans and specifically including
8 subpopulations of Iowans who require high utilization
9 of health care services and represent a
10 disproportionate share of consumption of health care
11 services. The program shall be implemented as a
12 collaboration of public, private, and academic
13 participants and may include the participation of the
14 department of human services, the department of elder
15 affairs, and the Iowa department of public health,
16 with the intent of showing cost savings in proactively
17 managing diseases of selective populations through the
18 utilization of communications technology and
19 management protocols. The program may direct telecare
20 services to persons with diagnoses of specific
21 nonacute, chronic illnesses which may include but are
22 not limited to chronic obstructive pulmonary disease,
23 congestive heart disease, diabetes, and asthma. The
24 telecare program may provide a proactive call center
25 staffed by appropriate, licensed health care providers
26 equipped with disease management protocols.

27 Individuals who are participating in an indigent
 28 patient care program pursuant to chapter 255 or
 29 chapter 255A, are not eligible for participation in
 30 the telecare program. The telecare program shall not
 31 be eligible for reimbursement under chapter 255 or
 32 chapter 255A. For the purposes of this section,
 33 "telecare" shall include but is not limited to the
 34 interactive delivery of diagnostic, clinical,
 35 consultative, data, and educational services utilizing
 36 a transmission network which may include but is not
 37 limited to the live transmission of audio and video
 38 data."
 39 2. By renumbering as necessary.

HEATON of Henry
 OSTERHAUS of Jackson

H-1681

1 Amend House File 727 as follows:
 2 1. Page 6, by inserting after line 6 the
 3 following:
 4 "DIVISION ____
 5 BILLING DATA
 6 Sec. ____ Section 222.73, Code 2001, is amended by
 7 adding the following new subsection:
 8 NEW SUBSECTION. 6. The department shall provide a
 9 county with the data set as described in section
 10 331.440, subsection 1, and other information, which is
 11 not otherwise confidential under law, in the
 12 department's possession concerning a patient whose
 13 cost of care is chargeable to the county. The cost of
 14 care shall not be chargeable without provision of the
 15 data set.
 16 Sec. ____ Section 230.20, subsection 8, Code 2001,
 17 is amended to read as follows:
 18 8. The department shall provide a county with the
 19 data set as described in section 331.440, subsection
 20 1, and other information, which is not otherwise
 21 confidential under law, in the department's possession
 22 concerning a patient whose cost of care is chargeable
 23 to the county, including but not limited to the
 24 information specified in section 229.24, subsection 3.
 25 The cost of care shall not be chargeable without
 26 provision of the data set.
 27 Sec. ____ Section 249A.26, Code 2001, is amended
 28 by adding the following new subsection:
 29 NEW SUBSECTION. 4. The department shall provide a
 30 county with the data set as described in section
 31 331.440, subsection 1, and other information, which is
 32 not otherwise confidential under law, in the
 33 department's possession concerning an individual for

34 whom the nonfederal share of the cost of care is
35 chargeable to the county. The cost of care shall not
36 be chargeable without provision of the data set.
37 Sec. ____ Section 331.440, subsection 1, paragraph
38 c, Code 2001, is amended to read as follows:
39 c. The single entry point and clinical assessment
40 process shall include provision for the county's
41 participation in a management information system
42 developed in accordance with rules adopted pursuant to
43 subsection 3 4. The management information system
44 shall include standardization of a minimum data set
45 concerning the persons receiving services through the
46 single entry point process. The data set shall
47 incorporate administrative information as defined in
48 section 228.1 and information that is not otherwise
49 confidential under law. The data set shall be
50 provided by the state and by counties as part of

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1 billing for services provided to a person.

2 Sec. 100. DISPUTED BILLINGS.

3 1. To the extent allowable under federal law or
4 regulation, if the costs of a service are payable in
5 whole or in part by a county in accordance with a
6 chapter of the Code listed in this section, the
7 service was rendered prior to July 1, 1997, and the
8 county that would be obligated to pay for the costs of
9 the service has not been billed for the service or has
10 disputed the billing prior to the effective date of
11 this section, or the state has fully charged off the
12 cost of the service to an appropriation made in a
13 prior fiscal year or has not provided the data set as
14 described in section 331.440, subsection 1, as amended
15 by this Act, or other information to appropriately
16 document the basis for the billing, the county shall
17 have no obligation to pay for the service.

18 2. This section is applicable to service costs
19 that are a county obligation under the following
20 chapters of the Code:

21 a. Chapter 222.

22 b. Chapter 230.

23 c. Chapter 249A.

24 Sec. ____ EFFECTIVE DATE - APPLICABILITY. This
25 division of this Act, being deemed of immediate
26 importance, takes effect upon enactment. Section 100
27 of this division of this Act, relating to disputed
28 billings, is applicable to billings for services
29 provided prior to July 1, 1997, and the remainder of
30 this division of this Act is applicable to billings
31 for services provided on or after July 1, 1997."

32 2. Title page, line 5, by inserting after the

33 word "dates" the following: "and an applicability
34 provision".
35 3. By renumbering as necessary.

CARROLL of Poweshiek

H-1684

1 Amend Senate File 528, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 1, the
4 following:
5 "MOTOR VEHICLE USE TAX REVENUES
6 Sec. __. Section 423.24, Code 2001, is amended by
7 adding the following new subsection:
8 NEW SUBSECTION. 2A. Prior to the depositing and
9 crediting of revenues derived from the use tax on
10 motor vehicles, trailers, and motor vehicle
11 accessories and equipment as collected pursuant to
12 sections 423.7 and 423.7A in the manner described in
13 subsections 1 and 2, sixteen million four hundred
14 thousand dollars of the revenues shall be deposited
15 and credited annually to the general fund of the
16 state."
17 2. By renumbering as necessary.

MILLAGE of Scott

H-1686

1 Amend House File 732 as follows:
2 1. Page 17, by inserting after line 32, the
3 following:
4 " __. The moneys received through federal access
5 and visitation grants shall be used as follows:
6 a. The first \$200,000 shall be transferred to the
7 judicial branch to implement the mediation provisions
8 of section 598.7A on a statewide basis.
9 b. The remaining funds shall be distributed
10 equitably throughout the state to provide funding for
11 at least one neutral visitation services site in each
12 judicial district. Funding shall be issued directly
13 to private not-for-profit agencies that provide
14 services designed to increase compliance with child
15 access provisions of court orders, including but not
16 limited to neutral visitation site and mediation
17 services."
18 2. By renumbering as necessary.

BODDICKER of Cedar

H-1693

- 1 Amend House File 732 as follows:
- 2 1. Page 47, by inserting after line 32 the
- 3 following:
- 4 " _____. It is the intent of the general assembly
- 5 that the department commence negotiations with the
- 6 state of Nebraska to provide a process to assist
- 7 interested Nebraska residents in placing their
- 8 children at a state resource center in this state and
- 9 to allow the department and others to utilize the
- 10 child protection center located in Omaha."
- 11 2. By renumbering as necessary.

HOUSER of Pottawattamie
HEATON of Henry
FOEGE of Linn

H-1696

- 1 Amend House File 732 as follows:
- 2 1. Page 46, line 18, by inserting after the word
- 3 "services" the following: "in rural areas".

JOHNSON of Osceola

H-1706

- 1 Amend House File 714 as follows:
- 2 1. Page 8, line 33, by striking the word
- 3 "determine" and inserting the following:
- 4 "determined".
- 5 2. Page 12, by inserting after line 3, the
- 6 following:
- 7 "Sec. 100. Section 422.45, Code 2001, is amended
- 8 by adding the following new subsection:
- 9 NEW SUBSECTION. 60. a. The gross receipts from
- 10 the sale of coins, currency, or bullion.
- 11 b. For purposes of this subsection:
- 12 (1) "Bullion" means bars, ingots, or commemorative
- 13 medallions of gold, silver, platinum, palladium, or a
- 14 combination of these where the value of the metal
- 15 depends on its content and not the form.
- 16 (2) "Coins or currency" means a coin or currency
- 17 made of gold, silver, or other metal or paper which is
- 18 or has been used as legal tender.
- 19 c. This subsection is repealed June 30, 2003."
- 20 3. Page 12, by striking lines 30 through 33, and
- 21 inserting the following:
- 22 "Sec. _____. EFFECTIVE AND APPLICABILITY PROVISION.
- 23 This Act takes effect only if the revenue estimating
- 24 conference estimates that, as a result of the

25 enactment of federal income tax legislation prior to
26 January 1, 2002, Iowa income tax receipts for the
27 fiscal year beginning July 1, 2001, will be increased
28 by \$7.9 million or more over the amount of Iowa income
29 tax receipts which would have been realized in the
30 absence of the enactment of such federal income tax
31 legislation. If this Act takes effect, sections 5, 6,
32 7, 8, and 9 of this Act apply to tax years beginning
33 on or after January 1, 2002, and section 100 of this
34 Act applies beginning on July 1, 2001."
35 4. Title page, line 7, by inserting after the
36 word "employees" the following: "and providing a
37 sales and use tax exemption for the sale of coins,
38 currency, or bullion".
39 5. By renumbering as necessary.

CORMACK of Webster

H-1709

1 Amend House File 732 as follows:
2 1. Page 48, by striking lines 8 through 13.
3 2. By renumbering as necessary.

HEATON of Henry

H-1713

1 Amend the amendment, H-1696, to House File 732 as
2 follows:
3 1. Page 1, line 3, by striking the words "in
4 rural areas" and inserting the following: "as deemed
5 appropriate by the department".

CHIODO of Polk

H-1717

1 Amend the amendment, H-1614, to Senate File 203, as
2 passed the Senate, as follows:
3 1. Page 7, by inserting after line 34 the
4 following:
5 "Sec. NEW SECTION. 285.17 TRANSPORTATION
6 FUNDING.
7 Transportation services provided by a school
8 district, other than for reimbursement of nonpublic
9 school pupil transportation pursuant to section 285.2,
10 may be funded pursuant to the district transportation
11 levy established in section 298.4A. A school district
12 with an average transportation cost exceeding the
13 state average transportation cost by one hundred fifty
14 percent shall be eligible for transportation

15 assistance aid pursuant to section 257.31, subsection
16 17.

17 Sec. ____ **NEW SECTION. 298.4A DISTRICT.**
18 **TRANSPORTATION LEVY.**

19 1. The board of directors of an eligible school
20 district may certify for levy by April 15 of a school
21 year, a tax on all taxable property in the school
22 district for a district transportation levy. A school
23 district shall be eligible to levy for transportation
24 costs if the district's average transportation cost
25 exceeds one hundred seventy dollars per pupil. The
26 revenues from the tax levied in this section shall be
27 placed in the district transportation levy fund of the
28 school district. District transportation levy
29 revenues shall be expended for transportation costs
30 incurred pursuant to chapter 285 including, but not
31 limited to, costs for the following:

- 32 a. Transporting students.
- 33 b. Purchasing of transportation equipment.
- 34 c. Purchasing transportation services.
- 35 d. Leasing transportation equipment and lease-
- 36 purchasing transportation equipment.

37 2. The amount certified for levy shall not include
38 claims for reimbursement of nonpublic school pupil
39 transportation for which funds are appropriated to the
40 department of education pursuant to section 285.2.

41 Sec. ____ **NEW SECTION. 298A.3A DISTRICT**
42 **TRANSPORTATION LEVY FUND.**

43 The district transportation levy fund is a special
44 revenue fund. A district transportation levy fund
45 must be established in any school corporation which
46 levies the tax authorized under section 298.4A."

47 2. By renumbering as necessary.

HEATON of Henry

H-1719

1 Amend the amendment, H-1684, to Senate File 528, as
2 passed by the Senate, as follows:

- 3 1. Page 1, lines 15 and 16, by striking the words
- 4 "general fund of the state" and inserting the
- 5 following: "the primary road fund for the network of
- 6 commercial and industrial highways".

HUSER of Polk

H-1720

1 Amend the amendment, H-1684, to Senate File 528, as
2 passed by the Senate, as follows:

- 3 1. Page 1, by striking lines 3 through 5 and

4 inserting the following:

5 "____. Page 8, by inserting after line 10, the
6 following:

7 "DIVISION ____

8 MOTOR VEHICLE USE TAX REVENUES – DESIGNATED USE""

9 2. Page 1, by striking line 16, and inserting the
10 following: "state, and deposited in the community
11 attraction and tourism fund.""

12 3. By renumbering as necessary.

FALCK of Fayette

H-1721

1 Amend the amendment, H-1684, to Senate File 528, as
2 passed by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 5, and
4 inserting the following:

5 "____. Page 8, by inserting after line 10, the
6 following:

7 "DIVISION ____

8 MOTOR VEHICLE USE TAX REVENUES – DESIGNATED USE"

9 2. Page 1, by striking line 16 and inserting the
10 following: "state.

11 Sec. ____ APPROPRIATION. Of the moneys deposited
12 and credited to the general fund of the state under
13 section 423.24, subsection 2A, there is appropriated
14 to the following departments for the fiscal year
15 beginning July 1, 2001, and ending June 30, 2002, the
16 following amounts, or so much thereof as is necessary,
17 to be used for the purposes designated:

18 1. To the department of elder affairs for aging
19 programs and for salaries, support, maintenance, and
20 miscellaneous purposes, and for not more than the
21 following full-time equivalent positions:

22 \$ 5,065,411

23 FTEs 30.00

24 Of the funds appropriated in this subsection, not
25 more than \$151,654 shall be used for area agencies on
26 aging administrative purposes for citizens of Iowa
27 over 60 years of age for case management.

28 2. To the public employment relations board for
29 salaries, support, maintenance, and miscellaneous
30 purposes:

31 \$ 54,733

32 3. To the department of personnel for
33 distribution, subject to approval of the department of
34 management, to various state departments to fund the
35 premiums for paying workers' compensation claims which
36 are assessed to and collected from the state
37 department by the department of personnel based upon a
38 rating formula established by the department of

39 personnel:
 40 \$ 1,200,000
 41 a. Notwithstanding section 8.39, subsections 1, 3,
 42 and 4, the department of management may allocate the
 43 premium appropriated in this subsection to the
 44 appropriate offices, divisions, or subdivisions within
 45 each state department as necessary to pay workers'
 46 compensation premiums as recommended by the department
 47 of personnel.
 48 b. The premiums collected by the department of
 49 personnel shall be segregated into a separate workers'
 50 compensation fund in the state treasury to be used for

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1 payment of state employees' workers' compensation
 2 claims. Notwithstanding section 8.33, unencumbered or
 3 unobligated moneys remaining in this workers'
 4 compensation fund at the end of the fiscal year shall
 5 not revert but shall be available for expenditure for
 6 purposes of the fund for subsequent fiscal years.
 7 c. Any funds received by the department of
 8 personnel for workers' compensation purposes other
 9 than funds appropriated in this subsection shall be
 10 used for the payment of workers' compensation claims
 11 and administrative costs."
 12 3. By renumbering as necessary.

T. TAYLOR of Linn

H-1722

1 Amend the amendment, H-1684, to Senate File 528, as
 2 passed by the Senate, as follows:
 3 1. Page 1, lines 15 and 16, by striking the words
 4 "general fund of the state" and inserting the
 5 following: "rebuild Iowa infrastructure fund".

WARNSTADT of Woodbury

H-1723

1 Amend the amendment, H-1684, to Senate File 528, as
 2 passed by the Senate, as follows:
 3 1. Page 1, by striking lines 3 through 5 and
 4 inserting the following:
 5 "___ Page 8, by inserting after line 10, the
 6 following:
 7 "DIVISION ___
 8 MOTOR VEHICLE USE TAX REVENUES -- DESIGNATED USE"
 9 2. Page 1, by striking line 16 and inserting the
 10 following: "state.

- 11 Sec. __. APPROPRIATION. Of the moneys deposited
 12 and credited to the general fund of the state under
 13 section 423.24, subsection 2A, there is appropriated
 14 to the department of corrections for the fiscal year
 15 beginning July 1, 2001, and ending June 30, 2002, the
 16 following amount, or so much thereof as is necessary,
 17 to be used for the purpose designated:
 18 For operating costs of prisons in the state:
 19 \$ 4,183,647"
 20 3. By renumbering as necessary.

LARKIN of Lee

H-1726

- 1 Amend the amendment, H-1684, to Senate File 528, as
 2 passed by the Senate, as follows:
 3 1. Page 1, by striking lines 3 through 5, and
 4 inserting the following:
 5 "___ Page 8, by inserting after line 10, the
 6 following:
 7 "DIVISION ___
 8 MOTOR VEHICLE USE TAX REVENUES - DESIGNATED USE"
 9 2. Page 1, by striking line 16, and inserting the
 10 following: "state.
 11 Sec. __. APPROPRIATION. Of the moneys deposited
 12 and credited to the general fund of the state under
 13 section 423.24, subsection 2A, there is appropriated
 14 to the state department of transportation for the
 15 fiscal year beginning July 1, 2001, and ending June
 16 30, 2002, the following amount, or so much thereof as
 17 is necessary, to be used for the purpose designated:
 18 For the development and designation of access Iowa
 19 highways:
 20 \$ 16,400,000"
 21 3. By renumbering as necessary.

WARNSTADT of Woodbury

H-1727

- 1 Amend the amendment, H-1684, to Senate File 528, as
 2 passed by the Senate, as follows:
 3 1. Page 1, by striking lines 3 through 5, and
 4 inserting the following:
 5 "___ Page 8, by inserting after line 10, the
 6 following:
 7 "DIVISION ___
 8 MOTOR VEHICLE USE TAX REVENUES - DESIGNATED USE"
 9 2. Page 1, by striking line 16, and inserting the
 10 following: "state, and allocated, to the extent
 11 necessary, to the pooled technology account

- 12 established in the office of the treasurer of state
- 13 under the control of the information technology
- 14 department for a conversion of transmission facilities
- 15 for digital television for Iowa public television.""
- 16 3. By renumbering as necessary.

LENSING of Johnson

H-1728

- 1 Amend the amendment, H-1684, to Senate File 528, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 through 5 and
- 4 inserting the following:
- 5 " ____ . Page 8, by inserting after line 10, the
- 6 following:
- 7 "DIVISION ____
- 8 MOTOR VEHICLE USE TAX REVENUES – DESIGNATED USE""
- 9 2. Page 1, by striking line 16, and inserting the
- 10 following: "state, with five million dollars of this
- 11 amount allocated annually for the implementation and
- 12 funding of section 101 of this division of this Act.
- 13 Sec. 101. PRESCRIPTION DRUG PROGRAM. The Iowa
- 14 department of public health shall provide direct
- 15 services to participants in the program developed by
- 16 the department as a result of the directive to the
- 17 department under the federal Consolidated
- 18 Appropriations Act, 2001, H.R. 4577 to establish and
- 19 operate a mercantile prescription drug purchasing
- 20 cooperative or nonprofit corporation demonstration.
- 21 For the purposes of this section, "direct services"
- 22 includes but is not limited to all of the following:
- 23 1. Subsidization of the costs of pharmaceuticals
- 24 purchased by members of the cooperative.
- 25 2. Subsidization of the membership fees of low-
- 26 income members as determined by the department.
- 27 3. Provision of pharmaceutical assistance consumer
- 28 education programs for seniors.
- 29 4. Any other direct service provided to members
- 30 under the cooperative.""
- 31 3. By renumbering as necessary.

TREMMELE of Wapello

H-1729

- 1 Amend House File 736 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "distribution" the following: "or refund".

EICHHORN of Hamilton

H-1730

1 Amend the amendment, H-1684, to Senate File 528, as
2 passed by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 5, and
4 inserting the following:

5 "___ Page 8, by inserting after line 10, the
6 following:

7 "DIVISION ___

8 MOTOR VEHICLE USE TAX REVENUES - DESIGNATED USE

9 Sec. 101. Section 15.333, subsection 1, Code 2001,
10 is amended to read as follows:

11 1. An eligible business may claim a corporate tax
12 credit up to a maximum of ten percent of the new
13 investment which is directly related to new jobs
14 created by the location or expansion of an eligible
15 business under the program. Any credit in excess of
16 the tax liability for the tax year may be credited to
17 the tax liability for the following seven years or
18 until depleted, whichever occurs earlier. If the
19 business is a partnership, subchapter S corporation,
20 limited liability company, cooperative organized under
21 chapter 501 and filing as a partnership for federal
22 tax purposes, or estate or trust electing to have the
23 income taxed directly to the individual, an individual
24 may claim the tax credit allowed. The amount claimed
25 by the individual shall be based upon the pro rata
26 share of the individual's earnings of the partnership,
27 subchapter S corporation, limited liability company,
28 cooperative organized under chapter 501 and filing as
29 a partnership for federal tax purposes, or estate or
30 trust. For purposes of this section, "new investment
31 directly related to new jobs created by the location
32 or expansion of an eligible business under the
33 program" means the cost of machinery and equipment, as
34 defined in section 427A.1, subsection 1, paragraphs
35 "e" and "j", purchased for use in the operation of the
36 eligible business, the purchase price of which has
37 been depreciated in accordance with generally accepted
38 accounting principles, and the cost of improvements
39 made to real property which is used in the operation
40 of the eligible business ~~and which receives a partial~~
41 ~~property tax exemption for the actual value added~~
42 ~~under section 15.332.~~

43 Sec. 102. Section 15E.193B, subsection 2, Code
44 2001, is amended to read as follows:

45 2. An eligible housing business under this section
46 includes a housing developer, housing contractor, or
47 nonprofit organization that builds or rehabilitates a
48 minimum of four single-family homes ~~with a value,~~
49 ~~after completion of the building or rehabilitation,~~
50 ~~not exceeding one hundred twenty thousand dollars for~~

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1 each home located in that part of a city or county in
2 which there is a designated enterprise zone or one
3 multiple dwelling unit building containing three or
4 more individual dwelling units with a total value per
5 unit, after completion of the building or
6 rehabilitation, not exceeding one hundred twenty
7 thousand dollars located in that part of a city or
8 county in which there is a designated enterprise zone.

9 Sec. 103. Section 15E.193B, subsection 6,
10 paragraph a, Code 2001, is amended to read as follows:

11 a. An eligible housing business may claim a tax
12 credit up to a maximum of ten percent of the new
13 investment which is directly related to the building
14 or rehabilitating of a minimum of four single-family
15 homes located in that part of a city or county in
16 which there is a designated enterprise zone or one
17 multiple dwelling unit building containing three or
18 more individual dwelling units located in that part of
19 a city or county in which there is a designated
20 enterprise zone. The new investment that may be used
21 to compute the tax credit shall not exceed the new
22 investment used for the first one hundred forty
23 thousand dollars of value for each single-family home
24 or for each unit of a multiple dwelling unit building
25 containing three or more units. The tax credit may be
26 used to reduce the tax liability imposed under chapter
27 422, division II, III, or V. Any credit in excess of
28 the tax liability for the tax year may be credited to
29 the tax liability for the following seven years or
30 until depleted, whichever occurs earlier. If the
31 business is a partnership, S corporation, limited
32 liability company, cooperative organized under chapter
33 501 and filing as a partnership for federal tax
34 purposes, or estate or trust electing to have the
35 income taxed directly to the individual, an individual
36 may claim the tax credit allowed. The amount claimed
37 by the individual shall be based upon the pro rata
38 share of the individual's earnings of the partnership,
39 S corporation, limited liability company, cooperative
40 organized under chapter 501 and filing as a
41 partnership for federal tax purposes, or estate or
42 trust.

43 Sec. 104. **NEW SECTION. 15E.193C ELIGIBLE**
44 **DEVELOPMENT BUSINESS.**

45 1. A development business qualifying under this
46 section is eligible to receive incentives and
47 assistance only as provided in this section. Sections
48 15E.193, 15E.193B, and 15E.196 do not apply to an
49 eligible development business qualifying under this
50 section.

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2. An eligible development business includes a developer or development contractor that constructs, expands, or rehabilitates a building space with a minimum capital investment of at least five hundred thousand dollars in that part of a city or county in which there is a designated enterprise zone. An eligible development business is eligible for one, but not both, of the following exemptions to the capital investment requirements:
 - a. For an eligible development business purchasing a vacant building suitable for industrial use, the fair market value of the building and land, not to exceed two hundred fifty thousand dollars, as determined by the local enterprise zone commission, shall be deducted from the capital investment requirement.
 - b. For an eligible development business that rehabilitates a building space that has been in an enterprise zone for at least five years, the fair market value as established by an appraisal of the building, not to exceed two hundred fifty thousand dollars, shall be deducted from the capital investment requirement.
3. Upon completion of the construction, expansion, or rehabilitation project by the eligible development business, the building space shall not be occupied by a retail business.
4. An eligible development business shall complete its construction, expansion, or rehabilitation within three years from the time the eligible development business receives approval from the department. The failure to complete construction, expansion, or rehabilitation within three years shall result in the eligible development business becoming ineligible and subject to the repayment requirements and penalties provided in subsection 8.
5. Prior to applying for assistance under this section, an eligible development business shall enter into an agreement with at least one business for purposes of locating the business in all or a portion of the building space for a period of at least five years.
6. An eligible development business shall provide the enterprise zone commission with all of the following information:
 - a. The long-term strategic plan for the development business which shall include infrastructure needs and a copy of any agreement entered into by the eligible development business as required under subsection 5.

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- 1 b. Information relating to the benefits the
- 2 development business will bring to the area.
- 3 c. Examples of why the development business should
- 4 be considered or would be considered a good business
- 5 enterprise.
- 6 d. An affidavit that the development business has
- 7 not, within the last five years, violated state or
- 8 federal environmental and worker safety statutes,
- 9 rules, and regulations or if such violation has
- 10 occurred that there were mitigating circumstances or
- 11 the violations did not seriously affect public health
- 12 or safety or the environment.
- 13 7. An eligible development business, which has
- 14 been approved to receive incentives and assistance by
- 15 the department of economic development pursuant to
- 16 section 15E.195, shall be eligible to receive all of
- 17 the following incentives and assistance for a period
- 18 not to exceed ten years:
- 19 a. An eligible development business may claim a
- 20 tax credit up to a maximum of ten percent of the new
- 21 investment that is directly related to the
- 22 construction, expansion, or rehabilitation of building
- 23 space to be used for manufacturing, processing, cold
- 24 storage, distribution, or office facilities. For
- 25 purposes of this section, "new investment" includes
- 26 the purchase price of land and the cost of
- 27 improvements made to real property. The tax credit
- 28 may be claimed by an eligible development business for
- 29 the tax year in which the construction, expansion, or
- 30 rehabilitation is completed. The tax credit may be
- 31 used to reduce the tax liability imposed under chapter
- 32 422, division II, III, or V or chapter 432. Any
- 33 credit in excess of the tax liability for the tax year
- 34 may be credited to the tax liability for the following
- 35 seven years or until depleted, whichever occurs
- 36 earlier. If the business is a partnership, S
- 37 corporation, limited liability company, cooperative
- 38 organized under chapter 501 and filing as a
- 39 partnership for federal tax purposes, or estate or
- 40 trust electing to have the income taxed directly to
- 41 the individual, an individual may claim the tax credit
- 42 allowed. The amount claimed by the individual shall
- 43 be based upon the pro rata share of the individual's
- 44 earnings of the partnership, S corporation, limited
- 45 liability company, cooperative organized under chapter
- 46 501 and filing as a partnership for federal tax
- 47 purposes, or estate or trust.
- 48 b. Sales, services, and use tax refund, as
- 49 provided in section 15.331A.
- 50 c. The county or city for which an eligible

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1 enterprise zone is certified may exempt from all
2 property taxation all or a portion of the value added
3 to the property upon which an eligible development
4 business constructs, expands, or rehabilitates
5 property in an enterprise zone. The amount of value
6 added for purposes of this shall be the amount of the
7 increase in assessed valuation of the property
8 following the construction, expansion, or
9 rehabilitation by the development business in the
10 enterprise zone. If an exemption provided pursuant to
11 this is made applicable to only a portion of the
12 property within an enterprise zone, the definition of
13 that subset of eligible property must be by uniform
14 criteria that further some planning objective
15 established by the city or county enterprise zone
16 commission and approved by the city or county. The
17 exemption may be allowed for a period not to exceed
18 ten years beginning the year the eligible development
19 business enters into an agreement with the county or
20 city to construct, expand, or rehabilitate property in
21 an enterprise zone.

22 8. If a development business has received
23 incentives or assistance under this section and fails
24 to maintain the requirements of this section to be an
25 eligible development business, the business is subject
26 to repayment of all or a portion of the incentives and
27 assistance that it has received. The department of
28 revenue and finance shall have the authority to
29 recover the value of state taxes or incentives
30 provided under this section. The value of state
31 incentives provided under this section includes
32 applicable interest and penalties. The department of
33 economic development and the city and county, as
34 applicable, shall enter into an agreement with the
35 business specifying the method for determining the
36 amount of incentives or assistance paid which will be
37 repaid in the event of failure to maintain the
38 requirements of this section. In addition, a business
39 that fails to maintain the requirements of this
40 section shall not receive incentives or assistance for
41 each year during which the business is not in
42 compliance.

43 9. The department of economic development and the
44 department of revenue and finance shall each adopt
45 rules pursuant to chapter 17A to jointly administer
46 this section.

47 10. An eligible business under section 15E.193 is
48 not eligible for incentives and assistance listed in
49 section 15E.196 if the property is owned, or was
50 previously owned, by an approved development business

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1 that has received incentives and assistance under this
2 section 15E.193C.

3 11. If, within five years of the completion of a
4 construction, expansion, or rehabilitation project,
5 the development business, or its successor, sells or
6 leases any space to any retail business, the
7 development business shall proportionally refund any
8 tax credits, refunds, or exemptions which were claimed
9 under this section.

10 Sec. 105. Section 15E.194, subsection 4, Code
11 2001, is amended to read as follows:

12 4. A city of any size or any county may designate
13 an enterprise zone at any time prior to July 1, 2010,
14 when a business closure occurs involving the loss of
15 full-time employees, not including retail employees,
16 at one place of business totaling at least one
17 thousand employees or four percent or more of the
18 county's resident labor force based on the most recent
19 annual resident labor force statistics from the
20 department of workforce development, whichever is
21 lower. The enterprise zone may be established on the
22 property of the place of business that has closed and
23 the enterprise zone may include an area up to an
24 additional ~~one-mile~~ five miles adjacent to the
25 property. The area meeting the requirements for
26 enterprise zone eligibility under this subsection
27 shall not be included for the purpose of determining
28 the area limitation pursuant to section 15E.192,
29 subsection 4. The area included in an enterprise zone
30 designated under this subsection on or after June 1,
31 2000, may be amended to change the boundaries of the
32 enterprise zone. Such an amendment must be approved
33 by the department within three years of the date the
34 enterprise zone was certified.

35 Sec. 106. Section 15E.195, Code 2001, is amended
36 to read as follows:

37 15E.195 ENTERPRISE ZONE COMMISSION.

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 enterprise zone commission shall
47 also review applications from qualified housing
48 businesses requesting to receive incentives or
49 assistance as provided in section 15E.193B. The
50 enterprise zone commission shall also review

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1 applications from qualified development businesses
2 requesting to receive incentives or assistance as
3 provided in section 15E.193C. The commission shall
4 consist of nine members. Five of these members shall
5 consist of one representative of the board of
6 supervisors, one member with economic development
7 expertise chosen by the department of economic
8 development, one representative of the county zoning
9 board, one member of the local community college board
10 of directors, and one representative of the local
11 workforce development center. These five members
12 shall select the remaining four members. If the
13 enterprise zone consists of an area meeting the
14 requirements for eligibility for an urban or rural
15 enterprise community under Title XIII of the federal
16 Omnibus Budget Reconciliation Act of 1993, one of the
17 remaining four members shall be a representative of
18 that community. A county shall have only one
19 enterprise zone commission to review applications for
20 incentives and assistance for businesses located
21 within or requesting to locate within a certified
22 enterprise zone designated pursuant to section
23 15E.194, subsection 1.

24 2. A city with a population of twenty-four
25 thousand or more which designates an enterprise zone
26 pursuant to section 15E.194, subsection 2, and in
27 which an eligible enterprise zone is certified shall
28 establish an enterprise zone commission to review
29 applications from qualified businesses located within
30 or requesting to locate within an enterprise zone to
31 receive incentives or assistance as provided in
32 section 15E.196. The enterprise zone commission shall
33 review applications from qualified housing businesses
34 requesting to receive incentives or assistance as
35 provided in section 15E.193B. The enterprise zone
36 commission shall also review applications from
37 qualified development businesses requesting to receive
38 incentives or assistance as provided in section
39 15E.193C. The commission shall consist of nine
40 members. Six of these members shall consist of one
41 representative of an international labor organization,
42 one member with economic development expertise chosen
43 by the department of economic development, one
44 representative of the city council, one member of the
45 local community college board of directors, one member
46 of the city planning and zoning commission, and one
47 representative of the local workforce development
48 center. These six members shall select the remaining
49 three members. If the enterprise zone consists of an
50 area meeting the requirements for eligibility for an

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1 urban enterprise community under Title XIII of the
2 federal Omnibus Budget Reconciliation Act of 1993, one
3 of the remaining three members shall be a
4 representative of that community. If a city
5 contiguous to the city designating the enterprise zone
6 is included in an enterprise zone, a representative of
7 the contiguous city, chosen by the city council, shall
8 be a member of the commission. A city in which an
9 eligible enterprise zone is certified shall have only
10 one enterprise zone commission. If a city has
11 established an enterprise zone commission prior to the
12 effective date of this Act, the city may petition to
13 the department of economic development to change the
14 structure of the existing commission.

15 3. The commission may adopt more stringent
16 requirements, including requirements related to
17 compensation and benefits, for a business to be
18 eligible for incentives or assistance than provided in
19 sections 15E.193, ~~and 15E.193B, and 15E.193C~~. The
20 commission may develop as an additional requirement
21 that preference in hiring be given to individuals who
22 live within the enterprise zone. The commission shall
23 work with the local workforce development center to
24 determine the labor availability in the area. The
25 commission shall examine and evaluate building codes
26 and zoning in the enterprise zone and make
27 recommendations to the appropriate governing body in
28 an effort to promote more affordable housing
29 development.

30 4. If the enterprise zone commission determines
31 that a business qualifies and is eligible to receive
32 incentives or assistance as provided in ~~either section~~
33 ~~15E.193B or section, 15E.193C, or 15E.196~~, the
34 commission shall submit an application for incentives
35 or assistance to the department of economic
36 development. The department may approve, defer, or
37 deny the application.

38 5. In making its decision, the commission or
39 department shall consider the impact of the eligible
40 business on other businesses in competition with it
41 and compare the compensation package of businesses in
42 competition with the business being considered for
43 incentives or assistance. The commission or
44 department shall make a good faith effort to identify
45 existing Iowa businesses within an industry in
46 competition with the business being considered for
47 incentives or assistance. The commission or
48 department shall also make a good faith effort to
49 determine the probability that the proposed incentives
50 or assistance will displace employees of existing

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1 businesses. In determining the impact on businesses
2 in competition with the business seeking incentives or
3 assistance, jobs created as a result of other jobs
4 being displaced elsewhere in the state shall not be
5 considered direct jobs created.

6 However, if the commission or department finds that
7 an eligible business has a record of violations of the
8 law, including but not limited to environmental and
9 worker safety statutes, rules, and regulations, over a
10 period of time that tends to show a consistent
11 pattern, the eligible business shall not qualify for
12 incentives or assistance under section 15E.193B,
13 15E.193C, or ~~section~~ 15E.196, unless the commission or
14 department finds that the violations did not seriously
15 affect public health or safety or the environment, or
16 if it did that there were mitigating circumstances.
17 In making the findings and determinations regarding
18 violations, mitigating circumstances, and whether an
19 eligible business is eligible for incentives or
20 assistance under section 15E.193B, 15E.193C, or
21 ~~section~~ 15E.196, the commission or department shall be
22 exempt from chapter 17A. If requested by the
23 commission or department, the business shall provide
24 copies of materials documenting the type of violation,
25 any fees or penalties assessed, court filings, final
26 disposition of any findings and any other information
27 which would assist the commission or department in
28 assessing the nature of any violation.

29 6. A business that is approved to receive
30 incentives or assistance shall, for the length of its
31 designation as an enterprise zone business, certify
32 annually to the county or city, as applicable, and the
33 department of economic development its compliance with
34 the requirements of ~~either~~ section 15E.193, ~~or~~ ~~section~~
35 15E.193B, or 15E.193C.

36 Sec. 107. Section 15E.196, Code 2001, is amended
37 by adding the following new subsection:

38 NEW SUBSECTION. 7. A business eligible to receive
39 incentives and assistance described in this section
40 and located in a building for which incentives and
41 assistance are or have been claimed by an approved
42 development business under section 15E.193C is not
43 eligible to receive the following incentives and
44 assistance:

45 a. An investment tax credit under subsection 3 for
46 the portion of the investment tax credit that is
47 claimed on the purchase price of land or improvements
48 to real property by an approved development business
49 pursuant to section 15E.193C, subsection 7, paragraph
50 "a".

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- 1 b. Sales, services, and use tax refund under
- 2 subsection 2 that is made pursuant to section
- 3 15E.193C, subsection 7, paragraph "b".
- 4 c. A property tax exemption under subsection 5 for
- 5 improvements to real property that are exempted from
- 6 property taxation pursuant to section 15E.193C,
- 7 subsection 7, paragraph "c".
- 8 2. Page 1, by striking line 16, and inserting the
- 9 following: "state, with eight million seven hundred
- 10 thousand dollars of this amount allocated annually for
- 11 the implementation and funding of sections 101 through
- 12 107 of this division of this Act and seven million
- 13 seven hundred thousand dollars of this amount
- 14 allocated annually for providing budget guarantees to
- 15 school districts in the manner provided in section
- 16 257.14, subsection 1, for the appropriate budget
- 17 years.""
- 18 3. By renumbering as necessary.

QUIRK of Chickasaw

H-1731

- 1 Amend the amendment, H-1684, to Senate File 528, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 16 the
- 4 following:
- 5 "___ Page 8, by inserting after line 10 the
- 6 following:
- 7 "Sec. ___, Section 452A.3, Code 2001, is amended
- 8 by adding the following new subsection:
- 9 NEW SUBSECTION. 7. For the fiscal year beginning
- 10 July 1, 2001, and ending June 30, 2002, the taxes on
- 11 fuel provided for in this section shall be decreased
- 12 by ten cents per gallon."
- 13 ___. Title page, line 5, by inserting after the
- 14 word "moneys," the following: "temporarily decreasing
- 15 certain fuel taxes,."
- 16 2. By renumbering, redesignating, and correcting
- 17 internal references as necessary.

CHIODO of Polk

H-1732

- 1 Amend the amendment, H-1684, to Senate File 528, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 through 5, and
- 4 inserting the following:
- 5 "___ Page 8, by inserting after line 10, the

6 following:

7 "DIVISION ____
8 MOTOR VEHICLE USE TAX REVENUES – DESIGNATED USE"

9 2. Page 1, by striking line 16, and inserting the
10 following: "state.

11 Sec. __. APPROPRIATION. Of the moneys deposited
12 and credited to the general fund of the state under
13 section 423.24, subsection 2A, there is appropriated
14 to the department of corrections for the fiscal year
15 beginning July 1, 2001, and ending June 30, 2002, the
16 following amounts, or so much thereof as is necessary,
17 to be used for the purposes designated:

18 1. To construct a 50-bed stand-alone facility to
19 replace the existing 34-bed leased facility and expand
20 the capacity by 16 beds in Fort Dodge:
21 \$ 2,400,000
22 2. To construct a 50-bed expansion of the existing
23 50-bed facility in Ottumwa:
24 \$ 2,000,000
25 3. To construct a 75-bed stand-alone facility in
26 Sioux City:
27 \$ 3,600,000
28 4. To construct a 25-bed stand-alone facility in
29 Davenport:
30 \$ 1,200,000"
31 3. By renumbering as necessary.

TREMME of Wapello
SENG of Scott
WINCKLER of Scott
WARNSTADT of Woodbury
MERTZ of Kossuth

H-1734

1 Amend the amendment, H-1639, to House File 727, as
2 follows:

3 1. Page 6, by inserting after line 38, the
4 following:

5 "Sec. __. NEW SECTION. 229.14C COURT ORDER
6 COMPLIANCE.

7 A county shall comply with a court order regarding
8 location or duration of placement or transfer of
9 placement of a respondent."

10 2. By renumbering as necessary.

KREIMAN of Davis

H-1737

1 Amend the amendment, H-1684, to Senate File 528, as
2 passed by the Senate, as follows:

- 3 1. Page 1, by striking lines 3 through 5 and
 4 inserting the following:
 5 "___ Page 8, by inserting after line 10, the
 6 following:
 7 "DIVISION ___
 8 MOTOR VEHICLE USE TAX REVENUES – DESIGNATED USE"
 9 2. Page 1, by striking line 16 and inserting the
 10 following: "state.
 11 Sec. ___. APPROPRIATION. Of the moneys deposited
 12 and credited to the general fund of the state under
 13 section 423.24, subsection 2A, there is appropriated
 14 to the department of human services for the fiscal
 15 year beginning July 1, 2001, and ending June 30, 2002,
 16 the following amount, or so much thereof as is
 17 necessary, to be used for the purpose designated:
 18 For the healthy and well kids in Iowa program:
 19 \$ 700,000"
 20 3. By renumbering as necessary.

OSTERHAUS of Jackson

H-1738

- 1 Amend the amendment, H-1684, to Senate File 528, as
 2 passed by the Senate, as follows:
 3 1. Page 1, by striking lines 3 through 5 and
 4 inserting the following:
 5 "___ Page 8, by inserting after line 10, the
 6 following:
 7 "DIVISION ___
 8 MOTOR VEHICLE USE TAX REVENUES – DESIGNATED USE"
 9 2. Page 1, by striking line 16 and inserting the
 10 following: "state.
 11 Sec. ___. APPROPRIATION. Of the moneys deposited
 12 and credited to the general fund of the state under
 13 section 423.24, subsection 2A, there is appropriated
 14 to the division on the status of women of the
 15 department of human rights for the fiscal year
 16 beginning July 1, 2001, and ending June 30, 2002, the
 17 following amount, or so much thereof as is necessary,
 18 to be used for the purpose designated:
 19 For use by the Iowa coalition against domestic
 20 violence and the Iowa coalition against sexual abuse:
 21 \$ 500,000"
 22 3. By renumbering as necessary.

MASCHER of Johnson

H-1739

- 1 Amend the amendment, H-1684, to Senate File 528, as
 2 passed by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 5 and
 4 inserting the following:
 5 "___ Page 8, by inserting after line 10, the
 6 following:

7 "DIVISION ___
 8 MOTOR VEHICLE USE TAX REVENUES – DESIGNATED USE"

9 2. Page 1, by striking line 16 and inserting the
 10 following: "state.

11 Sec. ___. APPROPRIATION. Of the moneys deposited
 12 and credited to the general fund of the state under
 13 section 423.24, subsection 2A, there is appropriated
 14 to the department of public safety for the fiscal year
 15 beginning July 1, 2001, and ending June 30, 2002, the
 16 following amount, or so much thereof as is necessary,
 17 to be used for the purpose designated:

18 For allocation to the state fire marshal's office
 19 for performance of the duties of the state fire
 20 marshal in chapter 100:

21 \$ 500,000"

22 3. By renumbering as necessary.

RICHARDSON of Warren

H-1740

1 Amend the amendment, H-1684, to Senate File 528, as
 2 passed by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 5 and
 4 inserting the following:
 5 "___ Page 8, by inserting after line 10, the
 6 following:

7 "DIVISION ___
 8 MOTOR VEHICLE USE TAX REVENUES – DESIGNATED USE"

9 2. Page 1, by striking line 16 and inserting the
 10 following: "state.

11 Sec. ___. APPROPRIATION. Of the moneys deposited
 12 and credited to the general fund of the state under
 13 section 423.24, subsection 2A, there is appropriated
 14 to the department of public safety for the fiscal year
 15 beginning July 1, 2001, and ending June 30, 2002, the
 16 following amount, or so much thereof as is necessary,
 17 to be used for the purpose designated:

18 To address the backlog in maintaining the sex
 19 offender registry:

20 \$ 180,000"

21 3. By renumbering as necessary.

RICHARDSON of Warren

H-1743

1 Amend the Senate amendment, H-1625, to House File

- 2 582, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by striking lines 5 through 29.
5 2. By renumbering as necessary.

METCALF of Polk

H-1748

- 1 Amend Senate File 515, 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. 327F.21 RAILROAD TRAIN
6 CREWS.
7 1. As used in this section, unless the context
8 otherwise requires:
9 a. "Cab" means the crew compartment of the engine
10 of a railroad train or locomotive.
11 b. "Department" means the state department of
12 transportation.
13 c. "Director" means the director of transportation
14 or the director's designee.
15 d. "Qualified railroad locomotive engineer" means
16 a person who has successfully completed a railroad
17 carrier's training program for a train service
18 engineer, locomotive servicing engineer, or student
19 engineer and passed an examination on railroad
20 operation rules.
21 e. "Qualified railroad trainperson" means a person
22 who has successfully completed a railroad carrier's
23 training program and passed an examination on railroad
24 operation rules.
25 2. Any person operating or controlling a railroad
26 in this state shall not allow the operation of any
27 railroad train or locomotive in this state unless the
28 railroad train or locomotive has a crew of at least
29 two individuals. One of the individuals shall be a
30 qualified railroad locomotive engineer. The other
31 individual shall be either a qualified railroad
32 locomotive engineer or a qualified railroad
33 trainperson. The qualified railroad locomotive
34 engineer shall be present in the cab and operate the
35 control locomotive at all times that the railroad
36 train or locomotive is in motion. The other crew
37 member shall be present in the cab at all times the
38 railroad train or locomotive is in motion, but may
39 dismount the railroad train or locomotive when
40 necessary to perform switching activities and other
41 job-related duties. However, this subsection shall
42 not apply to the extent that it is contrary to or
43 inconsistent with a regulation or order of the federal

44 railroad administration.

45 3. The director may, pursuant to rules adopted by
46 the department, grant an exception to the requirements
47 of subsection 2 if the director determines that the
48 exception will not endanger the life or property of
49 any person.

50 4. A person who violates this section is, upon

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1 conviction for a first offense, subject to a schedule
2 "one" penalty as provided under section 327C.5. A
3 person who violates this section is, upon conviction
4 for a second offense committed within three years of
5 the first offense, subject to a schedule "two" penalty
6 as provided under section 327C.5. A person who
7 violates this section is, upon conviction for a third
8 or subsequent offense committed within three years of
9 the first offense, subject to a schedule "three"
10 penalty as provided under section 327C.5."

11 2. Title page, line 1, by inserting after the
12 word "Act" the following: "relating to railroads,
13 by".

14 3. Title page, line 2, by inserting after the
15 word "utilities," the following: "addressing railroad
16 crew safety, providing penalties,".

17 4. By renumbering as necessary.

T. TAYLOR of Linn

H-1749

1 Amend Senate File 515, 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. 327F.8 CLOSE-CLEARANCE
6 WARNING DEVICES.

7 1. A railroad company shall place a warning device
8 at a location where the close-clearance between a
9 railway owned by the railroad company and a building,
10 machinery, trees, brush, or other object is such that
11 the building, machinery, trees, brush, or other object
12 physically impedes a person who is lawfully riding the
13 side of the train in the course of the person's duties
14 in service to the railroad company from clearing the
15 building, machinery, trees, brush, or other object.

16 2. The warning device shall be placed in a
17 location which provides adequate notice to a person
18 riding the side of a train so that the person may
19 prepare for the close-clearance.

20 3. Placement of a warning device pursuant to this

- 21 section does not relieve a railroad company from any
22 duties required under chapter 317 or section 327F.27.
23 4. A violation of this section is punishable as a
24 schedule "one" penalty under section 327C.5."
25 2. Title page, line 1, by inserting after the
26 word "Act" the following: "relating to railroads,
27 by".
28 3. Title page, line 2, by inserting after the
29 word "utilities," the following: "providing for
30 certain warning devices,".
31 4. By renumbering as necessary.

T. TAYLOR of Linn

H-1751

- 1 Amend Senate File 535, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 24, line 8, by striking the word
4 "subsection" and inserting the following:
5 "subsections".
6 2. Page 24, by inserting after line 18 the
7 following:
8 "NEW SUBSECTION. 31. Adopt rules requiring the
9 institutions of higher learning under the board to
10 prohibit student health centers administered by the
11 institutions from offering medically induced
12 termination of a pregnancy, including but not limited
13 to usage of mifepristone or RU-486."

FINCH of Story

H-1760

- 1 Amend House File 720 as follows:
2 1. Page 3, by striking line 19, and inserting the
3 following: "annually limit to ~~seven~~ ten thousand ~~five~~
4 ~~hundred~~ licenses".
5 2. Page 3, line 21, by striking the words "six
6 thousand" and inserting the following: "~~six~~ seven
7 thousand five hundred".
8 3. Page 3, line 23, by striking the words "six
9 thousand" and inserting the following: "~~six~~ seven
10 thousand five hundred".
11 4. Page 4, line 6, by striking the words "six
12 thousand" and inserting the following: "seven
13 thousand five hundred".

REYNOLDS of Van Buren

H-1762

- 1 Amend House File 729 as follows:
- 2 1. Page 2, by striking lines 3 through 11 and
- 3 inserting the following: "assembly evaluating the
- 4 current linked investment loan programs regarding the
- 5 necessity of continuing the programs and recommending
- 6 new linked investment loan programs which would
- 7 complement the promotion of targeted industries listed
- 8 in section 15.329, subsection 2.
- 9 Sec. ____ PROGRAM REVIEW. It is the intent of the
- 10 general assembly that all linked investment loan
- 11 programs shall be reviewed on a continual basis to
- 12 determine the necessity for or need for updating the
- 13 programs."
- 14 2. By renumbering as necessary.

METCALF of Polk

H-1770

- 1 Amend the Senate amendment, H-1714, to House File
- 2 718, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 14 the
- 5 following:
- 6 "____. Page 14, line 3, by inserting after the
- 7 word "purposes" the following: "and for providing
- 8 sufficient funding for the Iowa Lewis and Clark
- 9 bicentennial commission established in section
- 10 15.221"."
- 11 2. By renumbering as necessary.

WARNSTADT of Woodbury

H-1771

- 1 Amend Senate File 165, 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 ENGLISH PLUS.
- 6 1. The general assembly of the state of Iowa finds
- 7 and declares the following:
- 8 a. Many United States citizens have native
- 9 languages other than English, including many languages
- 10 indigenous to the North American continent, and many
- 11 members of society have not had an equal opportunity
- 12 to learn English.
- 13 b. The ability to communicate in English and other
- 14 languages has promoted and can further enhance Iowa's
- 15 economic, political, and cultural vitality, and

16 contributes to the state's productivity and nationwide
17 competitiveness.

18 c. Fundamental values and state and national
19 documents ensure tolerance and respect for diversity
20 and guarantee all persons equal protection under the
21 law.

22 d. A need exists for a vastly expanded network of
23 facilities for comprehensive English language
24 instruction and services to ensure that all persons in
25 the state have the ability to exercise the rights and
26 responsibilities of full participation in society. A
27 need exists to offer English as a primary language in
28 classes at Iowa community colleges, state
29 universities, and public schools.

30 e. A need exists to foster multiple language
31 skills among all people in the state in order to
32 promote Iowa's position in the world marketplace and
33 to strengthen Iowa's conduct of relations with other
34 countries.

35 f. A need exists to endorse the concept of English
36 Plus in order to promote public civility and the
37 fundamental values and objectives of society.

38 2. Laws containing restrictionist language shall
39 not be enacted in Iowa that will impede a citizen's
40 right to vote, infringe on a citizen's civil rights,
41 foster governmental interference in private activity
42 and free commerce, or cause social disunity."

43 2. Title page, line 1, by striking the word
44 "reaffirmation" and inserting the following: "plus".

HATCH of Polk

H-1775

1 Amend House File 737 as follows:

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

4 "Section 1. Section 236.15B, Code 2001, is
5 reenacted to read as follows:

6 236.15B INCOME TAX CHECKOFF FOR DOMESTIC ABUSE
7 SERVICES.

8 A person who files an individual or a joint income
9 tax return with the department of revenue and finance
10 under section 422.13 may designate any amount to be
11 paid to the general fund of the state and used for the
12 purposes of providing emergency shelter services,
13 support services, and other services to victims of
14 domestic abuse or sexual assault. If the refund due
15 on the return or the payment remitted with the return
16 is insufficient to pay the additional amount
17 designated by the taxpayer to be used for the purposes
18 of providing services to victims of domestic abuse or

19 sexual assault, the amount designated shall be reduced
20 to the remaining amount of refund or the remaining
21 amount remitted with the return.

22 It is the intent of the general assembly that the
23 funds generated from the checkoff be appropriated and
24 used for the purposes of providing services to victims
25 of domestic abuse or sexual assault.

26 The director of revenue and finance shall draft the
27 income tax form to allow the designation of
28 contributions to be used for the purposes of providing
29 services to victims of domestic abuse or sexual
30 assault on the tax return.

31 The department of revenue and finance on or before
32 January 31 of the calendar year following the calendar
33 year in which the tax returns were filed shall certify
34 the total amount designated on the tax return forms
35 due in the preceding calendar year and shall report
36 the amount to the treasurer of state.

37 The department of revenue and finance shall consult
38 the crime victim assistance board concerning the
39 adoption of rules to implement this section. However,
40 before a checkoff pursuant to this section shall be
41 permitted, all liabilities on the books of the
42 department of revenue and finance and accounts
43 identified as owing under section 421.17 and the
44 political contribution allowed under section 56.18
45 shall be satisfied."

46 2. Page 2, by inserting after line 20, the
47 following:

48 "Sec. ____ Section 422.12E, Code 2001, is amended
49 to read as follows:

50 422.12E INCOME TAX RETURN CHECKOFFS LIMITED.

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1 For tax years beginning on or after January 1,
2 1995, there shall be allowed no more than three income
3 tax return checkoffs on each income tax return. When
4 the same three income tax return checkoffs have been
5 provided on the income tax return for three
6 consecutive years, the checkoff for which the least
7 amount has been contributed, in the aggregate for the
8 first two tax years and through March 15 of the third
9 tax year, shall be repealed. This section does not
10 apply to the income tax return ~~checkoff~~ checkoffs
11 provided in ~~section~~ sections 56.18 and 236.15B."

12 3. Title page, line 1, by inserting after the
13 word "Act" the following: "reenacting the individual
14 income tax checkoff for domestic abuse services,".

15 4. By renumbering as necessary.

H-1776

1 Amend House File 737 as follows:

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

4 "Section 1. Section 236.15B, Code 2001, is

5 reenacted to read as follows:

6 236.15B INCOME TAX CHECKOFF FOR DOMESTIC ABUSE
7 SERVICES.

8 A person who files an individual or a joint income
9 tax return with the department of revenue and finance
10 under section 422.13 may designate any amount to be
11 paid to the general fund of the state and used for the
12 purposes of providing emergency shelter services,
13 support services, and other services to victims of
14 domestic abuse or sexual assault. If the refund due
15 on the return or the payment remitted with the return
16 is insufficient to pay the additional amount
17 designated by the taxpayer to be used for the purposes
18 of providing services to victims of domestic abuse or
19 sexual assault, the amount designated shall be reduced
20 to the remaining amount of refund or the remaining
21 amount remitted with the return.

22 It is the intent of the general assembly that the
23 funds generated from the checkoff be appropriated and
24 used for the purposes of providing services to victims
25 of domestic abuse or sexual assault.

26 The director of revenue and finance shall draft the
27 income tax form to allow the designation of
28 contributions to be used for the purposes of providing
29 services to victims of domestic abuse or sexual
30 assault on the tax return.

31 The department of revenue and finance on or before
32 January 31 of the calendar year following the calendar
33 year in which the tax returns were filed shall certify
34 the total amount designated on the tax return forms
35 due in the preceding calendar year and shall report
36 the amount to the treasurer of state.

37 The department of revenue and finance shall consult
38 the crime victim assistance board concerning the
39 adoption of rules to implement this section. However,
40 before a checkoff pursuant to this section shall be
41 permitted, all liabilities on the books of the
42 department of revenue and finance and accounts
43 identified as owing under section 421.17 and the
44 political contribution allowed under section 56.18
45 shall be satisfied."

46 2. Page 2, by striking lines 19 and 20.

47 3. Page 2, by inserting before line 21, the
48 following:

49 "Sec. ____ Section 422.12E, Code 2001, is
50 repealed."

Page 2

- 1 4. Title page, line 1, by inserting after the
- 2 word "Act" the following: "reenacting the individual
- 3 income tax checkoff for domestic abuse services,".
- 4 5. Title page, line 3, by inserting after the
- 5 word "appropriation," the following: "repealing the
- 6 limitation on checkoffs,".
- 7 6. By renumbering as necessary.

MASCHER of Johnson

H-1778

- 1 Amend House Concurrent Resolution 35 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "cleanup" the following: "and mitigation".
- 4 2. Page 1, line 7, by striking the word "cleanup"
- 5 and inserting the following: "mitigation".
- 6 3. Page 1, line 10, by striking the word
- 7 "cleanup" and inserting the following: "mitigation".
- 8 4. Page 1, line 19, by inserting after the word
- 9 "cleanups" the following: "and mitigation".
- 10 5. Page 1, line 22, by inserting after the word
- 11 "services" the following: "and mitigation".
- 12 6. Page 1, line 27, by inserting after the word
- 13 "cleanup" the following: "and mitigation".
- 14 7. Page 2, line 1, by inserting after the word
- 15 "cleanup" the following: ", mitigation,".
- 16 8. Page 2, line 8, by inserting after the word
- 17 "cleanup" the following: ", mitigation,".

MAY of Worth

H-1779

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 11, by striking the words "the
- 4 English language" and inserting the following: "a
- 5 passionate desire for freedom, democracy, and
- 6 liberty".

FALLON of Polk

H-1780

- 1 Amend Senate File 165, 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. IOWA ENGLISH LANGUAGE REAFFIRMATION

6 INTERIM STUDY. The legislative council is requested
7 to authorize an English language reaffirmation interim
8 study committee to analyze the potential economic
9 impact to the state if the English language is
10 declared to be the official language of the state of
11 Iowa. The study committee shall submit a report of
12 findings and recommendations to the governor and the
13 general assembly on or before December 15, 2001."
14 2. Title page, by striking lines 1 and 2 by
15 inserting the following: "An Act creating an Iowa
16 English language reaffirmation interim study."

FALLON of Polk

H-1781

1 Amend Senate File 165, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 23 the
4 following:
5 "___ Actions or documents that concern housing."
6 2. By renumbering, redesignating, and correcting
7 internal references as necessary.

FALLON of Polk

H-1782

1 Amend Senate File 165 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 2, by inserting after line 23 the
4 following:
5 "___ Actions or documents that concern child
6 care."
7 2. By renumbering, redesignating, and correcting
8 internal references as necessary.

FALLON of Polk

H-1783

1 Amend Senate File 165, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 2, by striking the word
4 "REAFFIRMATION" and inserting the following:
5 "AFFIRMATION".
6 2. Page 3, line 12, by striking the word
7 "Reaffirmation" and inserting the following:
8 "Affirmation".
9 3. Title page, line 1, by striking the word
10 "reaffirmation" and inserting the following:

11 "affirmation".

FALLON of Polk

H-1784

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 10 the
- 4 following:
- 5 "Sec. ____ NEW SECTION. ECONOMIC ANALYSIS.
- 6 Following enactment of this Act, the department of
- 7 workforce development shall conduct an ongoing
- 8 analysis of this Act's effect on the business and
- 9 economy of the state for three years. The department
- 10 shall prepare an annual report of this analysis and
- 11 submit this report to the governor and general
- 12 assembly by December 21, 2001, by December 21, 2002,
- 13 and by December 21, 2003."
- 14 2. By renumbering, redesignating, and correcting
- 15 internal references as necessary.

FALLON of Polk

H-1785

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "different" the following: "racial,".

FALLON of Polk

H-1786

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 7, by striking the word
- 4 "assimilation" and inserting the following:
- 5 "inclusion".

FALLON of Polk

H-1787

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 1 the
- 4 following:
- 5 " ____ The state shall designate a dictionary as
- 6 the official state English language dictionary."
- 7 2. By renumbering, redesignating, and correcting

8 internal references as necessary.

FALLON of Polk

H-1788

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 1 and 2, by striking the words
- 4 "IOWA ENGLISH LANGUAGE REAFFIRMATION" and inserting
- 5 the following: "ENGLISH LANGUAGE LEARNER ACT OF
- 6 2001".
- 7 2. Page 3, lines 11 and 12, by striking the words
- 8 "Iowa English Language Reaffirmation" and inserting
- 9 the following: "English Language Learner".
- 10 3. Title page, line 1, by striking the words
- 11 "Iowa English language reaffirmation" and inserting
- 12 the following: "English language learner".

PETERSEN of Polk

H-1789

- 1 Amend House File 737 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 236.15B, Code 2001, is
- 5 reenacted to read as follows:
- 6 236.15B INCOME TAX CHECKOFF FOR DOMESTIC ABUSE
- 7 SERVICES.
- 8 A person who files an individual or a joint income
- 9 tax return with the department of revenue and finance
- 10 under section 422.13 may designate any amount to be
- 11 paid to the general fund of the state and used for the
- 12 purposes of providing emergency shelter services,
- 13 support services, and other services to victims of
- 14 domestic abuse or sexual assault. If the refund due
- 15 on the return or the payment remitted with the return
- 16 is insufficient to pay the additional amount
- 17 designated by the taxpayer to be used for the purposes
- 18 of providing services to victims of domestic abuse or
- 19 sexual assault, the amount designated shall be reduced
- 20 to the remaining amount of refund or the remaining
- 21 amount remitted with the return.
- 22 It is the intent of the general assembly that the
- 23 funds generated from the checkoff be appropriated and
- 24 used for the purposes of providing services to victims
- 25 of domestic abuse or sexual assault.
- 26 The director of revenue and finance shall draft the
- 27 income tax form to allow the designation of
- 28 contributions to be used for the purposes of providing
- 29 services to victims of domestic abuse or sexual

30 assault on the tax return.

31 The department of revenue and finance on or before
32 January 31 of the calendar year following the calendar
33 year in which the tax returns were filed shall certify
34 the total amount designated on the tax return forms
35 due in the preceding calendar year and shall report
36 the amount to the treasurer of state.

37 The department of revenue and finance shall consult
38 the crime victim assistance board concerning the
39 adoption of rules to implement this section. However,
40 before a checkoff pursuant to this section shall be
41 permitted, all liabilities on the books of the
42 department of revenue and finance and accounts
43 identified as owing under section 421.17 and the
44 political contribution allowed under section 56.18
45 shall be satisfied.

46 This section is subject to repeal under section
47 422.12E.

48 Sec. 2. RETROACTIVE APPLICABILITY. This Act
49 applies retroactively to January 1, 2001, for tax
50 years beginning on or after that date and shall be

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1 eligible for placement on the individual income tax
2 return form for the tax year beginning January 1,
3 2001."

4 2. Title page, by striking lines 1 through 3 and
5 inserting the following: "An Act reenacting the
6 income tax checkoff for domestic abuse services and
7 providing for the Act's retroactive applicability."

MASCHER of Johnson

H-1790

1 Amend Senate File 165 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 2, by inserting after line 23 the
4 following:

5 "____. Actions or documents that concern financial
6 aid or assistance."

7 2. By relettering as necessary.

PETERSEN of Polk

H-1791

1 Amend Senate File 165, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 4, by inserting after the word

4 "languages" the following: ", including but not
5 limited to the teaching of American sign language or
6 braille".

PETERSEN of Polk

H-1792

1 Amend House File 720 as follows:
2 1. Page 2, by striking line 35, and inserting the
3 following: "commission shall annually limit to ~~two~~
4 three thousand".
5 2. Page 3, line 2, by striking the words "~~two~~
6 thousand three hundred" and inserting the following:
7 "three thousand".
8 3. Page 3, line 3, by striking the word "one" and
9 inserting the following: "two".
10 4. Page 4, line 35, by striking words "This Act
11 takes" and inserting the following: "Sections 1, 2,
12 3, and 4 of this Act take".
13 5. Page 5, line 3, by inserting after the figure
14 "2002." the following: "Sections 5, 6, 7, and 8 of
15 this Act take effect July 1, 2001."

RAYHONS of Hancock

H-1793

1 Amend Senate File 165 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 3, by inserting after line 10 the
4 following:
5 "Sec. ____ Section 257.31, subsection 5, paragraph
6 j, Code 2001, is amended to read as follows:
7 j. Unusual need to continue providing a program or
8 other special assistance to non-English speaking
9 pupils after the expiration of the ~~three-year~~ four-
10 year period specified in section 280.4.
11 Sec. 2. Section 280.4, subsection 3, Code 2001, is
12 amended to read as follows:
13 3. In order to provide funds for the excess costs
14 of instruction of limited English proficient students
15 above the costs of instruction of pupils in a regular
16 curriculum, students identified as limited English
17 proficient shall be assigned an additional weighting
18 that shall be included in the weighted enrollment of
19 the school district of residence for a period not
20 exceeding ~~three~~ four years. However, the school
21 budget review committee may grant supplemental aid or
22 modified allowable growth to a school district to
23 continue funding a program for students after the
24 expiration of the ~~three-year~~ four-year period. The

25 school budget review committee shall calculate the
26 additional amount for the weighting to the nearest
27 one-hundredth of one percent so that to the extent
28 possible the moneys generated by the weighting will be
29 equivalent to the moneys generated by the two-tenths
30 weighting provided prior to July 2, 1991."
31 2. Title page, line 2, by inserting after the
32 figure "2001" the following: "and extending the
33 duration of the additional weighting provided for
34 limited English proficient students".

GRUNDBERG of Polk

H-1794

1 Amend Senate File 516, 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 "Section 1. Section 422.5, subsection 1, paragraph
6 j, subparagraph (2), unnumbered paragraph 1, Code
7 2001, is amended to read as follows:
8 (2) The tax imposed upon the taxable income of a
9 resident shareholder in an S corporation which has in
10 effect for the tax year an election under subchapter S
11 of the Internal Revenue Code and carries on business
12 within and without the state or of a resident member
13 of a limited liability company which carries on
14 business within and without the state may be computed
15 by reducing the amount determined pursuant to
16 paragraphs "a" through "i" by the amounts of
17 nonrefundable credits under this division and by
18 multiplying this resulting amount by a fraction of
19 which the resident's net income allocated to Iowa, as
20 determined in section 422.8, subsection 2, paragraph
21 "b", is the numerator and the resident's total net
22 income computed under section 422.7 is the
23 denominator. If a resident shareholder or resident
24 member has elected to take advantage of this
25 subparagraph, and for the next tax year elects not to
26 take advantage of this subparagraph, the resident
27 shareholder or resident member shall not reelect to
28 take advantage of this subparagraph for the three tax
29 years immediately following the first tax year for
30 which the shareholder or member elected not to take
31 advantage of this subparagraph, unless the director
32 consents to the reelection. This subparagraph also
33 applies to individuals who are residents of Iowa for
34 less than the entire tax year.
35 Sec. 2. Section 422.5, subsection 1, paragraph k,
36 unnumbered paragraph 4, Code 2001, is amended to read
37 as follows:

38 In the case of a resident, including a resident
39 estate or trust, the state's apportioned share of the
40 state alternative minimum tax is one hundred percent
41 of the state alternative minimum tax computed in this
42 subsection. In the case of a resident or part-year
43 resident shareholder in an S corporation which has in
44 effect for the tax year an election under subchapter S
45 of the Internal Revenue Code and carries on business
46 within and without the state, a resident or part-year
47 resident member of a limited liability company which
48 carries on business within or without the state a
49 nonresident, including a nonresident estate or trust,
50 or an individual, estate, or trust that is domiciled

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1 in the state for less than the entire tax year, the
2 state's apportioned share of the state alternative
3 minimum tax is the amount of tax computed under this
4 subsection, reduced by the applicable credits in
5 sections 422.10 through 422.12 and this result
6 multiplied by a fraction with a numerator of the sum
7 of state net income allocated to Iowa as determined in
8 section 422.8, subsection 2, paragraph "a" or "b" as
9 applicable, plus tax preference items, adjustments,
10 and losses under subparagraph (1) attributable to Iowa
11 and with a denominator of the sum of total net income
12 computed under section 422.7 plus all tax preference
13 items, adjustments, and losses under subparagraph (1).
14 In computing this fraction, those items excludable
15 under subparagraph (1) shall not be used in computing
16 the tax preference items. Married taxpayers electing
17 to file separate returns or separately on a combined
18 return must allocate the minimum tax computed in this
19 subsection in the proportion that each spouse's
20 respective preference items, adjustments, and losses
21 under subparagraph (1) bear to the combined preference
22 items, adjustments, and losses under subparagraph (1)
23 of both spouses.

24 Sec. 3. Section 422.8, subsection 2, paragraph b,
25 Code 2001, is amended to read as follows:

26 b. A resident's income allocable to Iowa is the
27 income determined under section 422.7 reduced by items
28 of income and expenses from an S corporation or a
29 limited liability company that carries on business
30 within and without the state when those items of
31 income and expenses pass directly to the shareholders
32 or members under provisions of the Internal Revenue
33 Code. These items of income and expenses are
34 increased by the greater of the following:

35 (1) The net income or loss of the corporation or
36 limited liability company, as applicable, which is

37 fairly and equitably attributable to this state under
38 section 422.33, subsections 2 and 3."

39 2. Page 1, line 8, by inserting after the word
40 "shareholder" the following: "or member".

41 3. Page 1, line 9, by inserting after the word
42 "corporation" the following: "or limited liability
43 company, as applicable".

44 4. Page 1, by inserting after line 9, the
45 following:

46 "Sec. 4. Section 422.8, subsection 6, Code 2001,
47 is amended to read as follows:

48 6. If the resident or part-year resident is a
49 shareholder of an S corporation which has in effect an
50 election under subchapter S of the Internal Revenue

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1 Code ~~or is a member of a limited liability company~~,
2 subsections 1 and 3 do not apply to any income taxes
3 paid to another state or foreign country on the income
4 from the corporation which has in effect an election
5 under subchapter S of the Internal Revenue Code ~~or the~~
6 limited liability company, as applicable."

7 5. Title page, line 3, by inserting after the
8 word "corporation" the following: "or limited
9 liability company".

GRUNDBERG of Polk

H-1795

1 Amend House File 692, 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. 56.14A DISCLOSURES
6 RELATED TO POLITICAL TELEPHONE CALLS.

7 For the purposes of this section, unless the
8 context otherwise requires:

9 a. "Legitimate poll" means a telephone call
10 conducted by a polling firm for the purpose of a
11 scientific poll of respondents concerning public
12 opinion concerning a candidate, elected public
13 official, or ballot issue that is part of a series of
14 like telephone calls that utilizes a scientific
15 sampling technique to produce a random sample of
16 interviewees.

17 b. "Political telemarketing" means the canvassing
18 of persons under the guise of performing a poll or
19 survey, with the purpose of encouraging support of, or
20 opposition to, a clearly identified candidate for
21 political office or the passage or defeat of a clearly

22 identified ballot issue.

23 2. The general assembly finds that political
24 telephone communication is increasingly used in
25 political campaigns in this state in a deceptive
26 manner, including but not limited to the use of
27 political telemarketing, also known as push-polling,
28 in which an anonymous telephone communication is
29 designed to appear as a legitimate poll, but is in
30 fact used as a vehicle to sway opinion through
31 innuendo, by the communication of certain negative
32 information related to a candidate or ballot issue in
33 a manner designed to suggest that such information may
34 be true. The general assembly declares that a
35 compelling public interest exists to identify the
36 source of funding of telephonic communications related
37 to elections, in order to prevent corruption and
38 deceit at the expense of the electorate and to
39 preserve accountability for expenditures made in
40 connection with political campaigns.

41 3. A candidate, or the authorized representative
42 of a candidate or the candidate's committee, who
43 engages either in a telephone communication for the
44 purpose of soliciting contributions or engages in
45 political telemarketing shall disclose all of the
46 following by the end of the telephone call:

47 a. The identity of the individual who is calling
48 and the entity with which the individual is
49 affiliated, if any.

50 b. The individual or entity that paid for the

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1 telephone communication. If a committee has paid for
2 or authorized the telephone communication, the name of
3 the committee shall be disclosed. If any person other
4 than the candidate or candidate's committee has paid
5 for the telephone communication, the communication
6 shall also state whether or not the communication has
7 been authorized by the candidate intended to benefit
8 from the communication.

9 c. The name, telephone number, and address of an
10 individual whom the call recipient can contact for
11 further information regarding the telephone
12 communication.

13 4. An individual who, on behalf of, at the
14 direction of, or in cooperation with a political
15 committee, state statutory political committee, or
16 county statutory political committee engages either in
17 a telephone communication for the purpose of
18 soliciting contributions or engages in political
19 telemarketing shall disclose all of the following by
20 the end of the telephone call:

- 21 a. The identity of the individual who is calling
22 and the entity with which the individual is
23 affiliated, if any.
- 24 b. The individual or entity that paid for the
25 telephone communication. If a committee has paid for
26 or authorized the telephone communication, the name of
27 the committee shall be disclosed. If any person other
28 than the candidate or candidate's committee has paid
29 for the telephone communication, the communication
30 shall also state whether or not the communication has
31 been authorized by the candidate intended to benefit
32 from the communication.
- 33 c. The name, telephone number, and address of an
34 individual whom the call recipient can contact for
35 further information regarding the telephone
36 communication.
- 37 5. An individual who, on behalf of, at the
38 direction of, or in cooperation with any person other
39 than a candidate's committee, political committee,
40 state statutory political committee, or county
41 statutory political committee, engages either in a
42 telephone communication for the purpose of soliciting
43 contributions or engages in political telemarketing
44 shall disclose all of the following by the end of the
45 telephone call:
- 46 a. The identity of the individual who is calling
47 and the entity with which the individual is
48 affiliated, if any.
- 49 b. The individual or entity that paid for the
50 telephone communication. If a committee has paid for

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- 1 or authorized the telephone communication, the name of
2 the committee shall be disclosed. If any person other
3 than the candidate or candidate's committee has paid
4 for the telephone communication, the communication
5 shall also state whether or not the communication has
6 been authorized by the candidate intended to benefit
7 from the communication.
- 8 c. The name, telephone number, and address of an
9 individual whom the call recipient can contact for
10 further information regarding the telephone
11 communication.
- 12 6. Any person engaging in political telemarketing
13 shall submit to the board at least twenty-four hours
14 prior to commencing the initial phone call the
15 following:
- 16 a. A copy of the political telemarketing script to
17 be used by the political telemarketers during the
18 political telemarketing telephone calls.
- 19 b. Information that is required to be disclosed

20 under this section to persons receiving calls.

21 7. The board shall adopt rules pursuant to chapter

22 17A establishing procedures to administer this
23 section.

24 Sec. 2. NEW SECTION. 56.14B PUBLICATION OF
25 CERTAIN FALSE STATEMENTS OF FACT CONCERNING CANDIDATE
26 PROHIBITED.

27 1. It is the intent of the general assembly that
28 campaigns for public office not be impeded by the
29 publication of false statements and that members of
30 the public have trust and confidence in the electoral
31 process. The general assembly finds that the
32 increasing use of false statements of fact aimed at
33 candidates for public office impedes campaigns and
34 diminishes the trust and confidence of the public in
35 the electoral process. It is not the intent of the
36 general assembly to lessen political debate that
37 furthers the ability of the public to understand the
38 issues and positions of candidates for public office.
39 Rather, it is the intent of the general assembly to
40 prohibit the use of false statements of fact that
41 impede campaigns and diminish the public's trust and
42 confidence in the electoral process. The general
43 assembly declares that a compelling state interest
44 exists in prohibiting the use of false statements of
45 fact that impede campaigns for public office in Iowa
46 and diminish the public's trust and confidence in the
47 electoral process.

48 2. A person shall not, with actual malice, cause
49 to be published a false statement of fact concerning a
50 candidate for public office involving any of the

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1 following:

2 a. The education or training of the candidate.

3 b. The current profession or occupation of the
4 candidate or any former profession or occupation of
5 the candidate.

6 c. Whether the candidate committed, was indicted
7 for committing, or was convicted of committing a crime
8 punishable by law.

9 d. Whether the candidate was subject to discipline
10 or sanction by any body of the federal government,
11 state government, or political subdivision of the
12 state.

13 e. Whether the candidate has received treatment
14 for a mental illness.

15 f. Whether another person endorses or opposes the
16 candidate.

17 g. The record of voting of a candidate if the
18 candidate serves or formerly served in an elected

19 office.

20 3. Any candidate for public office who alleges
21 that a false statement of fact concerning the
22 candidate has been published in violation of this
23 section may file a complaint or information to the
24 board for possible board-initiated investigation.

25 4. If the board determines that a violation did
26 occur, the board may impose any of the recommended
27 actions under section 68B.32D, except the board shall
28 not refer any complaint or supporting information of a
29 violation of this section to the attorney general or
30 any county attorney for prosecution.

31 5. The board shall give priority to any complaint
32 or information for possible board-initiated
33 investigation filed under this section over all other
34 matters pending with the board.

35 6. As used in this section:

36 a. "Actual malice" means knowledge of the falsity
37 of a statement or reckless disregard for whether a
38 statement is true or false.

39 b. "Public office" means any state, county, city,
40 school, or other office of a political subdivision of
41 the state filled by election.

42 c. "Publish" means the act of printing, posting,
43 broadcasting, mailing, speaking, or otherwise
44 disseminating.

45 7. This section shall not preclude the filing of a
46 civil action based on the same facts or event giving
47 rise to a complaint filed with the board under this
48 section.

49 8. Section 56.16, which applies criminal penalties
50 for violations of chapter 56, shall not apply to

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1 violations of this section.

2 Sec. 3. NEW SECTION. 56.14C STATEMENT OF FAIR
3 CAMPAIGN PRACTICES FOR STATE OFFICES.

4 The board shall prepare a statement of fair
5 campaign practices to assist candidates in the proper
6 conduct of political campaigns in accordance with this
7 chapter. A copy of the statement shall be mailed to
8 any incumbent state officeholder running for
9 reelection to that office and to any other individual
10 running for elected state office that has filed a
11 statement of organization for that office pursuant to
12 section 56.5. Any individual running for elected
13 office for county, city, school, or other political
14 subdivision may request a copy of the statement.
15 Candidates choosing to abide by the statement shall
16 sign and return the statement to the board.
17 Compliance with the provisions of the statement shall

18 be voluntary on the part of any candidate choosing to
 19 sign and return the statement to the board. The
 20 statement prepared by the board shall be adopted by
 21 rule pursuant to chapter 17A.

22 Sec. 4. SEVERABILITY. If any section of this Act,
 23 or any portion of any section of this Act, or the
 24 application of the Act to any person or circumstance
 25 is found unconstitutional, invalid, or otherwise
 26 unenforceable by a court, the remaining sections or
 27 portions of sections shall be given effect to the
 28 fullest extent possible."

29 2. By renumbering, relettering, redesignating,
 30 and correcting internal references as necessary.

Senate Amendment

H-1796

1 Amend House File 746 as follows:

2 1. Page 11, line 31, by inserting after the word
 3 "department." the following: "The administration
 4 charge shall be paid by the employer."

MURPHY of Dubuque

H-1797

1 Amend House File 746 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. STATE COURTS – JUSTICES, JUDGES, AND
 5 MAGISTRATES.

6 1. The salary rates specified in subsection 2 are
 7 for the fiscal year beginning July 1, 2001, effective
 8 for the pay period beginning June 22, 2001, and for
 9 subsequent fiscal years until otherwise provided by
 10 the general assembly. The salaries provided for in
 11 this section shall be paid from funds appropriated to
 12 the judicial branch from the salary adjustment fund or
 13 if the appropriation is not sufficient, from the funds
 14 appropriated to the judicial branch pursuant to any
 15 Act of the general assembly.

16 2. The following annual salary rates shall be paid
 17 to the persons holding the judicial positions
 18 indicated during the fiscal year beginning July 1,
 19 2001, effective with the pay period beginning June 22,
 20 2001, and for subsequent pay periods.

21 a. Chief justice of the supreme court:

22 \$ 120,920

23 b. Each justice of the supreme court:

24 \$ 116,600

25 c. Chief judge of the court of appeals:

26	.....	\$ 116,490
27	d. Each associate judge of the court of appeals:	
28	.....	\$ 112,170
29	e. Each chief judge of a judicial district:	
30	.....	\$ 111,140
31	f. Each district judge except the chief judge of a	
32	judicial district:	
33	.....	\$ 106,610
34	g. Each district associate judge:	
35	.....	\$ 92,910
36	h. Each associate juvenile judge:	
37	.....	\$ 92,910
38	i. Each associate probate judge:	
39	.....	\$ 92,910
40	j. Each judicial magistrate:	
41	.....	\$ 26,990
42	k. Each senior judge:	
43	.....	\$ 6,180
44	Sec. 2. SALARY RATE LIMITS. Persons receiving the	
45	salary rates established under section 1 of this Act	
46	shall not receive any additional salary adjustments	
47	provided by this Act.	
48	Sec. 3. ELECTIVE EXECUTIVE OFFICIALS.	
49	1. The annual salary rates specified in this	
50	section are effective for the fiscal year beginning	

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1	July 1, 2001, with the pay period beginning June 22,	
2	2001, and for subsequent fiscal years until otherwise	
3	provided by the general assembly. The salaries	
4	provided for in this section shall be paid from funds	
5	appropriated to the department or agency specified in	
6	this section from the salary adjustment fund or if the	
7	appropriation is not sufficient, from the funds	
8	appropriated to the department or agency pursuant to	
9	any Act of the general assembly.	
10	2. The following annual salary rates shall be paid	
11	to the person holding the position indicated:	
12	a. OFFICE OF THE GOVERNOR	
13	(1) Salary for the governor:	
14	.....	\$ 101,033
15	(2) Salary for the lieutenant governor:	
16	.....	\$ 72,096
17	b. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP	
18	Salary for the secretary of agriculture:	
19	.....	\$ 90,630
20	c. DEPARTMENT OF JUSTICE	
21	Salary for the attorney general:	
22	.....	\$ 108,593
23	d. OFFICE OF THE AUDITOR OF STATE	
24	Salary for the auditor of state:	

25	.....	\$	90,630
26	e. OFFICE OF THE SECRETARY OF STATE		
27	Salary for the secretary of state:		
28	.....	\$	90,630
29	f. OFFICE OF THE TREASURER OF STATE		
30	Salary for the treasurer of state:		
31	.....	\$	90,630
32	Sec. 4. APPOINTED STATE OFFICERS. The governor		
33	shall establish a salary for appointed nonelected		
34	persons in the executive branch of state government		
35	holding a position enumerated in section 5 of this Act		
36	within the range provided, by considering, among other		
37	items, the experience of the individual in the		
38	position, changes in the duties of the position, the		
39	incumbent's performance of assigned duties, and		
40	subordinates' salaries. However, the attorney general		
41	shall establish the salary for the consumer advocate,		
42	the chief justice of the supreme court shall establish		
43	the salary for the state court administrator, the		
44	ethics and campaign disclosure board shall establish		
45	the salary of the executive director, and the state		
46	fair board shall establish the salary of the secretary		
47	of the state fair board, each within the salary range		
48	provided in section 5 of this Act.		
49	The governor, in establishing salaries as provided		
50	in section 5 of this Act, shall take into		

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1 consideration other employee benefits which may be
 2 provided for an individual including, but not limited
 3 to, housing.

4 A person whose salary is established pursuant to
 5 section 5 of this Act and who is a full-time, year-
 6 round employee of the state shall not receive any
 7 other remuneration from the state or from any other
 8 source for the performance of that person's duties
 9 unless the additional remuneration is first approved
 10 by the governor or authorized by law. However, this
 11 provision does not exclude the reimbursement for
 12 necessary travel and expenses incurred in the
 13 performance of duties or fringe benefits normally
 14 provided to employees of the state.

15 Sec. 5. STATE OFFICERS – SALARY RATES AND RANGES.

16 The following annual salary ranges are effective for
 17 the positions specified in this section for the fiscal
 18 year beginning July 1, 2001, and for subsequent fiscal
 19 years until otherwise provided by the general
 20 assembly. The governor or other person designated in
 21 section 4 of this Act shall determine the salary to be
 22 paid to the person indicated at a rate within the
 23 salary ranges indicated from funds appropriated by the

24 general assembly for that purpose.

25 1. The following are salary ranges 1 through 5 for
 26 the fiscal year beginning July 1, 2001, effective with
 27 the pay period beginning June 22, 2001:

28 SALARY RANGES	<u>Minimum</u>	<u>Maximum</u>
29 a. Range 1	\$ 8,800	\$29,870
30 b. Range 2	\$32,200	\$60,255
31 c. Range 3	\$44,100	\$70,246
32 d. Range 4	\$53,100	\$80,340
33 e. Range 5	\$62,400	\$90,434

34 2. The following are range 1 positions: There are
 35 no range 1 positions for the fiscal year beginning
 36 July 1, 2001.

37 3. The following are range 2 positions:
 38 administrator of the arts division of the department
 39 of cultural affairs, administrators of the division of
 40 persons with disabilities, the division on the status
 41 of women, the division on the status of African-
 42 Americans, the division of deaf services, and the
 43 division of Latino affairs of the department of human
 44 rights, and administrator of the division of
 45 professional licensing and regulation of the
 46 department of commerce.

47 4. The following are range 3 positions:
 48 administrator of the division of emergency management
 49 of the department of public defense, administrator of
 50 the division of criminal and juvenile justice planning

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1 of the department of human rights, administrator of
 2 the division of community action agencies of the
 3 department of human rights, executive director of the
 4 commission of veterans affairs, and chairperson and
 5 members of the employment appeal board of the
 6 department of inspections and appeals.

7 5. The following are range 4 positions:
 8 superintendent of banking, superintendent of credit
 9 unions, and chairperson, vice chairperson, and members
 10 of the board of parole.

11 6. The following are range 5 positions: consumer
 12 advocate, state public defender, drug policy
 13 coordinator, labor commissioner, workers' compensation
 14 commissioner, administrator of the alcohol beverages
 15 division of the department of commerce, and
 16 administrator of the historical division of the
 17 department of cultural affairs.

18 7. The following are salary ranges 6 through 9 for
 19 the fiscal year beginning July 1, 2001, effective with
 20 the pay period beginning June 22, 2001:

21 SALARY RANGES	<u>Minimum</u>	<u>Maximum</u>
22 a. Range 6	\$ 48,200	\$ 80,340

23	b. Range 7	\$ 66,000	\$ 91,155
24	c. Range 8	\$ 70,800	\$105,781
25	d. Range 9	\$ 79,000	\$126,175
26	8. The following are range 6 positions: director		
27	of the department of human rights, director of the		
28	Iowa state civil rights commission, executive director		
29	of the college student aid commission, director of the		
30	department for the blind, and executive director of		
31	the ethics and campaign disclosure board.		
32	9. The following are range 7 positions: director		
33	of the department of cultural affairs, director of the		
34	department of elder affairs, and director of the law		
35	enforcement academy.		
36	10. The following are range 8 positions: the		
37	administrator of the state racing and gaming		
38	commission of the department of inspections and		
39	appeals, director of the department of inspections and		
40	appeals, commandant of the veterans home, director of		
41	the department of general services, director of the		
42	department of personnel, administrator of the public		
43	broadcasting division of the department of education,		
44	commissioner of public safety, commissioner of		
45	insurance, executive director of the Iowa finance		
46	authority, director of the department of natural		
47	resources, director of the department of corrections,		
48	and chairperson of the utilities board. The other		
49	members of the utilities board shall receive an annual		
50	salary within a range of not less than 90 percent but		

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1 not more than 95 percent of the annual salary of the
2 chairperson of the utilities board.

3 11. The following are range 9 positions: director
4 of the department of education, director of human
5 services, director of the department of economic
6 development, director of the information technology
7 department, executive director of the state board of
8 regents, director of the state department of
9 transportation, director of the department of
10 workforce development, director of revenue and
11 finance, lottery commissioner, director of public
12 health, the state court administrator, secretary of
13 the state fair board, and the director of the
14 department of management.

15 Sec. 6. PUBLIC EMPLOYMENT RELATIONS BOARD.

16 1. The salary rates specified in this section are
17 effective for the fiscal year beginning July 1, 2001,
18 with the pay period beginning June 22, 2001, and for
19 subsequent fiscal years until otherwise provided by
20 the general assembly. The salaries provided for in
21 this section shall be paid from funds appropriated to

22 the public employment relations board from the salary
 23 adjustment fund, or if the appropriation is not
 24 sufficient from funds appropriated to the public
 25 employment relations board pursuant to any other Act
 26 of the general assembly.

27 2. The following annual salary rates shall be paid
 28 to the persons holding the positions indicated:

29 a. Chairperson of the public employment relations
 30 board:

31\$ 70,761

32 b. Two members of the public employment relations
 33 board:

34\$ 65,920

35 Sec. 7. COLLECTIVE BARGAINING AGREEMENTS FUNDED –

36 GENERAL FUND. There is appropriated from the general

37 fund of the state to the salary adjustment fund for
 38 distribution by the department of management to the
 39 various state departments, boards, commissions,
 40 councils, and agencies, including the state board of
 41 regents, for the fiscal year beginning July 1, 2001,
 42 and ending June 30, 2002, the amount of \$91,000,000,
 43 or so much thereof as may be necessary, to fully fund
 44 the following annual pay adjustments, expense
 45 reimbursements, and related benefits:

46 1. The collective bargaining agreement negotiated
 47 pursuant to chapter 20 for employees in the blue
 48 collar bargaining unit.

49 2. The collective bargaining agreement negotiated
 50 pursuant to chapter 20 for employees in the public

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1 safety bargaining unit.

2 3. The collective bargaining agreement negotiated
 3 pursuant to chapter 20 for employees in the security
 4 bargaining unit.

5 4. The collective bargaining agreement negotiated
 6 pursuant to chapter 20 for employees in the technical
 7 bargaining unit.

8 5. The collective bargaining agreement negotiated
 9 pursuant to chapter 20 for employees in the
 10 professional fiscal and staff bargaining unit.

11 6. The collective bargaining agreement negotiated
 12 pursuant to chapter 20 for employees in the university
 13 of northern Iowa faculty bargaining unit.

14 7. The collective bargaining agreement negotiated
 15 pursuant to chapter 20 for employees in the clerical
 16 bargaining unit.

17 8. The collective bargaining agreement negotiated
 18 pursuant to chapter 20 for employees in the
 19 professional social services bargaining unit.

20 9. The collective bargaining agreement negotiated

21 pursuant to chapter 20 for employees in the community-
22 based corrections bargaining unit.

23 10. The collective bargaining agreement negotiated
24 pursuant to chapter 20 for employees in the judicial
25 branch of government bargaining unit.

26 11. The collective bargaining agreement negotiated
27 pursuant to chapter 20 for employees in the patient
28 care bargaining unit.

29 12. The collective bargaining agreement negotiated
30 pursuant to chapter 20 for employees in the science
31 bargaining unit.

32 13. The collective bargaining agreement negotiated
33 pursuant to chapter 20 for employees in the state
34 university of Iowa graduate student bargaining unit.

35 14. The collective bargaining agreement negotiated
36 pursuant to chapter 20 for employees in the state
37 university of Iowa hospital and clinics tertiary
38 health care bargaining unit.

39 15. The annual pay adjustments, related benefits,
40 and expense reimbursements referred to in sections 8
41 and 9 of this Act for employees not covered by a
42 collective bargaining agreement.

43 Sec. 8. NONCONTRACT STATE EMPLOYEES – GENERAL.

44 1. a. For the fiscal year beginning July 1, 2001,
45 the maximum salary levels of all pay plans provided
46 for in section 19A.9, subsection 2, as they exist for
47 the fiscal year ending June 30, 2001, shall be
48 increased by 3 percent for the pay period beginning
49 June 22, 2001, and any additional changes in the pay
50 plans shall be approved by the governor.

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1 b. For the fiscal year beginning July 1, 2001,
2 employees may receive a step increase or the
3 equivalent of a step increase.

4 2. The pay plans for state employees who are
5 exempt from chapter 19A and who are included in the
6 department of revenue and finance's centralized
7 payroll system shall be increased in the same manner
8 as provided in subsection 1, and any additional
9 changes in any executive branch pay plans shall be
10 approved by the governor.

11 3. This section does not apply to members of the
12 general assembly, board members, commission members,
13 salaries of persons set by the general assembly
14 pursuant to this Act, or set by the governor, other
15 persons designated in section 4 of this Act, employees
16 designated under section 19A.3, subsection 5, and
17 employees covered by 581 IAC 4.6(3).

18 4. The pay plans for the bargaining eligible
19 employees of the state shall be increased in the same

20 manner as provided in subsection 1, and any additional
 21 changes in such executive branch pay plans shall be
 22 approved by the governor. As used in this section,
 23 "bargaining eligible employee" means an employee who
 24 is eligible to organize under chapter 20, but has not
 25 done so.

26 5. The policies for implementation of this section
 27 shall be approved by the governor.
 28 Sec. 9. STATE EMPLOYEES – STATE BOARD OF REGENTS.

29 Funds from the appropriation in section 7 of this Act
 30 shall be allocated to the state board of regents for
 31 the purposes of providing increases for state board of
 32 regents employees covered by section 7 of this Act and
 33 for employees not covered by a collective bargaining
 34 agreement as follows:

- 35 1. For regents merit system employees and merit
 36 supervisory employees to fund for the fiscal year,
 37 increases comparable to those provided for similar
 38 contract-covered employees in this Act.
- 39 2. For faculty members and professional and
 40 scientific employees to fund for the fiscal year,
 41 percentage increases comparable to those provided for
 42 contract-covered employees in section 7, subsection 6,
 43 of this Act.

44 Sec. 10. APPROPRIATIONS FROM ROAD FUNDS.

- 45 1. There is appropriated from the road use tax
 46 fund to the salary adjustment fund for the fiscal year
 47 beginning July 1, 2001, and ending June 30, 2002, the
 48 following amount, or so much thereof as may be
 49 necessary, to be used for the purpose designated:
 50 To supplement other funds appropriated by the

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- 1 general assembly:
- 2 \$ 3,500,000
- 3 2. There is appropriated from the primary road
 4 fund to the salary adjustment fund, for the fiscal
 5 year beginning July 1, 2001, and ending June 30, 2002,
 6 the following amount, or so much thereof as may be
 7 necessary, to be used for the purpose designated:
 8 To supplement other funds appropriated by the
 9 general assembly:
- 10 \$ 13,000,000
- 11 3. Except as otherwise provided in this Act, the
 12 amounts appropriated in subsections 1 and 2 shall be
 13 used to fund the annual pay adjustments, expense
 14 reimbursements, and related benefits for public
 15 employees as provided in this Act.
- 16 Sec. 11. SPECIAL FUNDS – AUTHORIZATION. To
 17 departmental revolving, trust, or special funds,
 18 except for the primary road fund or the road use tax

19 fund, for which the general assembly has established
20 an operating budget, a supplemental expenditure
21 authorization is provided, unless otherwise provided,
22 in an amount necessary to fund salary adjustments as
23 otherwise provided in this Act.

24 Sec. 12. GENERAL FUND SALARY MONEYS. Funds
25 appropriated from the general fund of the state in
26 this Act relate only to salaries supported from
27 general fund appropriations of the state except for
28 employees of the state board of regents. The funds
29 appropriated from the general fund of the state for
30 employees of the state board of regents shall exclude
31 general university indirect costs and general
32 university federal funds.

33 Sec. 13. FEDERAL FUNDS APPROPRIATED. All federal
34 grants to and the federal receipts of the agencies
35 affected by this Act which are received and may be
36 expended for purposes of this Act are appropriated for
37 those purposes and as set forth in the federal grants
38 or receipts.

39 Sec. 14. STATE TROOPER MEAL ALLOWANCE. The sworn
40 peace officers in the department of public safety who
41 are not covered by a collective bargaining agreement
42 negotiated pursuant to chapter 20 shall receive the
43 same per diem meal allowance as the sworn peace
44 officers in the department of public safety who are
45 covered by a collective bargaining agreement
46 negotiated pursuant to chapter 20.

47 Sec. 15. SALARY MODEL COORDINATOR. Of the funds
48 appropriated by section 7 of this Act, \$133,800 for
49 the fiscal year beginning July 1, 2001, is allocated
50 to the department of management for salary and support

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1 of the salary model coordinator who shall work in
2 conjunction with the legislative fiscal bureau to
3 maintain the state's salary model used for analyzing,
4 comparing, and projecting state employee salary and
5 benefit information, including information relating to
6 employees of the state board of regents. The
7 department of revenue and finance, the department of
8 personnel, the five institutions under the
9 jurisdiction of the state board of regents, the eight
10 judicial district departments of correctional
11 services, and the state department of transportation
12 shall provide salary data to the department of
13 management and the legislative fiscal bureau to
14 operate the state's salary model. The format and
15 frequency of provision of the salary data shall be
16 determined by the department of management and the
17 legislative fiscal bureau. The information shall be

18 used in collective bargaining processes under chapter
19 20 and in calculating the funding needs contained
20 within the annual salary adjustment legislation. A
21 state employee organization as defined in section
22 20.3, subsection 4, may request information produced
23 by the model, but the information provided shall not
24 contain information attributable to individual
25 employees.

26 Sec. 16. STATE HEALTH INSURANCE SURCHARGE –
27 TERMINAL LIABILITY AND ADMINISTRATION COSTS.

28 1. For the fiscal year beginning July 1, 2001, and
29 ending June 30, 2002, the executive council shall
30 cause the department of personnel to include in the
31 rates for Wellmark Blue Cross/Blue Shield Program 3
32 Plus, Wellmark Blue Cross/Blue Shield Program 3 plus
33 with a comprehensive major medical overlay, and Iowa
34 Select Preferred Provider Organization health
35 insurance plans a surcharge, as determined by the
36 department of management, on only the employer's share
37 of the health insurance premium cost to fund the
38 state's share of the terminal liability of the
39 existing Wellmark health insurance contract. The
40 department of revenue and finance shall collect the
41 surcharge from state agencies, the state fair board,
42 board of regents, and the eight judicial district
43 departments of correctional services. The health
44 insurance plans provided to state employees covered by
45 the state police officers council collective
46 bargaining agreement are exempt from the surcharge
47 provided for in this section.

48 2. For the fiscal year beginning July 1, 2001, and
49 ending June 30, 2002, the department of personnel
50 shall also include in the premium rates for all health

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1 insurance plans administered by the department an
2 administration fee of \$2.28 per contract which shall
3 be assessed only to the employer's share of the
4 insurance premium. The department of revenue and
5 finance shall remit the proceeds of the administration
6 fee monthly to the department of personnel to pay the
7 administrative costs of state employee benefit
8 programs.

9 Sec. 17. PATIENT CARE BARGAINING UNIT – OVERTIME.

10 1. Of the funds appropriated in section 7 of this
11 Act, the following amount, or so much thereof as is
12 necessary, shall be allocated to the department of
13 revenue and finance for the fiscal year beginning July
14 1, 2001, and ending June 30, 2002, to be used for the
15 purpose designated:

16 To reimburse state agencies for expenditures

17 related to the payment of overtime to state employees
 18 covered under the patient care bargaining unit:
 19 \$ 768,000
 20 2. The department of revenue and finance shall
 21 provide guidelines and forms for documentation that a
 22 state agency shall submit for the overtime
 23 reimbursement provided for in subsection 1. The
 24 reimbursement shall be restricted to the amount of
 25 moneys appropriated from the general fund of the state
 26 that is used to pay overtime of state employees
 27 covered under the patient care bargaining unit for the
 28 fiscal year beginning July 1, 2001, and ending June
 29 30, 2002.
 30 Sec. 18. HEALTH INSURANCE INCENTIVE PROGRAMS. For
 31 the fiscal year beginning July 1, 2001, and ending
 32 June 30, 2002, the department of revenue and finance
 33 shall administer the health insurance incentive
 34 programs as contained in the collective bargaining
 35 agreements. The incentive payment shall be
 36 distributed in the paycheck of an eligible state
 37 employee if the employee is employed by a central
 38 state agency. The department of revenue and finance
 39 shall provide monthly each judicial district
 40 department of correctional services and the state
 41 board of regents a list of their employee counts by
 42 benefit plan that qualify for the incentive and the
 43 amount of the incentive due. The judicial district
 44 department of correctional services and the state
 45 board of regents shall include the amount of the
 46 incentive payment to their eligible employees'
 47 paychecks as soon as the payment is administratively
 48 practical.
 49 Sec. 19. REGIONAL LIBRARIES. Of the funds
 50 appropriated in section 7 of this Act, the following

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1 amount, or so much thereof as is necessary, shall be
 2 allocated to the department of management for the
 3 fiscal year beginning July 1, 2001, and ending June
 4 30, 2002, to be used as follows:
 5 To supplement other funds for salary adjustments
 6 for employees of regional libraries:
 7 \$ 29,000
 8 Sec. 20. Section 19A.32, Code 2001, is amended to
 9 read as follows:
 10 19A.32 WORKERS' COMPENSATION CLAIMS.
 11 The director shall employ appropriate staff to
 12 handle and adjust claims of state employees for
 13 workers' compensation benefits pursuant to chapters
 14 85, 85A, 85B, and 86, or with the approval of the
 15 executive council contract for the services or

16 purchase workers' compensation insurance coverage for
17 state employees or selected groups of state employees.
18 A state employee workers' compensation fund is
19 established to pay state employee workers'
20 compensation claims and administrative costs. The
21 department shall establish a rating formula and assess
22 premiums to all agencies, departments, and divisions
23 of the state including those which have not received
24 an appropriation for the payment of workers'
25 compensation insurance and which operate from moneys
26 other than from the general fund of the state. The
27 department shall collect the premiums and deposit them
28 into the state employee workers' compensation fund.
29 Notwithstanding section 8.33, moneys deposited in the
30 state employee workers' compensation fund shall not
31 revert to the general fund of the state at the end of
32 any fiscal year, but shall remain in the state
33 employee workers' compensation fund and be
34 continuously available to pay state employee workers'
35 compensation claims. The director of revenue and
36 finance is authorized and directed to draw warrants on
37 this fund for the payment of state employee workers'
38 compensation claims may, to the extent possible,
39 contract with a private organization to process and
40 pay claims for services rendered under provisions of
41 this section.

42 Sec. 21. Section 80.8, unnumbered paragraphs 1
43 through 3, Code 2001, are amended to read as follows:
44 The commissioner of public safety, with the
45 approval of the governor, shall appoint such deputies,
46 inspectors, officers, clerical workers and other
47 employees as may be required to properly discharge the
48 duties of this department.
49 The commissioner may delegate to the ~~members of the~~
50 ~~Iowa state patrol~~ peace officers of the department

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1 such additional duties in the enforcement of this
2 chapter as the commissioner may deem proper and
3 incidental to the duties now imposed upon them by law.
4 The salaries of all members and employees of the
5 department and the expenses of the department shall be
6 provided for by the legislative appropriation
7 therefor. The compensation of ~~the members of the Iowa~~
8 ~~state patrol~~ peace officers of the department shall be
9 fixed according to grades as to rank and length of
10 service by the commissioner with the approval of the
11 governor. The ~~members of the Iowa state patrol~~ peace
12 officers shall be paid additional compensation in
13 accordance with the following formula: When ~~members~~
14 ~~of the Iowa state patrol~~ peace officers have served

15 for a period of five years their compensation then
16 being paid shall be increased by the sum of twenty-
17 five dollars per month beginning with the month
18 succeeding the foregoing described five-year period;
19 when ~~members thereof~~ peace officers have served for a
20 period of ten years their compensation then being paid
21 shall be increased by the sum of twenty-five dollars
22 per month beginning with the month succeeding the
23 foregoing described ten-year period, such sums being
24 in addition to the increase provided herein to be paid
25 after five years of service; when ~~members thereof~~
26 peace officers have served for a period of fifteen
27 years their compensation then being paid shall be
28 increased by the sum of twenty-five dollars per month
29 beginning with the month succeeding the foregoing
30 described fifteen-year period, such sums being in
31 addition to the increases previously provided for
32 herein; when ~~members thereof~~ peace officers have
33 served for a period of twenty years their compensation
34 then being paid shall be increased by the sum of
35 twenty-five dollars per month beginning with the month
36 succeeding the foregoing described twenty-year period,
37 such sums being in addition to the increases
38 previously provided for herein. While on active duty
39 each member peace officer shall also receive a flat
40 daily sum as fixed by the commissioner with the
41 approval of the governor for meals ~~while away from the~~
42 ~~office to which the member has been assigned and~~
43 ~~within the member's district."~~

MURPHY of Dubuque

H-1798

1 Amend House File 742 as follows:
2 1. Page 15, by inserting after line 23, the
3 following:
4 "Sec. 101. Section 8.57, subsection 5, paragraph
5 e, Code 2001, is amended by adding the following new
6 unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. If the total amount of
8 moneys directed to be deposited in the general fund of
9 the state under sections 99D.17 and 99F.11 in a fiscal
10 year is less than the total amount of moneys directed
11 to be deposited in the vision Iowa fund and the school
12 infrastructure fund in the fiscal year pursuant to
13 this paragraph "e", the difference shall be paid from
14 lottery revenues in the manner provided in section
15 99E.10, subsection 3.
16 Sec. ____ Section 12.73, Code 2001, is amended to
17 read as follows:
18 12.73 VISION IOWA FUND MONEYS – ADMINISTRATIVE

19 COSTS.

20 During the term of the vision Iowa program
21 established in section 15F.302, ~~one~~ two hundred
22 thousand dollars of the moneys deposited each fiscal
23 year in the vision Iowa fund and appropriated for the
24 vision Iowa program shall be allocated each fiscal
25 year to the department of economic development for
26 administrative costs incurred by the department for
27 purposes of administering the vision Iowa program.
28 Sec. 102. Section 12.74, subsection 2, Code 2001,
29 is amended by striking the subsection.
30 Sec. 103. Section 12.84, subsection 2, Code 2001,
31 is amended by striking the subsection.
32 Sec. 104. Section 15F.202, subsection 2,
33 unnumbered paragraph 1, Code 2001, is amended to read
34 as follows:

35 A city or county in the state or public
36 organization may submit an application to the board
37 for financial assistance for a project under the
38 program. The assistance shall be provided only from
39 funds, rights, and assets legally available to the
40 board and shall be in the form of grants, loans,
41 forgivable loans, and ~~loan-guarantees~~ credit
42 enhancement and financing instruments. The
43 application shall include, but not be limited to, the
44 following information:
45 Sec. 105. Section 15F.202, subsection 3, Code
46 2001, is amended to read as follows:
47 3. A school district, in cooperation with a city
48 or county, may submit a joint application for
49 financial assistance for a project under the program.
50 The assistance shall be provided only from funds,

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1 rights, and assets legally available to the board and
2 shall be in the form of grants, loans, forgivable
3 loans, and ~~loan-guarantees~~ credit enhancement and
4 financing instruments. In addition to the information
5 required in subsection 2, the application shall
6 include a demonstration that the intended future use
7 of the project shall be by both joint applicants."
8 2. Page 15, by inserting after line 30, the
9 following:
10 "Sec. 106. Section 15F.204, subsection 3, Code
11 2001, is amended to read as follows:
12 3. The fund shall be used to provide assistance
13 only from funds, rights, and assets legally available
14 to the board in the form of grants, loans, forgivable
15 loans, and ~~loan-guarantees~~ credit enhancements and
16 financing instruments under the community attraction
17 and tourism program established in section 15F.202.

18 An applicant under the community attraction and
19 tourism program shall not receive financial assistance
20 from the fund in an amount exceeding fifty percent of
21 the total cost of the project.

22 Sec. 107. Section 15F.302, subsection 2,
23 unnumbered paragraph 1, Code 2001, is amended to read
24 as follows:

25 A city or county or a public organization in the
26 state may submit an application to the board for
27 financial assistance for a project under the program.
28 For purposes of this subsection, "public organization"
29 means a nonprofit economic development organization or
30 other nonprofit organization that sponsors or supports
31 community or tourism attractions and activities. The
32 financial assistance from the fund shall be provided
33 only from funds, rights, and assets legally available
34 to the board and shall be in the form of grants,
35 loans, forgivable loans, pledges, and guarantees
36 credit enhancements and financing instruments. The
37 application shall include, but not be limited to, the
38 following information:

39 Sec. 108. Section 15F.302, subsection 3, Code
40 2001, is amended to read as follows:

41 3. A school district, in cooperation with a city
42 or county, may submit a joint application for
43 financial assistance for a project under the program.
44 The financial assistance shall be provided only from
45 funds, rights, and assets legally available to the
46 board and shall be in the form of grants, loans,
47 forgivable loans, and loan guarantees credit
48 enhancements and financing instruments. In addition
49 to the information required in subsection 2, the
50 application shall include a demonstration that the

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1 intended future use of the project shall be by both
2 joint applicants.

3 Sec. 109. Section 15F.304, subsection 4, Code
4 2001, is amended to read as follows:

5 4. Upon review of the recommendations of the
6 review committee, the board shall approve, defer, or
7 deny the applications. If an application is approved,
8 the board may enter into an agreement with the
9 applicant to provide financial assistance authorized
10 under section 15F.302, including entering into a loan
11 agreement with a city pursuant to section 384.24A, a
12 loan agreement with a county pursuant to section
13 331.402, or a joint loan agreement with a school
14 district and a city or county.

15 Sec. 110. Section 99E.10, Code 2001, is amended by
16 adding the following subsection:

17 **NEW SUBSECTION.** 3. a. Notwithstanding subsection
18 1, if gaming revenues under sections 99D.17 and 99F.11
19 are insufficient in a fiscal year to meet the total
20 amount of such revenues directed to be deposited in
21 the vision Iowa fund and the school infrastructure
22 fund during the fiscal year pursuant to section 8.57,
23 subsection 5, paragraph "e", the difference shall be
24 paid from lottery revenues prior to deposit of the
25 lottery revenues in the general fund. If lottery
26 revenues are insufficient during the fiscal year to
27 pay the difference, the remaining difference shall be
28 paid from lottery revenues in subsequent fiscal years
29 as such revenues become available.
30 b. The treasurer of state shall, each quarter,
31 prepare an estimate of the gaming revenues and lottery
32 revenues that will become available during the
33 remainder of the appropriate fiscal year for the
34 purposes described in paragraph "a". The department
35 of management and the department of revenue and
36 finance shall take appropriate actions to provide that
37 the amount of gaming revenues and lottery revenues
38 that will be available during the remainder of the
39 appropriate fiscal year is sufficient to cover any
40 anticipated deficiencies."
41 3. Page 17, by inserting after line 5, the
42 following:
43 "Sec. 111. Section 331.402, subsection 3, Code
44 2001, is amended by adding the following new paragraph
45 f and relettering the subsequent paragraph:
46 **NEW PARAGRAPH.** f. The governing body may
47 authorize a loan agreement described in section
48 331.441, subsection 2, paragraph "b", subparagraph
49 (15), in accordance with the following procedures:
50 (1) The governing body shall cause a notice of the

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1 proposal to enter into a loan agreement, including a
2 statement of the amount and purpose of the loan
3 agreement, together with the right to petition for an
4 election, to be published at least ten days prior to
5 the meeting at which it is proposed to take action to
6 enter into the loan agreement.
7 (2) If at any time before the date fixed to take
8 action to enter into the loan agreement a petition is
9 filed with the auditor in the manner provided by
10 section 331.306 asking that the question of entering
11 into the loan agreement be submitted to the registered
12 voters of the county, the board shall either by
13 resolution declare the proposal to enter into the loan
14 agreement to have been abandoned or shall direct the
15 county commissioner of elections to call a special

16 election upon the question of entering into the loan
17 agreement.

18 (3) If a petition under subparagraph (2) is not
19 filed or if a petition is filed and the proposition of
20 entering into the loan agreement is approved by a
21 majority of the vote cast in the special election, the
22 board may proceed and enter into the loan agreement.
23 Sec. 112. Section 331.441, subsection 2, paragraph
24 b, Code 2001, is amended by adding the following new
25 subparagraph:

26 **NEW SUBPARAGRAPH.** (15) The entrance into a loan
27 agreement with the vision Iowa board for a project
28 that is not otherwise defined as an essential county
29 purpose and that has been approved under the vision
30 Iowa program to receive loan assistance from the
31 vision Iowa board.

32 Sec. 113. Section 384.24, subsection 3, Code 2001,
33 is amended by adding the following new paragraph:

34 **NEW PARAGRAPH.** v. The entrance into a loan
35 agreement with the vision Iowa board for a project
36 that is not otherwise defined as an essential
37 corporate purpose and that has been approved under the
38 vision Iowa program to receive loan assistance from
39 the vision Iowa board.

40 Sec. 114. Section 384.24A, Code 2001, is amended
41 by adding the following new subsection 6 and
42 renumbering the subsequent subsection:

43 **NEW SUBSECTION.** 6. The governing body may
44 authorize a loan agreement described in section
45 384.24, subsection 3, paragraph "v", in accordance
46 with the following procedures:

47 a. The governing body shall cause a notice of the
48 proposal to enter into a loan agreement, including a
49 statement of the amount and purpose of the loan
50 agreement, together with the right to petition for an

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1 election, to be published at least once in a newspaper
2 of general circulation within the city at least ten
3 days prior to the meeting at which it is proposed to
4 take action to enter into the loan agreement.

5 b. If at any time before the date fixed to take
6 action to enter into the loan agreement a petition is
7 filed with the clerk of the city in the manner
8 provided by section 362.4 asking that the question of
9 entering into the loan agreement be submitted to the
10 registered voters of the city, the governing body
11 shall either by resolution declare the proposal to
12 enter into the loan agreement to have been abandoned
13 or shall direct the county commissioner of elections
14 to call a special election upon the question of

15 entering into the loan agreement.
16 c. If a petition under paragraph "b" is not filed
17 or if a petition is filed and the proposition of
18 entering into the loan agreement is approved by a
19 majority of the vote cast in the special election, the
20 governing body may proceed and enter into the loan
21 agreement."
22 4. Page 17, by inserting after line 16, the
23 following:
24 "Sec. __. EFFECTIVE DATE. The following
25 provisions of this division of this Act, being deemed
26 of immediate importance, take effect upon enactment:
27 1. Sections 101 through 105 of this division of
28 this Act, amending sections 8.57, 12.74, 12.84, and
29 15F.202.
30 2. Sections 106 through 110 of this division of
31 this Act, amending sections 15F.204, 15F.302, 15F.304,
32 and 99E.10.
33 3. Sections 111 through 114 of this division of
34 this Act, amending sections 331.402, 331.441, 384.24,
35 and 384.24A."
36 5. By renumbering, redesignating, and correcting
37 internal references as necessary.

GIPP of Winneshiek

H-1803

1 Amend Senate File 165, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by inserting after line 1 the
4 following:
5 "__. Employers are required to teach their
6 employees sufficient English so that the safety of .
7 other persons in the workplace is protected."
8 2. By renumbering as necessary.

CONNORS of Polk

H-1805

1 Amend Senate File 165 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 2, by striking lines 7 through 14, and
4 inserting the following:
5 "c. Any official documents, regulations, orders,
6 transactions, proceedings, programs, meetings,
7 publications, or actions taken or issued necessary for
8 trade, tourism, or commerce.
9 d. Protection of the public health and safety.
10 e. Facilitation of activities pertaining to

- 11 compiling any census of populations.
- 12 f. Protection of the rights of victims of crimes
- 13 or criminal defendants."

REYNOLDS of Van Buren

H-1806

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 15, by striking the words "or
- 4 phrases" and inserting the following: "phrases, or
- 5 lyrics,".

REYNOLDS of Van Buren

H-1807

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 9 and 10, by striking the words
- 4 "Throughout the history of Iowa and of the United
- 5 States, the" and inserting the following: "One".

REYNOLDS of Van Buren

H-1809

- 1 Amend House File 742 as follows:
- 2 1. Page 1, by inserting after line 23, the
- 3 following:
- 4 " _____. For grants to local communities for the
- 5 construction of regional jails:
- 6 \$ 5,000,000
- 7 A local community consisting of at least three
- 8 counties may apply for a grant under this subsection
- 9 for the construction of a regional jail. The grant
- 10 may be awarded on a matching basis of up to one dollar
- 11 of state funds for every four dollars of local funds."
- 12 2. Page 2, line 17, by striking figure
- 13 "1,000,000" and inserting the following: "2,000,000".
- 14 3. Page 3, line 7, by striking the figure
- 15 "2,500,000" and inserting the following: "5,000,000".
- 16 4. Page 3, line 35, by striking the figure
- 17 "11,500,000" and inserting the following:
- 18 "14,500,000".
- 19 5. Page 4, by inserting after line 13 the
- 20 following:
- 21 " _____. For the planning, design, and construction
- 22 of a multipurpose laboratory facility:
- 23 \$ 10,000,000"
- 24 6. Page 8, line 20, by striking the figure

25 "1,000,000" and inserting the following: "2,000,000".
26 7. By renumbering, redesignating, and correcting
27 internal references as necessary.

WARNSTADT of Woodbury

H-1812

1 Amend House File 746 as follows:

2 1. By striking page 11, line 27, through page 12,
3 line 5, and inserting the following:

4 "Sec. ____ STATE EMPLOYEE BENEFIT PROGRAMS –
5 ADMINISTRATIVE COSTS.

6 1. For the fiscal year beginning July 1, 2001, and
7 ending June 30, 2002, the department of personnel
8 shall include a monthly administration charge of \$2.00
9 per contract on all health insurance plans
10 administered by the department. This is an
11 administration fee attributable only to the employer
12 share for those employees who are eligible for the
13 state share of insurance. If the contract holder is
14 without a state employer to pay the fee, the contract
15 holder shall not be assessed the fee of \$2.00 per
16 month.

17 2. For the fiscal year beginning July 1, 2001, and
18 ending June 30, 2002, the state board of regents, all
19 regional libraries, the state fair board, the
20 department of transportation, and the eight judicial
21 districts of the community corrections shall report
22 and remit the administration charge on a monthly basis
23 to the department of revenue and finance. The report
24 shall contain the number and type of health insurance
25 contracts held by each of its employees whose health
26 insurance is administered by the department of
27 personnel.

28 3. A health insurance administration fund is
29 created in the state treasury. The proceeds of the
30 monthly administration charge shall be remitted to the
31 health insurance administration fund. The department
32 of revenue and finance shall collect from each
33 department on centralized payroll the administration
34 charge each month and shall remit the amount to the
35 health insurance administration fund. The department
36 of personnel may expend no more than \$600,000 from the
37 health insurance administration fund for the fiscal
38 year beginning July 1, 2001, and ending June 30, 2002.
39 Any unencumbered or unobligated balance in the health
40 insurance administration fund at the end of the fiscal
41 year shall be transferred to the health insurance
42 surplus fund."

43 2. Page 12, by inserting before line 6, the
44 following:

45 "Sec. ____ Section 80.8, unnumbered paragraphs 2
46 and 3, Code 2001, are amended to read as follows:
47 The commissioner may delegate to the ~~members of the~~
48 Iowa state patrol peace officers of the department
49 such additional duties in the enforcement of this
50 chapter as the commissioner may deem proper and

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1 incidental to the duties now imposed upon them by law.
2 The salaries of all members and employees of the
3 department and the expenses of the department shall be
4 provided for by the legislative appropriation
5 therefor. The compensation of the ~~members of the Iowa~~
6 state patrol peace officers of the department shall be
7 fixed according to grades as to rank and length of
8 service by the commissioner with the approval of the
9 governor. The ~~members of the Iowa state patrol peace~~
10 officers shall be paid additional compensation in
11 accordance with the following formula: When ~~members~~
12 of the Iowa state patrol peace officers have served
13 for a period of five years their compensation then
14 being paid shall be increased by the sum of twenty-
15 five dollars per month beginning with the month
16 succeeding the foregoing described five-year period;
17 when ~~members thereof~~ peace officers have served for a
18 period of ten years their compensation then being paid
19 shall be increased by the sum of twenty-five dollars
20 per month beginning with the month succeeding the
21 foregoing described ten-year period, such sums being
22 in addition to the increase provided herein to be paid
23 after five years of service; when ~~members thereof~~
24 peace officers have served for a period of fifteen
25 years their compensation then being paid shall be
26 increased by the sum of twenty-five dollars per month
27 beginning with the month succeeding the foregoing
28 described fifteen-year period, such sums being in
29 addition to the increases previously provided for
30 herein; when ~~members thereof~~ peace officers have
31 served for a period of twenty years their compensation
32 then being paid shall be increased by the sum of
33 twenty-five dollars per month beginning with the month
34 succeeding the foregoing described twenty-year period,
35 such sums being in addition to the increases
36 previously provided for herein. While on active duty
37 each ~~member~~ peace officer shall also receive a flat
38 daily sum as fixed by the commissioner with the
39 approval of the governor for meals ~~while away from the~~
40 office to which the member has been assigned and
41 within the member's district."

42 3. By renumbering as necessary.

MILLAGE of Scott

H-1814

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 1, by striking the word "ENGLISH"
- 4 and inserting the following: "ITALIAN".
- 5 2. Page 1, line 11, by striking the word
- 6 "English" and inserting the following: "Italian".
- 7 3. Page 1, line 13, by striking the word
- 8 "English" and inserting the following: "Italian".
- 9 4. Page 1, line 14, by striking the word "English"
- 10 and inserting the following: "Italian".
- 11 5. Page 1, line 18, by striking the word
- 12 "English" and inserting the following: "Italian".
- 13 6. Page 1, line 21, by striking the word
- 14 "English" and inserting the following: "Italian".
- 15 7. Page 1, line 24, by striking the word
- 16 "English" and inserting the following: "Italian".
- 17 8. Page 1, line 29, by striking the word
- 18 "English" and inserting the following: "Italian".
- 19 9. Page 2, line 16, by striking the word
- 20 "English" and inserting the following: "Italian".
- 21 10. Page 2, line 29, by striking the word
- 22 "English" and inserting the following: "Italian".
- 23 11. Page 2, line 34, by striking the word
- 24 "English" and inserting the following: "Italian".
- 25 12. Page 3, line 1, by striking the word
- 26 "English" and inserting the following: "Italian".
- 27 13. Page 3, line 3, by striking the word
- 28 "ENGLISH" and inserting the following: "ITALIAN".
- 29 14. Page 3, line 4, by striking the word
- 30 "English" and inserting the following: "Italian".
- 31 15. Page 3, line 6, by striking the word
- 32 "English" and inserting the following: "Italian".
- 33 16. Page 3, line 12, by striking the word
- 34 "English" and inserting the following: "Italian".
- 35 17. Title page, line 1, by striking the word
- 36 "English" and inserting the following: "Italian".

FALLON of Polk
REYNOLDS of Van Buren
CHIODO of Polk

H-1821

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 1, the

4 following:
5 "___ Prohibit a school district from charging
6 sponsoring organizations and employers of persons who
7 do not speak English, for the additional costs of
8 providing English as a second language classes."

WARNSTADT of Woodbury

H-1822

1 Amend Senate File 165, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by inserting after line 1 the
4 following:
5 "___ The board of directors of each public school
6 district and the authorities in charge of each
7 nonpublic school shall require that all students
8 complete instruction in Iowa history and Iowa heritage
9 as follows:
10 a. Students in grades kindergarten through five
11 shall complete a total of three weeks of such
12 instruction.
13 b. Students in grades six through eight shall
14 complete a total of six weeks of such instruction.
15 c. Students in grades nine through twelve shall
16 complete a total of one semester of such instruction."
17 2. By renumbering as necessary.

RICHARDSON of Warren

H-1824

1 Amend amendment, H-1706, to House File 714 as
2 follows:
3 1. Page 1, by striking line 7, and inserting the
4 following:
5 "Sec. ___. Section 422.45, subsection 59,
6 paragraph a, subparagraph (2), Code 2001, is amended
7 to read as follows:
8 (2) The sale takes place during a period beginning
9 at 12:01 a.m. on the first Friday in February and
10 ending at midnight on the following Saturday or during
11 a period beginning at 12:01 a.m. on the first Friday
12 in August and ending at midnight on the following
13 Saturday.
14 Sec. 100. Section 422.45, Code 2001, is amended".
15 2. Page 1, line 36, by inserting before the word
16 "and" the following: ", extending the annual sales
17 tax exemption days,".

ALONS of Sioux

H-1825

1 Amend House File 714 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 15E.221 SHORT TITLE.

5 This division shall be known and may be cited as
6 the "Financial Capital Formation for Life Science
7 Companies Program".

8 Sec. 2. NEW SECTION. 15E.222 DEFINITIONS.

9 As used in this division, unless the context
10 otherwise requires:

11 1. "Equity" means common stock or preferred stock,
12 regardless of class or series, of a corporation; a
13 partnership interest in a limited partnership; or a
14 membership interest in a limited liability company,
15 which is not required or subject to an option on the
16 part of the taxpayer to be redeemed by the issuer
17 within two years from the date of issuance.

18 2. "Qualified business" means a business that
19 meets all of the following criteria:

20 a. Has annual gross revenues of five million
21 dollars or less in its most recent fiscal year.

22 b. Is domiciled in the state of Iowa.

23 c. Is engaged in business primarily in, or does
24 substantially all of its production in, the state of
25 Iowa.

26 d. Is primarily engaged in a business that
27 produces, develops, or markets a life science product
28 or life science by-product as defined in section
29 10C.1.

30 3. "Subordinated debt" means debt that either is
31 unsecured or has a subordinate claim on the assets of
32 the debtor.

33 Sec. 3. NEW SECTION. 15E.223 TAX CREDITS.

34 1. For tax years beginning on or after January 1,
35 2001, a tax credit shall be allowed against the taxes
36 imposed under chapter 422, divisions II, III, and V,
37 and under chapter 432, for a certified equity or
38 subordinated debt investment in a qualified business.
39 An individual may claim the credit of a partnership,
40 limited liability company, S corporation, estate, or
41 trust electing to have income taxed directly to the
42 individual. The amount claimed by the individual
43 shall be based upon the pro rata share of the
44 individual's earnings from the partnership, limited
45 liability company, S corporation, estate, or trust.

46 2. a. The tax credit allowed under this section
47 shall be for the following amounts:

48 (1) After the certified equity or subordinated
49 debt investment is held for a period of two years,
50 twenty percent of the certified equity or subordinated

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1 debt investment.

2 (2) After the certified equity or subordinated
3 debt investment is held for a period of four years, an
4 additional ten percent of the certified equity or
5 subordinated debt investment.

6 (3) After the certified equity or subordinated
7 debt investment is held for a period of six years, an
8 additional ten percent of the certified equity or
9 subordinated debt investment.

10 (4) After the certified equity or subordinated
11 debt investment is held for a period of eight years,
12 an additional ten percent of the certified equity or
13 subordinated debt investment.

14 b. For purposes of paragraph "a" in computing the
15 holding period of an equity investment that was
16 obtained by the taxpayer as a result of the conversion
17 of the taxpayer's investment in a subordinated debt,
18 the time the taxpayer held the investment in the
19 subordinated debt shall be added to the time the
20 taxpayer held the equity investment.

21 c. Any tax credit in excess of the taxpayer's
22 liability for the tax year may be credited to the tax
23 liability for the following three years or until
24 depleted, whichever is earlier. A tax credit shall
25 not be carried back to a tax year prior to the tax
26 year in which the taxpayer redeems the tax credit.

27 d. A taxpayer shall not claim a tax credit in a
28 single tax year under this section of more than fifty
29 thousand dollars.

30 e. A taxpayer making an equity or subordinated
31 debt investment in a qualified business shall submit
32 an application to the department of economic
33 development for certification of eligibility for a tax
34 credit.

35 3. The aggregate amount of tax credits issued
36 under this section for taxes imposed pursuant to
37 chapter 422, divisions II, III, and V, and chapter 432
38 shall not exceed a total of four million dollars.

39 4. The department of revenue and finance, in
40 consultation with the department of economic
41 development, shall develop a system for registration,
42 authorization, and redemption of tax credits issued by
43 the state under this section. The department of
44 revenue and finance and the department of economic
45 development shall adopt any other policies,
46 procedures, or rules pursuant to chapter 17A necessary
47 for the administration of this section and of tax
48 credits issued by the state under this section.

49 Sec. 4. NEW SECTION. 422.11C LIFE SCIENCE TAX
50 CREDIT.

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1 The taxes imposed under this division, less the
2 credits allowed under section 422.12 and any other
3 nonrefundable credit, shall be reduced by a tax credit
4 in the manner as authorized pursuant to section
5 15E.223.
6 Sec. 5. Section 422.33, Code 2001, is amended by
7 adding the following new subsection:
8 NEW SUBSECTION. 11. The taxes imposed under this
9 division shall be reduced by a tax credit in the
10 manner as authorized pursuant to section 15E.223.
11 Sec. 6. Section 422.60, Code 2001, is amended by
12 adding the following new subsection:
13 NEW SUBSECTION. 4. The taxes imposed under this
14 division shall be reduced by a tax credit in the
15 manner as authorized pursuant to section 15E.223.
16 Sec. 7. NEW SECTION. 432.12A LIFE SCIENCE TAX
17 CREDIT.
18 The taxes imposed under this chapter shall be
19 reduced by a tax credit in the manner as authorized
20 pursuant to section 15E.223."
21 2. Title page, by striking lines 1 through 8 and
22 inserting the following:
23 "An Act creating a tax credit for investments in
24 qualified businesses engaged in life science-related
25 production."
26 3. By renumbering as necessary.

WARNSTADT of Woodbury

H-1831

1 Amend Senate File 521, 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. 15E.221 SHORT TITLE.
6 This division shall be known and may be cited as
7 the "Financial Capital Formation for Life Science
8 Companies Program".
9 Sec. ____ NEW SECTION. 15E.222 DEFINITIONS.
10 As used in this division, unless the context
11 otherwise requires:
12 1. "Equity" means common stock or preferred stock,
13 regardless of class or series, of a corporation; a
14 partnership interest in a limited partnership; or a
15 membership interest in a limited liability company,
16 which is not required or subject to an option on the
17 part of the taxpayer to be redeemed by the issuer
18 within two years from the date of issuance.
19 2. "Qualified business" means a business that

20 meets all of the following criteria:

21 a. Has annual gross revenues of five million

22 dollars or less in its most recent fiscal year.

23 b. Is domiciled in the state of Iowa.

24 c. Is engaged in business primarily in, or does

25 substantially all of its production in, the state of

26 Iowa.

27 d. Is primarily engaged in a business that

28 produces, develops, or markets a life science product

29 or life science by-product as defined in section

30 10C.1.

31 3. "Subordinated debt" means debt that either is

32 unsecured or has a subordinate claim on the assets of

33 the debtor.

34 Sec. ____ NEW SECTION. 15E.223 TAX CREDITS.

35 1. For tax years beginning on or after January 1,

36 2001, a tax credit shall be allowed against the taxes

37 imposed under chapter 422, divisions II, III, and V,

38 and under chapter 432, for a certified equity or

39 subordinated debt investment in a qualified business.

40 An individual may claim the credit of a partnership,

41 limited liability company, S corporation, estate, or

42 trust electing to have income taxed directly to the

43 individual. The amount claimed by the individual

44 shall be based upon the pro rata share of the

45 individual's earnings from the partnership, limited

46 liability company, S corporation, estate, or trust.

47 2. a. The tax credit allowed under this section

48 shall be for the following amounts:

49 (1) After the certified equity or subordinated

50 debt investment is held for a period of two years,

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1 twenty percent of the certified equity or subordinated
2 debt investment.

3 (2) After the certified equity or subordinated
4 debt investment is held for a period of four years, an
5 additional ten percent of the certified equity or
6 subordinated debt investment.

7 (3) After the certified equity or subordinated
8 debt investment is held for a period of six years, an
9 additional ten percent of the certified equity or
10 subordinated debt investment.

11 (4) After the certified equity or subordinated
12 debt investment is held for a period of eight years,
13 an additional ten percent of the certified equity or
14 subordinated debt investment.

15 b. For purposes of paragraph "a" in computing the
16 holding period of an equity investment that was
17 obtained by the taxpayer as a result of the conversion
18 of the taxpayer's investment in a subordinated debt,

19 the time the taxpayer held the investment in the
20 subordinated debt shall be added to the time the
21 taxpayer held the equity investment.
22 c. Any tax credit in excess of the taxpayer's
23 liability for the tax year may be credited to the tax
24 liability for the following three years or until
25 depleted, whichever is earlier. A tax credit shall
26 not be carried back to a tax year prior to the tax
27 year in which the taxpayer redeems the tax credit.
28 d. A taxpayer shall not claim a tax credit in a
29 single tax year under this section of more than fifty
30 thousand dollars.
31 e. A taxpayer making an equity or subordinated
32 debt investment in a qualified business shall submit
33 an application to the department of economic
34 development for certification of eligibility for a tax
35 credit.
36 3. The aggregate amount of tax credits issued
37 under this section for taxes imposed pursuant to
38 chapter 422, divisions II, III, and V, and chapter 432
39 shall not exceed a total of three million dollars.
40 4. The department of revenue and finance, in
41 consultation with the department of economic
42 development, shall develop a system for registration,
43 authorization, and redemption of tax credits issued by
44 the state under this section. The department of
45 revenue and finance and the department of economic
46 development shall adopt any other policies,
47 procedures, or rules pursuant to chapter 17A necessary
48 for the administration of this section and of tax
49 credits issued by the state under this section.
50 Sec. __. NEW SECTION. 422.11C LIFE SCIENCE TAX

Page 3

1 CREDIT.
2 The taxes imposed under this division, less the
3 credits allowed under section 422.12 and any other
4 nonrefundable credit, shall be reduced by a tax credit
5 in the manner as authorized pursuant to section
6 15E.223.
7 Sec. __. Section 422.33, Code 2001, is amended by
8 adding the following new subsection:
9 NEW SUBSECTION. 11. The taxes imposed under this
10 division shall be reduced by a tax credit in the
11 manner as authorized pursuant to section 15E.223.
12 Sec. __. Section 422.60, Code 2001, is amended by
13 adding the following new subsection:
14 NEW SUBSECTION. 4. The taxes imposed under this
15 division shall be reduced by a tax credit in the
16 manner as authorized pursuant to section 15E.223.
17 Sec. __. NEW SECTION. 432.12A LIFE SCIENCE TAX

18 CREDIT.

- 19 The taxes imposed under this chapter shall be
20 reduced by a tax credit in the manner as authorized
21 pursuant to section 15E.223."
22 2. Title page, by striking lines 1 through 7, and
23 inserting the following: "An Act creating a tax
24 credit for investments in qualified businesses engaged
25 in life science-related production."
26 3. By renumbering as necessary.

WARNSTADT of Woodbury

H-1832

- 1 Amend Senate File 535, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 23, by inserting after line 21 the
4 following:
5 Sec. ____ Section 260C.15, subsection 1, Code
6 2001, is amended to read as follows:
7 1. Regular elections held annually by the merged
8 area for the election of members of the board of
9 directors as required by section 260C.11, for the
10 renewal of the ~~twenty~~ twenty-two and ~~one-fourth~~ three-
11 fourths cents per thousand dollars of assessed
12 valuation levy authorized in section 260C.22, or for
13 any other matter authorized by law and designated for
14 election by the board of directors of the merged area,
15 shall be held on the date of the school election as
16 fixed by section 277.1. The election notice shall be
17 made a part of the local school election notice
18 published as provided in section 49.53 in each local
19 school district where voting is to occur in the merged
20 area election and the election shall be conducted by
21 the county commissioner of elections pursuant to
22 chapters 39 to 53 and section 277.20.
23 Sec. ____ Section 260C.22, subsection 1, paragraph
24 a, Code 2001, is amended to read as follows:
25 a. In addition to the tax authorized under section
26 260C.17, the voters in any merged area may at the
27 annual school election vote a tax not exceeding twenty
28 twenty-two and ~~one-fourth~~ three-fourths cents per
29 thousand dollars of assessed value in any one year for
30 a period not to exceed ten years for the purchase of
31 grounds, construction of buildings, payment of debts
32 contracted for the construction of buildings, purchase
33 of buildings and equipment for buildings, and the
34 acquisition of libraries, for the purpose of paying
35 costs of utilities, and for the purpose of
36 maintaining, remodeling, improving, or expanding the
37 community college of the merged area. If the tax levy
38 is approved under this section, the costs of utilities

39 shall be paid from the proceeds of the levy. The tax
40 shall be collected by the county treasurers and
41 remitted to the treasurer of the merged area as
42 provided in section 331.552, subsection 29. The
43 proceeds of the tax shall be deposited in a separate
44 and distinct fund to be known as the voted tax fund,
45 to be paid out upon warrants drawn by the president
46 and secretary of the board of directors of the merged
47 area district for the payment of costs incurred in
48 providing the school facilities for which the tax was
49 voted.
50 Sec.____. Section 260C.22, subsection 1, Code

Page 2

1 2001, is amended by adding the following new
2 paragraph:
3 NEW PARAGRAPH. f. If the voters in a merged area
4 have authorized a tax pursuant to paragraph "a" not
5 exceeding twenty and one-fourth cents per thousand
6 dollars of assessed value prior to July 1, 2001, the
7 tax shall continue for the period originally
8 authorized under the voter-approved tax, and the
9 maximum tax that can be authorized by the voters on or
10 after July 1, 2001, under this section, for the period
11 of the original authorized tax, is an additional
12 amount such that the total amount of tax does not
13 exceed twenty-two and three-fourths cents for a period
14 to coincide with the remaining period for which the
15 initial tax in the merged area was approved..
16 Sec.____. Section 260C.28, subsection 1, Code
17 2001, is amended to read as follows:
18 1. Annually, the board of directors may certify
19 for levy a tax on taxable property in the merged area
20 at a rate not exceeding three five and one-half cents
21 per thousand dollars of assessed valuation for
22 equipment replacement for the community college.
23 Sec.____. Section 260C.28, subsection 2, Code
24 2001, is amended to read as follows:
25 2. However, the board of directors may annually
26 certify for levy a tax on taxable property in the
27 merged area at a rate in excess of the three five and
28 one-half cents per thousand dollars of assessed
29 valuation specified under subsection 1 if the excess
30 tax levied does not cause the total rate certified to
31 exceed a rate of nine eleven and one-half cents per
32 thousand dollars of assessed valuation, and the excess
33 revenue generated is used for purposes of program
34 sharing between community colleges or for the purchase
35 of instructional equipment. Programs that are shared
36 shall be designed to increase student access to
37 community college programs and to achieve efficiencies

- 38 in program delivery at the community colleges,
39 including, but not limited to, the programs described
40 under sections 260C.45 and 260C.46. Prior to
41 expenditure of the excess revenues generated under
42 this subsection, the board of directors shall obtain
43 the approval of the director of the department of
44 education."
45 2. By renumbering as necessary.

MYERS of Johnson

H-1833

- 1 Amend the Senate amendment, H-1763, to House File
2 726, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by striking lines 6 and 7.
5 2. By renumbering as necessary.

SMITH of Marshall

H-1834

- 1 Amend Senate File 514, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 9, by striking lines 28 and 29, and
4 inserting the following: "annual price index shall
5 not be less than zero. The change shall then be added
6 to one".

O'BRIEN of Boone

H-1835

- 1 Amend Senate File 516, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 13, by inserting after the word
4 "tax" the following: "or state sales and use tax".
5 2. Page 1, line 14, by inserting after the word
6 "tax" the following: "or state sales and use tax".
7 3. Page 1, line 16, by inserting after the word
8 "tax" the following: "or state sales and use tax".
9 4. Page 1, line 18, by inserting after the word
10 "tax" the following: "or state sales and use tax".
11 5. Page 1, by inserting after line 20 the
12 following:
13 "Sec. ____ **NEW SECTION. 293.1 SCHOOL DISTRICT**
14 **SALES AND USE TAX FUND.**
15 1. A school district sales and use tax fund is
16 created as a separate and distinct fund in the state
17 treasury under the control of the department of
18 revenue and finance. Moneys in the fund include

19 revenues credited to the fund pursuant to section
20 422.69, subsection 2, and section 423.24,
21 appropriations made to the fund and other moneys
22 deposited into the fund. The moneys credited in a
23 fiscal year to the fund shall be distributed as
24 follows:

25 a. A school district located in whole or in part
26 in a county that had in effect on March 31, 2001, the
27 local sales and services tax for school infrastructure
28 purposes under chapter 422E shall receive an amount
29 equal to its guaranteed school infrastructure amount
30 as calculated under subsection 2 if the board of
31 directors notifies the director of revenue and finance
32 that the school district wants to receive its
33 guaranteed school infrastructure amount. The
34 notification shall be provided by July 1, 2001. If
35 notification is not received by July 1, 2001, the
36 school district shall receive moneys pursuant to
37 paragraph "b". Nothing in this chapter shall prevent
38 a school district from using its guaranteed school
39 infrastructure amount to pay principle and interest on
40 obligations issued pursuant to section 422E.4.

41 A school district receiving moneys pursuant to this
42 paragraph shall cease to receive its guaranteed school
43 infrastructure amount and shall receive moneys
44 pursuant to paragraph "b" starting with the fiscal
45 year immediately following the fiscal year in which
46 occurs the end of the original ten-year period or the
47 date listed on the original ballot proposition,
48 whichever is the earlier, as provided in chapter 422E.

49 A school district may adopt a plan, as provided in
50 section 293.2, subsection 2, to anticipate moneys it

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1 will receive pursuant to paragraph "b". A school
2 district receiving moneys pursuant to this paragraph
3 may elect to receive moneys pursuant to paragraph "b"
4 by providing notification to receive moneys pursuant
5 to paragraph "b" to the director of revenue and
6 finance and the director of the department of
7 management by February 15 preceding the fiscal year
8 for which the election will apply. Once a school
9 district makes this election it is irrevocable.

10 b. Moneys remaining after computations made
11 pursuant to paragraph "a" shall be distributed to
12 school districts not receiving moneys under paragraph
13 "a" on a per student basis calculated by the director
14 of revenue and finance by dividing the moneys
15 available during the fiscal year by the combined
16 actual enrollment for all school districts receiving
17 distributions under this paragraph.

18 The combined actual enrollment for school
19 districts, for purposes of this paragraph, shall be
20 calculated by adding together the actual enrollment
21 for each school district receiving distributions under
22 this paragraph as determined by the department of
23 management based on the actual enrollment figures
24 reported by October 1 to the department of management
25 by the department of education pursuant to section
26 257.6, subsection 1. The combined actual enrollment
27 count shall be forwarded to the director of revenue
28 and finance by March 1, annually, for purposes of
29 supplying estimated tax payment figures and making
30 estimated tax payments pursuant to subsection 3 for
31 the following fiscal year.

32 2. a. For purposes of distributions under
33 subsection 1, paragraph "a", the school district's
34 guaranteed school infrastructure amount shall be
35 calculated according to the following formula:
36 The district's guaranteed school infrastructure
37 amount equals the product of the county guaranteed
38 school infrastructure amount times the district's
39 county actual enrollment divided by the county
40 combined actual enrollment.

41 b. For purposes of the formula in paragraph "a":

42 (1) "Base year" means the fiscal year beginning
43 July 1, 2000.

44 (2) "Base year county taxable sales percentage"
45 means the percentage that the taxable sales in the
46 county during the base year is of the total state
47 taxable sales during the base year.

48 (3) "County combined actual enrollment" means the
49 actual enrollment figures determined by the department
50 of management for the county based on the actual

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1 enrollment figures reported by October 1 to the
2 department of management by the department of
3 education pursuant to section 257.6, subsection 1.

4 (4) "County guaranteed school infrastructure
5 amount" means an amount equal to the product of the
6 county's chapter 422E proportionate share times the
7 amount deposited in the school district sales and use
8 tax fund for the current year times the current year
9 county taxable sales percentage divided by the base
10 year county taxable sales percentage.

11 (5) "County's chapter 422E proportionate share"
12 means the percentage that the annualized revenues
13 received in the county under chapter 422E for the base
14 year is of one-fifth of the total state sales and use
15 tax revenues collected for deposit into the general
16 fund of the state for the base year.

17 (6) "Current year" means the fiscal year for which
18 distributions under this section are being made.

19 (7) "Current year county taxable sales percentage"
20 means the percentage that the taxable sales in the
21 county during the current fiscal year is of the total
22 state taxable sales during the current fiscal year.

23 (8) "District's county actual enrollment" means the
24 actual enrollment of the school district that attends
25 school in the county for which the county combined
26 actual enrollment is determined.

27 (9) "Taxable sales" means sales subject to the
28 state sales and services tax under chapter 422,
29 division IV.

30 3. a. The director of revenue and finance within
31 fifteen days of the beginning of each fiscal year
32 shall send to each school district an estimate of the
33 amount of tax moneys each school district will receive
34 for the year and for each quarter of the year. At the
35 end of each quarter, the director may revise the
36 estimates for the year and remaining quarters.

37 b. The director shall remit ninety-five percent of
38 the estimated tax receipts for the school district to
39 the school district on or before September 30 of the
40 fiscal year and on or before the last day of each
41 following quarter.

42 c. The director shall remit a final payment of the
43 remainder of tax moneys due for the fiscal year before
44 November 10 of the next fiscal year. If an
45 overpayment has resulted during the previous fiscal
46 year, the November payment shall be adjusted to
47 reflect any overpayment.

48 d. If the distributions are to school districts
49 described in subsection 1, paragraph "a", the payments
50 to these school districts shall be done on a monthly

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1 basis beginning with the month of August.

2 Sec. NEW SECTION. 293.2 USE OF SCHOOL
3 DISTRICT SALES AND USE TAX FUND MONEYS.

4 1. A school district receiving moneys from the
5 school district sales and use tax fund under section
6 293.1, subsection 1, paragraph "a", shall use the
7 moneys as provided on the original ballot proposition
8 pursuant to chapter 422E, for the payment of principal
9 and interest on general obligation bonds issued
10 pursuant to chapter 296, or section 298.20 or loan
11 agreements under section 297.36, for payments made
12 pursuant to lease or lease-purchase agreements, or for
13 payment of principal and interest on bonds issued
14 under sections 293.3 and 422E.4.

15 2. a. Moneys received by a school district from

16 the school district sales and use tax fund under
17 section 293.1, subsection 1, paragraph "b", shall be
18 spent for infrastructure purposes only according to a
19 plan developed by the board of directors. The plan
20 may apply to more than one fiscal year. Prior to
21 adoption of the plan, the board of directors shall
22 hold a public hearing on the question of approval of
23 the proposed plan. The board shall set forth its
24 proposal and shall publish the notice of the time and
25 place of a public hearing on the proposed plan.
26 Notice of the time and place of the public hearing
27 shall be published not less than ten nor more than
28 twenty days before the public hearing in a newspaper
29 which is a newspaper of general circulation in the
30 school district. At the hearing, or no later than
31 thirty days after the date of the hearing, the board
32 shall take action to adopt the proposed plan.
33 b. If the board adopts the plan, moneys received
34 shall be used according to the plan unless within
35 twenty-eight days following the action of the board,
36 the secretary of the board receives a petition
37 containing signatures of registered voters equal in
38 number to five percent of the voters in the school
39 district who voted at the last general election,
40 asking that an election be called to approve or
41 disapprove the action of the board. The board shall
42 either rescind its action or direct the county
43 commissioner of elections to submit the question to
44 the registered voters of the school district at the
45 next following regular school election or a special
46 election. If a majority of those voting on the
47 question at the election favors disapproval of the
48 action of the board, the district shall use the moneys
49 received as provided in paragraph "c" for the fiscal
50 year.

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1 At the expiration of the twenty-eight day period,
2 if no petition is filed, the board shall use the
3 moneys received according to the plan for the duration
4 of the plan. However, the board may, at anytime,
5 expend a greater share of moneys received for property
6 tax relief than otherwise specified in the plan.
7 c. If an election is held and the plan is
8 disapproved, as provided in paragraph "b", or if a
9 plan is not approved by the board, moneys received by
10 a school district shall be used for the fiscal year to
11 reduce the following levies in the following order:
12 (1) Bond levies under sections 298.18 and 298.18A
13 and other debt levies until the moneys received or the
14 levies are reduced to zero.

15 (2) The physical plant and equipment levy under
16 section 298.2, until the moneys received or the levy
17 is reduced to zero.

18 (3) The public educational and recreational
19 activities levy under section 300.2, until the moneys
20 received or the levy is reduced to zero.

21 (4) The schoolhouse tax levy under section 278.1,
22 subsection 7, Code 1989, until the moneys received or
23 the levy is reduced to zero.

24 Any money remaining after the reduction of the
25 levies specified in this paragraph may be used for any
26 lawful infrastructure purpose of the school district.

27 d. For purposes of this subsection,
28 "infrastructure purposes" means those purposes for
29 which a school district is authorized to contract
30 indebtedness and issue general obligation bonds under
31 chapter 296 or to expend tax revenues under section
32 298.3, the payment of principal and interest on
33 general obligation bonds issued under chapter 296 or
34 section 298.20 or loan agreements under section
35 297.36, payments made pursuant to a lease or lease-
36 purchase agreement, or the payment of principal and
37 interest on bonds issued under section 293.3 or
38 422E.4.

39 Sec. ____ NEW SECTION. 293.3 BONDING.

40 A school district may issue bonds as provided in
41 this section if it complies with all of the following
42 procedures:

43 1. A school district may institute proceedings for
44 the issuance of bonds by causing a notice of the
45 proposal to issue the bonds, including a statement of
46 the amount and purpose of the bonds, and the right of
47 voters to petition for an election, to be published at
48 least once in a newspaper of general circulation
49 within the school district at least ten days prior to
50 the meeting at which it is proposed to take action for

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1 the issuance of the bonds.

2 If at any time before the date fixed for taking
3 action for the issuance of the bonds, a petition is
4 filed signed by five percent of the registered voters
5 of the school district, asking that the question of
6 issuing the bonds be submitted to the registered
7 voters, the board of directors shall either by
8 resolution declare the proposal to issue the bonds to
9 be abandoned or shall direct the county commissioner
10 of elections to call a special election upon the
11 question of issuing the bonds. The proposition of
12 issuing bonds under this section is not approved
13 unless the vote in favor of the proposition is equal

14 to at least sixty percent of the vote cast. If a
15 petition is not filed, or if a petition is filed and
16 the proposition of issuing the bonds is approved at an
17 election, the board of directors may proceed with the
18 authorization and issuance of the bonds. Bonds may be
19 issued for the purpose of refunding outstanding and
20 previously issued bonds under this section without
21 otherwise complying with the provisions of this
22 section.

23 2. The provisions of chapter 76 apply to the bonds
24 payable as provided in this subsection, except that
25 the mandatory levy to be assessed pursuant to section
26 76.2 shall be at a rate to generate an amount which
27 together with the receipts from the pledged designated
28 portion of the school district's amount received from
29 the school district sales and use tax fund under
30 section 293.1 is sufficient to pay the interest and
31 principal on the bonds. All amounts collected as a
32 result of the levy assessed pursuant to section 76.2
33 and paid out for bond principal and interest shall be
34 repaid to the school district from the first available
35 designated portion of the school district's amount
36 received from the school district sales and use tax
37 fund under section 293.1 received in excess of the
38 requirement for the payment of the principal and
39 interest of the bonds and when repaid shall be applied
40 in reduction of property taxes. The amount of bonds
41 which may be issued under section 76.3 shall be the
42 amount which could be retired from the actual
43 collections of the designated portions of the school
44 district's amount received from the school district
45 sales and use tax fund under section 293.1 for the
46 last four calendar quarters, as certified by the
47 director of revenue and finance. The amount of tax
48 revenues pledged jointly by other cities or counties
49 may be considered for the purpose of determining the
50 amount of bonds which may be issued.

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1 3. The provisions of this section constitute
2 separate authorization for the issuance of bonds and
3 shall prevail in the event of conflict with any other
4 provisions of state law limiting the amount of bonds
5 which may be issued or the source of payment of the
6 bonds. Bonds issued under this section shall not
7 limit or restrict the authority of the school district
8 to issue bonds under other provisions of state law.
9 Sec. ____ NEW SECTION. 293.4 REPEAL.
10 This chapter is repealed July 1, 2021, for fiscal
11 years beginning on or after that date.
12 Sec. ____ Section 298.18, unnumbered paragraph 4,

13 Code 2001, is amended by striking the unnumbered
14 paragraph and inserting in lieu thereof the following:
15 If the school corporation's amount received from
16 the school district sales and use tax fund under
17 section 293.1 does not equal or exceed the amount
18 which would be produced by a levy of one dollar
19 thirty-five cents per thousand dollars of the assessed
20 value of the taxable property of the school
21 corporation, the amount estimated and certified to
22 apply on principal and interest for any one year may
23 exceed two dollars and seventy cents per thousand
24 dollars of assessed value by the amount approved by
25 the voters of the school corporation, but not
26 exceeding four dollars and five cents per thousand of
27 the assessed value of the taxable property within any
28 school corporation, provided that the qualified voters
29 of such school corporation have first approved such
30 increased amount at a special election, which may be
31 held at the same time as the regular school election,
32 and provided further that the school corporation's
33 amount received from the school district sales and use
34 tax fund under section 293.1 shall be used to abate an
35 additional levy amount authorized after July 1, 2001.
36 A levy approved prior to July 1, 2001, shall continue
37 to be authorized. The proposition submitted to the
38 voters at such special election shall be in
39 substantially the following form:
40 Sec. ____ Section 298.18, unnumbered paragraph 5,
41 Code 2001, is amended to read as follows:
42 Shall the board of directors of the (insert
43 name of school corporation) in the County of,
44 State of Iowa, be authorized to levy annually a tax
45 exceeding two dollars and seventy cents per thousand
46 dollars, but not exceeding .. dollars and ... cents
47 per thousand dollars of the assessed value of the
48 taxable property within said school corporation to pay
49 the principal of and interest on bonded indebtedness
50 of said school corporation, it being understood that

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1 the approval of this proposition shall not limit the
2 source of payment of the bonds and interest but shall
3 only operate to restrict the amount of bonds which may
4 be issued and that the additional levy shall be
5 reduced and abated in any year by the amount of money
6 received from the school district sales and use tax
7 fund under section 293.1?
8 Sec. ____ Section 422.43, subsections 1, 2, 4, 5,
9 6, 7, 10, and 12, Code 2001, are amended to read as
10 follows:
11 1. There is imposed a tax of five six percent upon

12 the gross receipts from all sales of tangible personal
13 property, consisting of goods, wares, or merchandise,
14 except as otherwise provided in this division, sold at
15 retail in the state to consumers or users; a like rate
16 of tax upon the gross receipts from the sales,
17 furnishing, or service of gas, electricity, water,
18 heat, pay television service, and communication
19 service, including the gross receipts from such sales
20 by any municipal corporation or joint water utility
21 furnishing gas, electricity, water, heat, pay
22 television service, and communication service to the
23 public in its proprietary capacity, except as
24 otherwise provided in this division, when sold at
25 retail in the state to consumers or users; a like rate
26 of tax upon the gross receipts from all sales of
27 tickets or admissions to places of amusement, fairs,
28 and athletic events except those of elementary and
29 secondary educational institutions; a like rate of tax
30 on the gross receipts from an entry fee or like charge
31 imposed solely for the privilege of participating in
32 an activity at a place of amusement, fair, or athletic
33 event unless the gross receipts from the sales of
34 tickets or admissions charges for observing the same
35 activity are taxable under this division; and a like
36 rate of tax upon that part of private club membership
37 fees or charges paid for the privilege of
38 participating in any athletic sports provided club
39 members.

40 2. There is imposed a tax of five six percent upon
41 the gross receipts derived from the operation of all
42 forms of amusement devices and games of skill, games
43 of chance, raffles, and bingo games as defined in
44 chapter 99B, operated or conducted within the state,
45 the tax to be collected from the operator in the same
46 manner as for the collection of taxes upon the gross
47 receipts of tickets or admission as provided in this
48 section. The tax shall also be imposed upon the gross
49 receipts derived from the sale of lottery tickets or
50 shares pursuant to chapter 99E. The tax on the

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1 lottery tickets or shares shall be included in the
2 sales price and distributed to the general fund as
3 provided in section 99E.10.

4 4. There is imposed a tax of five six percent upon
5 the gross receipts from the sales of engraving,
6 photography, retouching, printing, and binding
7 services. For the purpose of this division, the sales
8 of engraving, photography, retouching, printing, and
9 binding services are sales of tangible property.

10 5. There is imposed a tax of five six percent upon

11 the gross receipts from the sales of vulcanizing,
12 recapping, and retreading services. For the purpose
13 of this division, the sales of vulcanizing, recapping,
14 and retreading services are sales of tangible
15 property.

16 6. There is imposed a tax of ~~five~~ six percent upon
17 the gross receipts from the sales of optional service
18 or warranty contracts, except residential service
19 contracts regulated under chapter 523C, which provide
20 for the furnishing of labor and materials and require
21 the furnishing of any taxable service enumerated under
22 this section. The gross receipts are subject to tax
23 even if some of the services furnished are not
24 enumerated under this section. For the purpose of
25 this division, the sale of an optional service or
26 warranty contract, other than a residential service
27 contract regulated under chapter 523C, is a sale of
28 tangible personal property. Additional sales,
29 services, or use taxes shall not be levied on
30 services, parts, or labor provided under optional
31 service or warranty contracts which are subject to tax
32 under this section.

33 If the optional service or warranty contract is a
34 computer software maintenance or support service
35 contract and there is no separately stated fee for the
36 taxable personal property or for the nontaxable
37 service, the tax of ~~five~~ six percent imposed by this
38 subsection shall be imposed on fifty percent of the
39 gross receipts from the sale of such contract. If the
40 contract provides for technical support services only,
41 no tax shall be imposed under this subsection. The
42 provisions of this subsection also apply to the tax
43 imposed by chapter 423.

44 7. There is imposed a tax of ~~five~~ six percent upon
45 the gross receipts from the renting of rooms,
46 apartments, or sleeping quarters in a hotel, motel,
47 inn, public lodging house, rooming house, mobile home
48 which is tangible personal property, or tourist court,
49 or in any place where sleeping accommodations are
50 furnished to transient guests for rent, whether with

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1 or without meals. "Renting" and "rent" include any
2 kind of direct or indirect charge for such rooms,
3 apartments, or sleeping quarters, or their use. For
4 the purposes of this division, such renting is
5 regarded as a sale of tangible personal property at
6 retail. However, this tax does not apply to the gross
7 receipts from the renting of a room, apartment, or
8 sleeping quarters while rented by the same person for
9 a period of more than thirty-one consecutive days.

10 10. There is imposed a tax of ~~five~~ six percent
11 upon the gross receipts from the rendering,
12 furnishing, or performing of services as defined in
13 section 422.42.

14 12. A tax of ~~five~~ six percent is imposed upon the
15 gross receipts from the sales of prepaid telephone
16 calling cards and prepaid authorization numbers. For
17 the purpose of this division, the sales of prepaid
18 telephone calling cards and prepaid authorization
19 numbers are sales of tangible personal property.

20 Sec. ____ Section 422.43, subsection 13, paragraph
21 a, unnumbered paragraph 1, Code 2001, is amended to
22 read as follows:

23 A tax of ~~five~~ six percent is imposed upon the gross
24 receipts from the sales, furnishing, or service of
25 solid waste collection and disposal service.

26 Sec. ____ Section 422.43, Code 2001, is amended by
27 adding the following new subsection:

28 NEW SUBSECTION. 16. The sales tax rate of six
29 percent is reduced to five percent on July 1, 2021.

30 Sec. ____ Section 422.47, subsection 2, Code 2001,
31 is amended to read as follows:

32 2. Construction contractors may make application
33 to the department for a refund of the additional one
34 percent tax paid under this division or the additional
35 one percent tax paid under chapter 423 by reason of
36 the increase in the tax from ~~four to five~~ to six
37 percent for taxes paid on goods, wares, or merchandise
38 under the following conditions:

39 a. The goods, wares, or merchandise are
40 incorporated into an improvement to real estate in
41 fulfillment of a written contract fully executed prior
42 to July 1, ~~1992~~ 2001. The refund shall not apply to
43 equipment transferred in fulfillment of a mixed
44 construction contract.

45 b. The contractor has paid to the department or to
46 a retailer the full ~~five~~ six percent tax.

47 c. The claim is filed on forms provided by the
48 department and is filed within one year of the date
49 the tax is paid.

50 A contractor who makes an erroneous application for

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1 refund shall be liable for payment of the excess
2 refund paid plus interest at the rate in effect under
3 section 421.7. In addition, a contractor who
4 willfully makes a false application for refund is
5 guilty of a simple misdemeanor and is liable for a
6 penalty equal to fifty percent of the excess refund
7 claimed. Excess refunds, penalties, and interest due
8 under this subsection may be enforced and collected in

9 the same manner as the tax imposed by this division.

10 Sec. ____ Section 422.69, subsection 2, Code 2001,
11 is amended to read as follows:

12 2. a. Unless Except as provided in paragraph
13 or as otherwise provided, the fees, taxes, interest
14 and penalties collected under this chapter shall be
15 credited to the general fund.

16 b. One-sixth of the fees, taxes, interest, and
17 penalties collected pursuant to division IV shall be
18 credited to the school district sales and use tax fund
19 created in section 293.1. This paragraph is stricken
20 July 1, 2021.

21 Sec. ____ Section 422E.1, Code 2001, is amended by
22 adding the following new subsection:

23 **NEW SUBSECTION.** 4. a. This chapter does not
24 apply to any county for the period beginning after the
25 effective date of this Act and ending January 1, 2021.

26 b. In the case of a county that has in effect on
27 March 31, 2001, a local sales and services tax for
28 school infrastructure purposes, the increase in the
29 state sales and services tax under chapter 422,
30 division IV, from five percent to six percent shall
31 replace the county's local sales and services tax for
32 school infrastructure purposes and to this extent the
33 local sales and services tax for school infrastructure
34 purposes is repealed.

35 Sec. ____ Section 423.2, Code 2001, is amended to
36 read as follows:

37 **423.2 IMPOSITION OF TAX.**

38 An excise tax is imposed on the use in this state
39 of tangible personal property, including aircraft
40 subject to registration under section 328.20,
41 purchased for use in this state, at the rate of five
42 six percent of the purchase price of the property. An
43 excise tax is imposed on the use of manufactured
44 housing in this state at the rate of five six percent
45 of the purchase price if the manufactured housing is
46 sold in the form of tangible personal property and at
47 the rate of five six percent of the installed purchase
48 price if the manufactured housing is sold in the form
49 of realty. An excise tax is imposed on the use in
50 this state of vehicles subject to registration or

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1 subject only to the issuance of a certificate of title
2 at the rate of five percent. An excise tax is imposed
3 on the use of leased vehicles at the rate of five
4 percent of the amount otherwise subject to tax as
5 calculated pursuant to section 423.7A. The excise tax
6 is imposed upon every person using the property within
7 this state until the tax has been paid directly to the

8 county treasurer or the state department of
9 transportation, to a retailer, or to the department.
10 An excise tax is imposed on the use in this state of
11 services enumerated in section 422.43 at the rate of
12 five ~~six~~ percent. This tax is applicable where
13 services are rendered, furnished, or performed in this
14 state or where the product or result of the service is
15 used in this state. This tax is imposed on every
16 person using the services or the product of the
17 services in this state until the user has paid the tax
18 either to an Iowa use tax permit holder or to the
19 department. The rate of use tax of six percent shall
20 be reduced to five percent beginning July 1, 2021.

21 Sec. _____. Section 423.24, Code 2001, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 2A. One-sixth of all other
24 revenue arising under the operation of this chapter
25 shall be credited to the school district sales and use
26 tax fund created in section 293.1. This subsection is
27 stricken July 1, 2021.

28 Sec. _____. Section 423.24, subsection 3, Code 2001,
29 is amended to read as follows:

30 3. All other revenue arising under the operation
31 of this chapter not credited as specified in
32 subsections 1, 2, and 2A shall be credited to the
33 general fund of the state.

34 Sec. _____. APPLICABILITY. This section applies in
35 regard to the increase in the state sales and use
36 taxes from five to six percent. The six percent rate
37 applies to all sales of taxable personal property,
38 consisting of goods, wares, or merchandise if delivery
39 occurs on or after July 1, 2001. The six percent use
40 tax rate applies to the use of property when the first
41 taxable use in this state occurs on or after July 1,
42 2001. The six percent rate applies to the gross
43 receipts from the sale, furnishing, or service of gas,
44 electricity, water, heat, pay television service, and
45 communication service if the date of billing the
46 customer is on or after July 1, 2001. In the case of
47 a service contract entered into prior to July 1, 2001,
48 which contract calls for periodic payments, the six
49 percent rate applies to those payments made or due on
50 or after July 1, 2001. This periodic payment applies,

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1 but is not limited to, tickets or admissions, private
2 club membership fees, sources of amusement, equipment
3 rental, dry cleaning, reducing salons, dance schools,
4 and all other services subject to tax, except the
5 aforementioned utility services which are subject to a
6 special transitional rule. Unlike periodic payments

7 under service contracts, installment sales of goods,
8 wares, and merchandise are subject to the full amount
9 of sales or use tax when the sales contract is entered
10 into or the property is first used in Iowa.
11 _____. The sections of this Act enacting new Code
12 sections 293.1 and 293.2, being deemed of immediate
13 importance, take effect upon enactment.
14 Sec.____. This Act is repealed July 1, 2021, for
15 sales and use tax transactions occurring or, in the
16 case of utilities, being billed on or after that
17 date."
18 6. Title page, line 3, by inserting after the
19 word "tax" the following: ", increasing state sales
20 and use taxes for a twenty-year period, distributing
21 the increased revenues to school districts,".

RICHARDSON of Warren

H-1836

1 Amend the amendment, H-1835, to Senate File 516, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 23, by inserting after the word
5 "distributed" the following: "in the following
6 order".
7 2. Page 1, by inserting after line 24, the
8 following:
9 "____. If a teacher compensation reform and student
10 achievement savings account fund is established by an
11 Act of the general assembly, there shall be
12 transferred into such fund as follows:
13 (1) For each fiscal year in the period beginning
14 July 1, 2001, and ending June 30, 2004, the sum of
15 forty million dollars annually.
16 (2) For the fiscal year beginning July 1, 2004,
17 the sum of twenty-five million dollars.
18 (3) For the fiscal year beginning July 1, 2005,
19 the sum of ten million dollars."

RICHARDSON of Warren

H-1837

1 Amend House File 742 as follows:
2 1. Page 15, line 6, by inserting after the word
3 "department" the following: "requesting routine or
4 major maintenance moneys from the rebuild Iowa
5 infrastructure fund".

WARNSTADT of Woodbury

H-1838

- 1 Amend Senate File 535, as amended, passed, and
- 2 reprinted by the Senate, as follows
- 3 1. Page 11, by striking lines 14 through 31 and
- 4 inserting the following:
- 5 " \$146,222,759
- 6 The funds appropriated in this subsection shall be
- 7 allocated as follows:
- 8 a. Merged Area I \$ 7,017,318
- 9 b. Merged Area II \$ 8,242,785
- 10 c. Merged Area III \$ 7,657,359
- 11 d. Merged Area IV \$ 3,742,755
- 12 e. Merged Area V \$ 7,830,305
- 13 f. Merged Area VI \$ 7,254,628
- 14 g. Merged Area VII \$ 10,467,465
- 15 h. Merged Area IX \$ 12,874,225
- 16 i. Merged Area X \$ 20,204,479
- 17 j. Merged Area XI \$ 21,444,219
- 18 k. Merged Area XII \$ 8,448,396
- 19 l. Merged Area XIII \$ 8,687,501
- 20 m. Merged Area XIV \$ 3,787,383
- 21 n. Merged Area XV \$ 11,917,562
- 22 o. Merged Area XVI \$ 6,646,379"
- 23 2. Page 13, line 19, by striking the figure
- 24 "241,123,493" and inserting the following:
- 25 "238,758,493".
- 26 3. Page 17, line 28, by striking the figure
- 27 "190,789,770" and inserting the following:
- 28 "188,829,770".
- 29 4. Page 19, line 10, by striking the figure
- 30 "85,454,825" and inserting the following:
- 31 "84,779,825".
- 32 5. Page 23, line 26, by striking the words "eight
- 33 forty-six million ~~eight~~ three" and inserting the
- 34 following: "eight forty-seven million eight".

ALONS of Sioux
EDDIE of Buena Vista
KLEMME of Plymouth
RAECKER of Polk

BROERS of Cerro Gordo
KETTERING of Sac
VAN ENGELENHOVEN of Mahaska
TYRRELL of Iowa

H-1839

- 1 Amend Senate File 516, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 13, by striking the word
- 4 "income".
- 5 2. Page 1, line 14, by striking the word
- 6 "income".
- 7 3. Page 1, line 16, by striking the word
- 8 "income".

- 9 4. Page 1, line 18, by striking the word
10 "income".

JOCHUM of Dubuque

H-1842

- 1 Amend Senate File 514, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 15, line 21, by inserting after the word
4 "fund's" the following: "unreserved, undesignated".
5 2. Page 15, line 22, by inserting after the word
6 "fund's" the following: "unreserved, undesignated".
7 3. Page 15, line 23, by striking the words
8 "However, for" and inserting the following: "For".
9 4. Page 16, line 33, by inserting after the word
10 "fund's" the following: "unreserved, undesignated".
11 5. Page 16, line 34, by inserting after the word
12 "fund's" the following: "unreserved, undesignated".

JOCHUM of Dubuque

H-1843

- 1 Amend Senate File 514, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 14, by striking lines 11 through 14, and
4 inserting the following: "331.424, and 331.426, Code
5 2001. However, the amount levied for the purposes
6 described in section 331.425 shall not be included if
7 it was levied for under section 331.424, Code 2001.
8 For purposes of the base year calculation, the".
9 2. Page 14, by striking lines 18 through 20, and
10 inserting the following: "and 331.426, Code 2001.
11 However, the amount levied for the purposes described
12 in section 331.425 shall not be included if it was
13 levied for under section 331.424, Code 2001. For
14 purposes of the base year calculation, amounts
15 certified and levied in each fiscal year pursuant to
16 sections 331.424A, 331.424B, 331.424C, and 331.430,
17 and for any capital projects fund, shall not be
18 included."

WINCKLER of Scott

H-1844

- 1 Amend Senate File 514, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 17, line 15, by striking the words "on a
4 cash basis".

5 2. Page 18, line 5, by striking the words "on a
6 cash basis".

WINCKLER of Scott

H-1845

1 Amend Senate File 516, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 1 through 9, and
4 inserting the following:
5 "Section 1. There is appropriated from the general
6 fund of the state to the designated entities for the
7 fiscal year beginning July 1, 2001, and ending June
8 30, 2002, the following amounts to be used for the
9 purposes designated:
10 1. To the department of human services for use in
11 the HAWK-I program:
12 \$ 388,944
13 2. To the Iowa department of public health for
14 childhood immunizations:
15 \$ 160,618
16 3. To the Iowa department of public health for
17 child and adolescent wellness:
18 \$ 167,918
19 4. To the Iowa department of public health for
20 community capacity:
21 \$ 182,520
22 The appropriations made in this section are in
23 addition to appropriations made in other Acts for the
24 designated purposes."
25 2. Page 1, line 10, by striking the words "AND
26 RETROACTIVE APPLICABILITY".
27 3. Page 1, by striking lines 18 through 20, and
28 inserting the following: "income tax legislation."
29 4. Title page, by striking line 1 through 5, and
30 inserting the following: "An Act making
31 appropriations to the departments of human services
32 and public health and including a contingent effective
33 date provision."

KREIMAN of Davis

H-1846

1 Amend the amendment, H-1753, to House File 714 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. There is appropriated from the general
8 fund of the state to the designated entities for the

9 fiscal year beginning July 1, 2001, and ending June
 10 30, 2002, the following amounts to be used for the
 11 purposes designated:
 12 1. To the department of human services for use in
 13 the HAWK-I program:
 14 \$ 1,707,951
 15 2. To the Iowa department of public health for
 16 childhood immunizations:
 17 \$ 160,618
 18 3. To the Iowa department of public health for
 19 child and adolescent wellness:
 20 \$ 167,918
 21 4. To the Iowa department of public health for
 22 community capacity:
 23 \$ 182,520
 24 5. To the department of workforce development for
 25 rural workforce development offices:
 26 \$ 1,780,993
 27 The appropriations made in this section are in
 28 addition to appropriations made in other Acts for the
 29 designated purposes.
 30 Sec. __. EFFECTIVE PROVISION."
 31 2. Page 1, by striking lines 16 through 18, and
 32 inserting the following: "legislation."
 33 3. Title page, by striking lines 1 through 8, and
 34 inserting the following: "An Act making
 35 appropriations to the departments of human services,
 36 workforce development, and public health and including
 37 a contingent effective date provision."

KREIMAN of Davis

H-1848

1 Amend House File 747 as follows:
 2 1. Page 1, lines 12 and 13, by striking the word
 3 "thirty-two" and inserting the following: "thirty-four".
 4 2. Title page, line 2, by striking the word "thirty-two"
 5 and inserting the following: "thirty-four".

FALLON of Polk

H-1849

1 Amend House File 747 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 "Section 1. Section 99E.10, subsection 1,
 5 paragraph a, Code 2001, is amended to read as follows:
 6 a. An amount equal to three-tenths of one percent
 7 of the gross lottery revenue shall be deposited in a
 8 gambling treatment fund in the office of the treasurer

9 of state. The proceeds of the gambling treatment fund
 10 shall be used solely for the gambling treatment
 11 program. Any transfer or appropriation of funds which
 12 is not in accordance with this paragraph shall not be
 13 made unless authorized by a three-fifths majority of
 14 each house and approved by the governor."

15 2. Page 1, by inserting after line 17, the
 16 following:

17 "Sec. ____ RULES COMPLIANCE WITH THREE-FIFTHS
 18 MAJORITY. The senate and house of representatives
 19 shall comply with any provision of law that requires a
 20 vote of at least three-fifths of the members of both
 21 chambers of the general assembly and approval by the
 22 governor, which requirement shall also be a
 23 requirement of the joint rules for the Seventy-ninth
 24 General Assembly."

25 3. Title page, line 1, by inserting after the
 26 word "Act" the following: "relating to gambling by
 27 providing for the use of gambling treatment funds
 28 solely for gambling treatment programs,".

29 4. By renumbering as necessary.

SIEVERS of Scott
 WITT of Black Hawk
 BRUNKHORST of Bremer
 SCHRADER of Marion
 JOHNSON of Osceola

CORMACK of Webster
 RAECKER of Polk
 GARMAN of Story
 TYRRELL of Iowa

H-1850

1 Amend House File 747 as follows:

- 2 1. Page 1, lines 12 and 13, by striking the word
- 3 "thirty-two" and inserting the following: "thirty-six".
- 4 2. Title page, line 2, by striking the words "thirty-two"
- 5 and inserting the following: "thirty-six".

RAECKER of Polk

H-1851

1 Amend House File 747 as follows:

- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section 99F.11, Code 2001, is amended
- 5 by adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. For the fiscal years
- 7 beginning July 1, 2002, and for subsequent fiscal
- 8 years, notwithstanding the tax rates specified for
- 9 excursion gambling boat licensees under this section,
- 10 the commission shall adjust the tax rates on the
- 11 excursion gambling boats' adjusted gross receipts so
- 12 that the total tax revenue from all gambling licensees

13 under this section shall not exceed the tax revenue
14 for the fiscal year beginning July 1, 2001. In
15 determining the tax rates for the excursion gambling
16 boat licensees, the commission shall use the tax
17 revenue estimates made by the revenue estimating
18 conference."

19 2. Title page, line 1, by inserting after the
20 word "Act" the following: "relating to gambling by
21 providing for the adjustment of tax rates on gambling
22 games on excursion gambling boats,".

23 3. By renumbering as necessary.

RAECKER of Polk
BRUNKHORST of Bremer
ALONS of Sioux
JOHNSON of Osceola
BOAL of Polk

H-1852

1 Amend House File 747 as follows:

2 1. Page 1, by inserting after line 17, the
3 following:

4 "Sec. ___. Section 99F.11, subsection 3, Code
5 2001, is amended by striking the subsection and
6 inserting in lieu thereof the following:

7 3. An amount of the adjusted gross receipts equal
8 to each licensee's portion of the total lottery
9 expenses for marketing, educational, and informational
10 material for the preceding fiscal year shall be
11 credited to the gambling treatment fund specified in
12 section 99E.10, subsection 1, paragraph "a". The
13 commission shall apportion the total amount due among
14 the licensees based on the total adjusted gross
15 receipts received by each licensee during the
16 preceding fiscal year. The amounts due shall be
17 remitted in equal installments at least monthly to the
18 gambling treatment fund."

19 2. Title page, line 1, by inserting after the
20 word "Act" the following: "relating to gambling by
21 imposing a gross receipts tax payable to the gambling
22 treatment fund and".

23 3. By renumbering as necessary.

CORMACK of Webster

SIEVERS of Scott

GARMAN of Story

TYRRELL of Iowa

VAN ENGELENHOVEN of Mahaska

WITT of Black Hawk

BRUNKHORST of Bremer

CARROLL of Poweshiek

JOHNSON of Osceola

H-1853

- 1 Amend House File 747 as follows:
- 2 1. Page 1, by inserting after line 17, the
- 3 following:
- 4 "Sec.____. Section 99F.6, Code 2001, is amended by
- 5 adding the following new subsection:
- 6 NEW SECTION. 9. In addition to the contributions
- 7 required pursuant to subsection 4, paragraph "a",
- 8 beginning January 1, 2003, the amount of money
- 9 received annually by a licensee from gambling game
- 10 receipts at a racetrack enclosure equal to the amount
- 11 of tax receipts which would have been paid on the
- 12 adjusted gross receipts pursuant to section 99F.11 at
- 13 an additional tax rate of two percent for the calendar
- 14 year 2003 and at an additional tax rate of four
- 15 percent for the calendar year 2004 and for subsequent
- 16 calendar years, shall be distributed solely for
- 17 charitable uses."
- 18 2. Title page, line 4, by inserting after the
- 19 word "enclosures" the following: ", providing for the
- 20 distribution of certain net gambling receipts,".
- 21 3. By renumbering as necessary.

RAECKER of Polk
BRUNKHORST of Bremer
SCHRADER of Marion
KREIMAN of Davis
BOAL of Polk

WITT of Black Hawk
GARMAN of Story
TYRRELL of Iowa
JOHNSON of Osceola
VAN ENGELHOFEN of Mahaska

H-1854

- 1 Amend House File 747 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section 99D.11, subsection 7, Code
- 5 2001, is amended to read as follows:
- 6 7. A person under the age of twenty-one years
- 7 shall not make or attempt to make a pari-mutuel wager.
- 8 A person who violates this subsection commits a
- 9 scheduled violation under section 805.8, subsection
- 10 13.
- 11 Sec.____. Section 99E.18. Code 2001, is amended by
- 12 adding the following new subsection:
- 13 NEW SUBSECTION. 5. A person under the age of
- 14 twenty-one years shall not purchase or attempt to
- 15 purchase a ticket or share. A person who violates
- 16 this subsection commits a scheduled violation under
- 17 section 805.8, subsection 13.
- 18 Sec.____. Section 99F.9, subsection 5, Code 2001,
- 19 is amended to read as follows:
- 20 5. A person under the age of twenty-one years

21 shall not make or attempt to make a wager on an
22 excursion gambling boat or in a racetrack enclosure
23 and shall not be ~~allowed in~~ enter the area of the
24 excursion gambling boat or racetrack enclosure where
25 gambling is being conducted except for employment
26 purposes. However, a person under eighteen years of
27 age ~~or older~~ may be employed to work in a ~~gambling~~
28 ~~area~~ nongambling areas only on an excursion gambling
29 boat or in a racetrack enclosure. A person who
30 violates this subsection with respect to making or
31 attempting to make a wager commits a scheduled
32 violation under section 805.8, subsection 13."

33 2. Page 1, by inserting after line 17, the
34 following:

35 "Sec. ____ Section 805.8, Code 2001, is amended by
36 adding the following new subsection:
37 NEW SUBSECTION. 13. GAMBLING VIOLATIONS. For
38 violations of legal age for gambling or pari-mutuel
39 wagering under section 99D.11, subsection 7, section
40 99E.18, subsection 5, or section 99F.9, subsection 5,
41 the scheduled fine is one hundred dollars. Failure to
42 pay the fine by a person under the age of eighteen
43 shall not result in the person being detained in a
44 secure facility."

45 3. Title page, line 1, by inserting after the
46 word "Act" the following: "relating to gambling by
47 imposing a penalty on persons under legal age who
48 gamble or attempt to gamble and".

49 4. By renumbering as necessary.

BODDICKER of Cedar
RAECKER of Polk

H-1856

1 Amend House File 747 as follows:

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

4 "Section 1. Section 99F.4, Code 2001, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 23. To prohibit the operation of
7 slot machines using a theme or character associated
8 with a product intended for, marketed to, and
9 generally used by persons under twenty-one years of
10 age. This subsection does not apply to a theme or
11 character used on slot machines operated on or before
12 the effective date of this Act."

13 2. Title page, line 1, by inserting after the
14 word "Act" the following: "relating to gambling by
15 prohibiting licensees from installing and operating
16 slot machines using themes and characters associated
17 with a product intended for, marketed to, and used by

- 18 persons under twenty-one years of age and".
19 3. By renumbering as necessary.

FALLON of Polk
WITT of Black Hawk
RAECKER of Polk

H-1857

- 1 Amend House File 747 as follows:
2 1. Page 1, line 3, by striking the word "A" and
3 inserting the following: "A Beginning June 1, 2001,
4 a".
5 2. Page 1, line 8, by striking the word "twenty"
6 and inserting the following: "twenty thirty-two".
7 3. Page 1, by striking lines 9 through 13 and
8 inserting the following: "receipts over three million
9 dollars. However, beginning January 1, 1997, the rate
10 of any amount of adjusted gross receipts over three
11 million dollars from gambling games at racetrack
12 enclosures is twenty-two percent and shall increase by
13 two percent each succeeding".
14 4. Title page, lines 1 and 2, by striking the
15 words "from thirty percent to thirty-two percent".
16 5. Title page, line 4, by inserting after the
17 word "enclosures" the following: "and excursion
18 gambling boats".

WITT of Black Hawk

H-1858

- 1 Amend House File 747 as follows:
2 1. Page 1, line 3, by striking the word "A" and
3 inserting the following: "A Beginning June 1, 2001,
4 a".
5 2. Page 1, line 8, by striking the word "twenty"
6 and inserting the following: "twenty thirty".
7 3. Title page, lines 1 and 2, by striking the
8 words "from thirty percent to thirty-two percent".
9 4. Title page, line 4, by inserting after the
10 word "enclosures" the following: "and excursion
11 gambling boats".

FALLON of Polk

H-1859

- 1 Amend House File 747 as follows:
2 1. Page 1, line 3, by striking the word "A" and
3 inserting the following: "A Beginning June 1, 2001,
4 a".

- 5 2. Page 1, line 8, by striking the word "twenty"
6 and inserting the following: "twenty twenty-two".
7 3. Title page, lines 1 and 2, by striking the
8 words "from thirty percent to thirty-two percent".
9 4. Title page, line 4, by inserting after the
10 word "enclosures" the following: "and excursion
11 gambling boats".

GARMAN of Story

H-1861

1 Amend House File 747 as follows:

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

4 "Section 1. Section 99D.9, subsection 6, Code
5 2001, is amended to read as follows:

6 6. A licensee ~~may~~ shall not loan to any person
7 money or any other thing of value ~~or permit a~~
8 financial institution, vendor, or other person to loan
9 money on the licensed premises on the basis of a
10 credit card or similar instrument in person or through
11 an electronic or mechanical device including but not
12 limited to a satellite terminal as defined in section
13 527.2 for the purpose of permitting that person to
14 wager on any race. The use of a check or a debit card
15 with overdraft protection is not prohibited by this
16 subsection.

17 Sec. __. Section 99F.7, subsection 9, Code 2001,
18 is amended to read as follows:

19 9. A licensee shall not loan to any person money
20 or any other thing of value ~~or permit a financial~~
21 institution, vendor, or other person to loan money on
22 the licensed premises on the basis of a credit card or
23 similar instrument in person or through an electronic
24 or mechanical device including but not limited to a
25 satellite terminal as defined in section 527.2 for the
26 purpose of permitting that person to wager on any game
27 of chance. The use of a check or a debit card with
28 overdraft protection is not prohibited by this
29 subsection."

30 2. Page 1, line 1, by striking the word and
31 figure "Section 1" and inserting the following: "Sec.
32 101".

33 3. Page 1, by striking lines 9 and 10, and
34 inserting the following: "receipts over three million
35 dollars. However, ~~beginning January 1, 1997,~~ the rate
36 of any amount of".

37 4. Page 1, line 19, by inserting after the word
38 "enactment." the following: "However, section 101 of
39 this Act shall not take effect until the administrator
40 of the state racing and gaming commission has

41 certified to the secretary of state that each licensee
 42 licensed pursuant to chapter 99D or 99F is in
 43 compliance with section 99D.9, subsection 6, as
 44 amended by this Act or section 99F.7, subsection 9, as
 45 amended by this Act, as applicable."
 46 5. Title page, line 1, by inserting after the
 47 word "Act" the following: "relating to gambling by
 48 prohibiting the loan of money for gambling purposes
 49 through a credit card or an electronic or mechanical
 50 device at a gambling facility and".

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1 6. By renumbering as necessary.

RAECKER of Polk	WITT of Black Hawk
FALLON of Polk	SUKUP of Franklin
BRUNKHORST of Bremer	GARMAN of Story
CARROLL of Poweshiek	TYRRELL of Iowa
KREIMAN of Davis	JOHNSON of Osceola
RICHARDSON of Warren	VAN ENGELENHOVEN of Mahaska
BOAL of Polk	

H-1862

1 Amend Senate File 514, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 1 through 5.
 4 2. By striking page 5, line 25 through page 23,
 5 line 5.
 6 3. Page 23, by striking line 20.
 7 4. Page 23, by striking lines 21 through 23, and
 8 inserting the following:
 9 "Sec.____. APPLICABILITY DATES. Section 27 of
 10 this Act, amending section 427.1, subsection 19,
 11 applies to exemptions first".
 12 5. Title page, by striking lines 1 and 2, and
 13 inserting the following: "An Act relating to taxation
 14 by establishing the Iowa commission on state and local
 15 taxation and amending the pollution control property
 16 tax exemption and providing for the Act's
 17 applicability."

FREVERT of Palo Alto

H-1864

1 Amend Senate File 521, 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. There is appropriated from the general

6 fund of the state to the designated entities for the
 7 fiscal year beginning July 1, 2001, and ending June
 8 30, 2002, the following amounts to be used for the
 9 purposes designated:

10 1. To the department of human services for use in	
11 the HAWK-I program:	
12	\$ 1,707,951
13 2. To the Iowa department of public health for	
14 childhood immunizations:	
15	\$ 160,618
16 3. To the Iowa department of public health for	
17 child and adolescent wellness:	
18	\$ 167,918
19 4. To the Iowa department of public health for	
20 community capacity:	
21	\$ 182,520
22 5. To the department of workforce development for	
23 rural workforce development offices:	
24	\$ 780,000

25 The appropriations made in this section are in
 26 addition to appropriations made in other Acts for the
 27 designated purposes.

28 Sec. 2. EFFECTIVE PROVISION. This Act takes
 29 effect only if the revenue estimating conference
 30 estimates that, as a result of the enactment of
 31 federal income tax legislation prior to January 1,
 32 2002, Iowa income tax receipts for the fiscal year
 33 beginning July 1, 2001, will be increased by \$7.9
 34 million or more over the amount of Iowa income tax
 35 receipts which would have been realized in the absence
 36 of the enactment of such federal income tax
 37 legislation."

38 2. Title page, by striking lines 1 through 7, and
 39 inserting the following: "An Act making
 40 appropriations to the departments of human services,
 41 workforce development, and public health and including
 42 a contingent effective date provision."

KREIMAN of Davis

H-1865

1 Amend Senate File 514, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 10, by striking lines 8 through 18.
 4 2. Page 11, by striking lines 10 through 21.
 5 3. By renumbering, relettering, and redesignating
 6 as necessary.

RICHARDSON of Warren

H-1866

- 1 Amend Senate File 514, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 19, by inserting after line 6, the
- 4 following:
- 5 "3. This section does not apply to counties whose
- 6 populations increased from 1990 to 2000 less than an
- 7 amount equal to twenty-five percent of the statewide
- 8 increase in population from 1990 to 2000, according to
- 9 the official United States decennial census."
- 10 2. By renumbering as necessary.

OSTERHAUS of Jackson

H-1867

- 1 Amend Senate File 514, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, by striking lines 8 through 18.
- 4 2. Page 11, by striking lines 10 through 21, and
- 5 inserting the following:
- 6 "() That portion of incremental taxable
- 7 valuation located in an urban renewal area within
- 8 which a municipality is dividing taxes, to the extent
- 9 the incremental valuation has not been released for
- 10 the budget year."
- 11 3. By renumbering and correcting internal
- 12 references as necessary.

RICHARDSON of Warren

H-1868

- 1 Amend Senate File 514, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 19, by inserting after line 6, the
- 4 following:
- 5 "3. This section does not apply to the ten
- 6 counties with the lowest populations in the state,
- 7 according to the latest United States decennial
- 8 census."
- 9 2. By renumbering as necessary.

REYNOLDS of Van Buren

H-1869

- 1 Amend Senate File 514, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 23, by inserting after line 26, the
- 4 following:

5 "____. EFFECTIVE DATES. Sections 1 and 9 through
6 23 of this Act take effect on July 1 following
7 submission of a final report of the Iowa commission on
8 state and local taxation to the general assembly. The
9 remainder of this Act takes effect July 1, 2001."
10 2. Title page, line 2, by inserting after the
11 word "applicability" the following: "and providing
12 effective date provisions".
13 3. By renumbering as necessary.

REYNOLDS of Van Buren

H-1870

1 Amend Senate File 514, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 13, by inserting after line 32, the
4 following:
5 "4A. In addition, the following property taxes
6 certified for deposit in the general fund or rural
7 services fund shall not be counted against the maximum
8 amount of property tax dollars that may be certified
9 for the fiscal year under subsection 3:
10 a. The first twenty-seven cents per thousand
11 dollars of taxable value levied for conservation and
12 environmental protection.
13 b. The first thirty cents per thousand dollars of
14 taxable value levied for fire protection.
15 c. The first forty and one-half cents per thousand
16 dollars of taxable value levied for a benefited fire
17 district.
18 d. The first six and three-fourths cents per
19 thousand dollars of taxable value levied for a county
20 fair.
21 e. The first fifty-four cents per thousand dollars
22 of taxable value levied for county libraries.
23 f. The first fifty-four cents per thousand dollars
24 of taxable value levied for constructing and equipping
25 a county hospital facility."

CONNORS of Polk

H-1871

1 Amend Senate File 514, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 13, by inserting before line 33, the
4 following:
5 "____. For purposes of this section and section
6 25B.2, subsection 3, it shall be considered an
7 imposition of a state mandate if the maximum property
8 tax dollars limitation impairs the ability of a county

- 9 to levy property taxes to contribute matching funds,
10 or to reach a threshold level of local funding, in
11 order to receive federal funding. The state shall
12 appropriate funds necessary to reimburse to each
13 county an amount equal to the amount of federal or
14 state matching funds lost due to the inability of the
15 county to achieve threshold or matching funds
16 requirements."
17 2. By renumbering, redesignating, and correcting
18 internal references as necessary.

WINCKLER of Scott

H-1872

- 1 Amend Senate File 514, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 13, by inserting after line 32, the
4 following:
5 "In addition, property taxes certified for law
6 enforcement purposes relating to destruction of
7 facilities and materials used to produce
8 methamphetamine, to enforcement of child pornography
9 laws, to enforcement of laws relating to domestic
10 violence, and to enforcement of laws relating to child
11 abuse or child endangerment are not counted against
12 the maximum amount of property tax dollars that may be
13 certified for the fiscal year under subsection 3."

OSTERHAUS of Jackson

H-1874

- 1 Amend Senate File 514, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 13, by inserting after line 32, the
4 following:
5 "5. The board of supervisors may seek an
6 adjustment in budget year property tax dollars for
7 either general county services or rural county
8 services or both, by appealing to the county finance
9 committee created in chapter 333A."
10 2. Page 13, line 33, by striking the figure "5."
11 and inserting the following: "6."
12 3. Page 17, by inserting after line 10, the
13 following:
14 "4. The board of supervisors may seek an
15 adjustment in base year property tax dollars for
16 either general county services or rural county
17 services or both, by appealing to the county finance
18 committee created in chapter 333A."
19 4. Page 17, line 11, by striking the figure "4."

20 and inserting the following: "5."

21 5. Page 22, by inserting after line 19, the
22 following:

23 "Sec. ____ Section 333A.4, Code 2001, is amended
24 by adding the following new subsections:

25 NEW SUBSECTION. 5A. Hear appeals from a county
26 seeking an adjustment in the base year property tax
27 dollars for either general county services or rural
28 county services, or both, as calculated pursuant to
29 section 331.423A. The committee may allow an
30 adjustment for either general county services or rural
31 county services, or both, if the committee determines
32 that unusual circumstances would result in an inequity
33 to the county if no adjustment were allowed.

34 NEW SUBSECTION. 5B. Hear appeals from a county
35 seeking an adjustment in budget year property tax
36 dollars for either general county services or rural
37 county services, or both, as calculated pursuant to
38 section 331.423A. The committee may allow an
39 adjustment for either general county services or rural
40 county services, or both, if the committee determines
41 that unusual circumstances create an unusual need for
42 additional funds.

43 NEW SUBSECTION. 5C. Report annually to the
44 general assembly regarding county budgets and county
45 budget limitations, including any recommended changes
46 in laws relating to county budgets and county budget
47 limitations and the reasons for the committee's
48 recommendations.

49 Sec. ____ NEW SECTION. 333A.5 ADDITIONAL POWERS.

50 The committee may recommend the revision of any

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1 rules, regulations, directives, or forms relating to
2 the implementation of county budgets and budget
3 limitations, confer with county officials or their
4 representatives, and make recommendations relating to
5 any county budgeting or accounting matters, and direct
6 the department of management to conduct studies and
7 investigations of county costs generally or in any
8 county."

9 6. By renumbering as necessary.

GREIMANN of Story

H-1877

1 Amend the amendment, H-1823, to House File 745, as
2 follows:

3 1. Page 1, by striking lines 26 and 27, and
4 inserting the following: "animals within, into, or

5 from the quarantined areas. The department may
6 restrict the movement or relocation of other property
7 within, into, or from the quarantined areas, upon a
8 proclamation by the governor of a state of public
9 disorder emergency pursuant to section 29C.3 that
10 provides for measures to control an outbreak of the
11 disease. The restrictions may extend beyond the
12 duration of or geographical area affected by the
13 proclamation, unless otherwise provided in the
14 proclamation."

KREIMAN of Davis

H-1878

1 Amend the amendment, H-1823, to House File 745, as
2 follows:
3 1. By striking page 1, line 5, through page 2,
4 line 17, and inserting the following:
5 "Sec. ____ NEW SECTION. 163.51 QUARANTINE,
6 CONDEMNATION, OR DESTRUCTION OF ANIMALS.
7 The department may provide for the quarantine,
8 condemnation, or destruction of animals that the
9 department determines are infected with or exposed to
10 or may be infected with or exposed to foot and mouth
11 disease. The department shall adopt rules as
12 necessary in order to administer and enforce this
13 section. The rules shall to every extent practicable
14 be based on 9 C.F.R., chapter I, subchapter B, part
15 53."
16 2. By renumbering as necessary.

KREIMAN of Davis

H-1879

1 Amend the Senate amendment, H-1810, to House File
2 719, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 2, by striking lines 5 through 8 and
5 inserting the following:
6 " ____ Page 5, by striking lines 15 through 17 and
7 inserting the following:
8 " ____ The next \$1,000,000 shall be allocated to
9 the information technology department for
10 implementation of an enterprise data warehouse.
11 ____ The next \$500,000 shall be allocated to the
12 secretary of state's office to replace the secretary
13 of state's voter registration system.
14 ____ The next \$1,000,000 shall be allocated to the
15 Iowa department of workforce development for
16 automation of the unemployment system.

17 _____. The next \$250,000 shall be allocated to the
18 department of agriculture and land stewardship for the
19 e-commerce electronic licensing project.
20 _____. The remaining amount in the pooled technology
21 account shall be allocated to implement the
22 recommendations of the Iowa technology development
23 council. However, none of these funds may be utilized
24 for asynchronous transfer mode technology conversion,
25 the enterprise resource planning project, or digital
26 broadcast conversion, or for lease-purchase payments
27 in connection therewith. Amounts allocated pursuant to
28 this paragraph shall include any reversions in excess
29 of those necessary to fund the justice data warehouse
30 project.""

JENKINS of Black Hawk

H-1880

1 Amend Senate File 514, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 17, line 16, by striking the word
4 "twenty-five" and inserting the following: "thirty".
5 2. Page 17, line 25, by striking the word
6 "twenty-five" and inserting the following: "thirty".
7 3. Page 17, line 32, by striking the word
8 "twenty-five" and inserting the following: "thirty".
9 4. Page 18, line 4, by striking the word "twenty-
10 five" and inserting the following: "thirty".
11 5. Page 18, line 8, by striking the word "twenty-
12 five" and inserting the following: "thirty".
13 6. Page 18, lines 21 and 22, by striking the word
14 "twenty-five" and inserting the following: "thirty".

TREMMELE of Wapello

H-1881

1 Amend Senate File 514, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 13, line 29, by inserting after the word
4 "proceeds," the following: "any temporary increase
5 approved pursuant to section 331.426,".
6 2. Page 23, by striking line 20.
7 3. By renumbering as necessary.

GREIMANN of Story

H-1882

1 Amend Senate File 514, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 13, by inserting before line 33, the
4 following:
5 "____. For purposes of this section and section
6 25B.2, subsection 3, it shall be considered an
7 imposition of a state mandate if the maximum property
8 tax dollars limitation impairs the ability of a county
9 to levy property taxes to contribute matching funds in
10 order to receive federal funding. If the state does
11 not appropriate the necessary matching funds, property
12 taxes levied by the county to provide matching funds
13 shall not be counted against the maximum amount of
14 property tax dollars that may be certified for a
15 fiscal year under subsection 3."
16 2. By renumbering, redesignating, and correcting
17 internal references as necessary.

BUKTA of Clinton

H-1883

- 1 Amend Senate File 514, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 23, line 12, by inserting after the word
4 "value" the following: "per owner on a statewide
5 basis".
6 2. Page 23, by inserting after line 19, the
7 following:
8 "For purposes of establishing the valuation
9 limitation under this subsection, if more than one
10 person has an ownership interest in the property, the
11 multiple owners shall be considered one owner so that
12 the two hundred thousand dollar limitation cannot be
13 exceeded as a result of multiple ownership."

KREIMAN of Davis
ARNOLD of Lucas

H-1884

- 1 Amend Senate File 514, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 15, line 27, by inserting after the word
4 "fund" the following: "and shall not include revenues
5 received under section 99F.11 deposited in the general
6 fund".
7 2. Page 16, line 35, by inserting after the word
8 "three." the following: "However, for purposes of
9 this paragraph, the ending fund balance for the fiscal
10 year beginning July 1, 1996, and for the fiscal year
11 beginning July 1, 1999, shall not include revenues

12 received under section 99F.11 deposited in the general
13 fund."

HOUSER of Pottawattamie
HANSEN of Pottawattamie
DRAKE of Pottawattamie

H-1886

1 Amend Senate File 535, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 1, by striking the figure
4 "1,175,000" and inserting the following: "1,250,000".
5 2. Page 13, line 19, by striking the figure
6 "241,123,493" and inserting the following:
7 "241,088,543".
8 3. Page 17, line 28, by striking the figure
9 "190,789,770" and inserting the following:
10 "190,762,170".
11 4. Page 19, line 10, by striking the figure
12 "85,454,825" and inserting the following:
13 "85,442,375".

TYMESON of Madison

H-1887

1 Amend House File 746 as follows:
2 1. By striking page 3, line 2, through page 5,
3 line 21, and inserting the following:
4 "Sec. ____ STATE OFFICERS – SALARY RATES AND
5 RANGES. The following annual salary ranges are
6 effective for the positions specified in this section
7 for the fiscal year beginning July 1, 2001, and for
8 subsequent fiscal years until otherwise provided by
9 the general assembly. The governor or other person
10 designated in section 3 of this Act shall determine
11 the salary to be paid to the person indicated at a
12 rate within the salary ranges indicated from funds
13 appropriated by the general assembly for that purpose.
14 1. The following are salary ranges 1 through 5 for
15 the fiscal year beginning July 1, 2001, effective with
16 the pay period beginning June 22, 2001:

17 SALARY RANGES	<u>Minimum</u>	<u>Maximum</u>
18 a. Range 1	\$ 8,800	\$29,870
19 b. Range 2	\$32,200	\$60,255
20 c. Range 3	\$44,100	\$70,246
21 d. Range 4	\$53,100	\$80,340
22 e. Range 5	\$62,400	\$90,434

23 2. The following are range 1 positions: There are
24 no range 1 positions for the fiscal year beginning
25 July 1, 2001.

26 3. The following are range 2 positions:

27 administrator of the arts division of the department
 28 of cultural affairs, administrators of the division of
 29 persons with disabilities, the division on the status
 30 of women, the division on the status of African-
 31 Americans, the division of deaf services, and the
 32 division of Latino affairs of the department of human
 33 rights, and administrator of the division of
 34 professional licensing and regulation of the
 35 department of commerce.

36 4. The following are range 3 positions:
 37 administrator of the division of emergency management
 38 of the department of public defense, administrator of
 39 the division of criminal and juvenile justice planning
 40 of the department of human rights, administrator of
 41 the division of community action agencies of the
 42 department of human rights, executive director of the
 43 commission of veterans affairs, and chairperson and
 44 members of the employment appeal board of the
 45 department of inspections and appeals.

46 5. The following are range 4 positions:
 47 superintendent of banking, superintendent of credit
 48 unions, and chairperson, vice chairperson, and members
 49 of the board of parole.

50 6. The following are range 5 positions: consumer

Page 2

1 advocate, state public defender, drug policy
 2 coordinator, labor commissioner, workers' compensation
 3 commissioner, administrator of the alcohol beverages
 4 division of the department of commerce, and
 5 administrator of the historical division of the
 6 department of cultural affairs.

7 7. The following are salary ranges 6 through 9 for
 8 the fiscal year beginning July 1, 2001, effective with
 9 the pay period beginning June 22, 2001:

10 SALARY RANGES	Minimum	Maximum
11 a. Range 6	\$ 48,200	\$ 80,340
12 b. Range 7	\$ 66,000	\$ 91,155
13 c. Range 8	\$ 70,800	\$105,781
14 d. Range 9	\$ 79,000	\$126,175

15 8. The following are range 6 positions: director
 16 of the department of human rights, director of the
 17 Iowa state civil rights commission, executive director
 18 of the college student aid commission, director of the
 19 department for the blind, and executive director of
 20 the ethics and campaign disclosure board.

21 9. The following are range 7 positions: director
 22 of the department of cultural affairs, director of the
 23 department of elder affairs, and director of the law
 24 enforcement academy.

25 10. The following are range 8 positions: the

26 administrator of the state racing and gaming
27 commission of the department of inspections and
28 appeals, director of the department of inspections and
29 appeals, commandant of the veterans home, director of
30 the department of general services, director of the
31 department of personnel, administrator of the public
32 broadcasting division of the department of education,
33 commissioner of public safety, commissioner of
34 insurance, executive director of the Iowa finance
35 authority, director of the department of natural
36 resources, director of the department of corrections,
37 and chairperson of the utilities board. The other
38 members of the utilities board shall receive an annual
39 salary within a range of not less than 90 percent but
40 not more than 95 percent of the annual salary of the
41 chairperson of the utilities board.
42 11. The following are range 9 positions: director
43 of the department of education, director of human
44 services, director of the department of economic
45 development, director of the information technology
46 department, executive director of the Iowa
47 communications and technology commission, executive
48 director of the state board of regents, director of
49 the state department of transportation, director of
50 the department of workforce development, director of

Page 3

1 revenue and finance, lottery commissioner, director of
2 public health, the state court administrator,
3 secretary of the state fair board, and the director of
4 the department of management."

MILLAGE of Scott

H-1889

1 Amend House File 747 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 99D.9, subsection 6, Code
5 2001, is amended to read as follows:
6 6. A licensee ~~may~~ shall not loan to any person
7 money or any other thing of value ~~or permit a~~
8 financial institution, vendor, or other person to loan
9 money on the licensed premises on the basis of a
10 credit card or similar instrument in person or through
11 an electronic or mechanical device including but not
12 limited to a satellite terminal as defined in section
13 527.2 for the purpose of permitting that person to
14 wager on any race. The use of a check or a debit card
15 with overdraft protection is not prohibited by this

16 subsection.

17 Sec. ____ Section 99F.7, subsection 9, Code 2001,
18 is amended to read as follows:

19 9. A licensee shall not loan to any person money
20 or any other thing of value or permit a financial
21 institution, vendor, or other person to loan money on
22 the licensed premises on the basis of a credit card or
23 similar instrument in person or through an electronic
24 or mechanical device including but not limited to a
25 satellite terminal as defined in section 527.2 for the
26 purpose of permitting that person to wager on any game
27 of chance. The use of a check or a debit card with
28 overdraft protection is not prohibited by this
29 subsection."

30 2. Title page, line 1, by inserting after the
31 word "Act" the following: "relating to gambling by
32 prohibiting the loan of money for gambling purposes
33 through a credit card or an electronic or mechanical
34 device at a gambling facility and".

35 3. By renumbering as necessary.

RAECKER of Polk
FALLON of Polk
BRUNKHORST of Bremer
CARROLL of Poweshiek
TYRRELL of Iowa
JOHNSON of Osceola
BOAL of Polk

WITT of Black Hawk
SUKUP of Franklin
GARMAN of Story
VAN ENGELHOFEN of Mahaska
KREIMAN of Davis
RICHARDSON of Warren

H-1890

1 Amend House File 747 as follows:

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

4 "Section 1. Section 99F.7, subsection 10,
5 paragraph b, Code 2001, is amended to read as follows:

6 b. If licenses to conduct gambling games and to
7 operate an excursion gambling boat or a racetrack
8 enclosure are in effect pursuant to a referendum as
9 set forth in this section and are subsequently
10 disapproved by a referendum of the county electorate,
11 the licenses issued shall be revoked by the commission
12 after a referendum approving gambling games on
13 excursion gambling boats shall remain valid and are
14 subject to renewal for a total of nine years from the
15 date of original issue unless the commission revokes a
16 license at an earlier date as provided in this chapter
17 within six months after the certification of the
18 election results."

19 2. Title page, line 1, by inserting after the
20 word "Act" the following: "relating to gambling by
21 providing for the revocation of licenses after an

- 22 unfavorable referendum and".
23 3. By renumbering as necessary.

RAECKER of Polk
WITT of Black Hawk

H-1891

- 1 Amend House File 747 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 99F.6, subsection 4, paragraph
5 a, Code 2001, is amended to read as follows:
6 4. a. Before a license is granted, the division
7 of criminal investigation of the department of public
8 safety shall conduct a thorough background
9 investigation of the applicant for a license to
10 operate a gambling game operation on an excursion
11 gambling boat. The applicant shall provide
12 information on a form as required by the division of
13 criminal investigation. A qualified sponsoring
14 organization licensed to operate gambling games under
15 this chapter shall distribute at least annually the
16 receipts of all gambling games, less reasonable
17 expenses, charges, taxes, fees, and deductions allowed
18 under this chapter, as winnings to players or
19 participants or shall distribute the receipts for
20 educational, civic, public, charitable, patriotic, or
21 religious uses as defined in section 99B.7, subsection
22 3, paragraph "b". However, if a licensee who is also
23 licensed to conduct pari-mutuel wagering at a horse
24 racetrack has unpaid debt from the pari-mutuel
25 racetrack operations, the first receipts of the
26 gambling games operated within the racetrack enclosure
27 less reasonable operating expenses, taxes, and fees
28 allowed under this chapter shall be first used to pay
29 the annual indebtedness. The commission shall
30 authorize, subject to the debt payments for horse
31 racetracks and the provisions of paragraph "b" for dog
32 racetracks, a licensee who is also licensed to conduct
33 pari-mutuel dog or horse racing to use receipts from
34 gambling games within the racetrack enclosure to
35 supplement purses for races particularly for Iowa-bred
36 horses pursuant to an agreement which shall be
37 negotiated between the licensee and representatives of
38 the dog or horse owners. A qualified sponsoring
39 organization shall not make a contribution to a
40 candidate, political committee, candidate's committee,
41 state statutory political committee, county statutory
42 political committee, national political party, or
43 fund-raising event as these terms are defined in
44 section 56.2. The membership of the board of

45 directors of a qualified sponsoring organization shall
46 represent a broad interest of the communities."
47 2. Title page, line 1, by inserting after the
48 word "Act" the following: "relating to gambling by
49 providing for the distribution of gambling receipts at
50 least annually for educational, civic, public,

Page 2

1 charitable, patriotic, or religious uses and".
2 3. By renumbering as necessary.

RAECKER of Polk

H-1892

1 Amend House File 747 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 99F.11, Code 2001, is amended
5 by adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. For the fiscal years
7 beginning July 1, 2000, and for subsequent fiscal
8 years, notwithstanding the tax rates specified for
9 excursion gambling boat licensees under this section,
10 the commission shall adjust the tax rates on the
11 excursion gambling boats' adjusted gross receipts so
12 that the total tax revenue from all gambling licensees
13 under this section shall not exceed the tax revenue
14 for the fiscal year beginning July 1, 1999. In
15 determining the tax rates for the excursion gambling
16 boat licensees, the commission shall use the tax
17 revenue estimates made by the revenue estimating
18 conference."
19 2. Title page, line 1, by inserting after the
20 word "Act" the following: "relating to gambling by
21 providing for the adjustment of tax rates on gambling
22 games on excursion gambling boats,".
23 3. By renumbering as necessary.

RAECKER of Polk

H-1893

1 Amend House File 747 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 99F.6, Code 2001, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 9. Beginning January 1, 2003, the
7 amount of moneys received annually by a licensee from
8 gambling games receipts at a racetrack enclosure equal

9 to the amount of tax receipts which would have been
 10 paid on the adjusted gross receipts pursuant to
 11 section 99F.11 at an additional tax rate of two
 12 percent for the calendar year 2003 and at an
 13 additional tax rate of four percent for the calendar
 14 year 2004 and for subsequent calendar years, shall not
 15 be used to promote or affect the outcome of a
 16 referendum required or authorized under this chapter."
 17 2. Title page, line 4, by inserting after the
 18 word "enclosures" the following: ", providing for the
 19 distribution of certain net gambling receipts,".
 20 3. By renumbering as necessary.

RAECKER of Polk

H-1894

1 Amend the amendment, H-1774, to Senate File 535, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 6 through 9 and
 5 inserting the following: "are contingent upon the
 6 absence on campus of a student health center that
 7 offers medically induced termination of a pregnancy,
 8 including but not limited to usage of mifepristone or
 9 RU-486."
 10 2. Page 1, by striking lines 13 through 16 and
 11 inserting the following: "are contingent upon the
 12 absence on campus of a student health center that
 13 offers medically induced termination of a pregnancy,
 14 including but not limited to usage of mifepristone or
 15 RU-486."
 16 3. Page 1, by striking lines 20 through 23 and
 17 inserting the following: "are contingent upon the
 18 absence on campus of a student health center that
 19 offers medically induced termination of a pregnancy,
 20 including but not limited to usage of mifepristone or
 21 RU-486.""

FINCH of Story
 GARMAN of Story
 DE BOEF of Mahaska

MERTZ of Kossuth
 TREMMEL of Wapello
 REYNOLDS of Van Buren

H-1897

1 Amend Senate File 514, 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. 25B.5A UNFUNDED STATE
 6 MANDATES – EFFECT.
 7 If, on or after July 1, 2001, a state mandate is

8 enacted by the general assembly, or otherwise imposed,
9 on a political subdivision and the state mandate
10 requires a political subdivision to engage in any new
11 activity, to provide a new service, or to provide any
12 service beyond that required by any law enacted prior
13 to July 1, 2001, and the state does not appropriate
14 moneys to fully fund the cost of the state mandate as
15 identified pursuant to section 25B.5, subsections 1
16 and 2, the political subdivision is not required to
17 perform the activity or provide the service and the
18 political subdivision shall not be subject to any
19 liabilities imposed by the state or the imposition of
20 any fines or penalties for the failure to comply with
21 the state mandate.

22 Sec. 2. NEW SECTION. 28L.1 IOWA COMMISSION ON
23 STATE AND LOCAL TAXATION.

24 1. An Iowa commission on state and local taxation
25 is created which shall consist of fourteen members
26 appointed as follows:

27 a. Three senators appointed by the majority leader
28 of the senate, one of whom shall be nominated by the
29 minority leader of the senate. Two of the appointees
30 shall be residents of a county with a population of
31 less than forty thousand.

32 b. Three representatives appointed by the speaker
33 of the house, one of whom shall be nominated by the
34 minority leader of the house. Two of the appointees
35 shall be residents of a county with a population of
36 less than forty thousand.

37 c. One member appointed by the Iowa state
38 association of counties.

39 d. One member appointed by the Iowa league of
40 cities.

41 e. One member appointed by the Iowa association of
42 school boards.

43 f. One member from an organization representing
44 agricultural interests appointed jointly by the
45 majority leader of the senate and the speaker of the
46 house.

47 g. One member from an organization representing
48 taxpayers and appointed jointly by the majority leader
49 of the senate and the speaker of the house.

50 h. One member from an organization representing

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1 business taxpayers and appointed jointly by the
2 majority leader of the senate and the speaker of the
3 house.

4 i. One member representing small business owners
5 appointed jointly by the majority leader of the senate
6 and the speaker of the house.

7 j. The director of the department of management or
8 the director's designee.

9 2. In making all appointments, consideration shall
10 be given to gender, race, or ethnic representation,
11 population and demographic factors, and representation
12 of different geographic regions. Appointments made
13 under subsection 1, paragraphs "c" through "e", are
14 not subject to section 69.16 or 69.16A.

15 3. Members of the commission shall hold office for
16 four years beginning June 1 of the year of appointment
17 and until their successors are appointed, except that
18 three initial appointees shall be appointed for one
19 year, three initial appointees for two years, four
20 initial appointees for three years, and three initial
21 appointees for four years. The commission shall
22 conduct its organizational meeting no later than
23 September 1, 2001, and at that meeting shall elect a
24 chairperson to serve until May 2002.

25 4. Legislative members of the commission are
26 eligible for per diem and expenses as provided in
27 section 2.10. Other members of the commission shall
28 be reimbursed for actual and necessary expenses
29 incurred in performance of their duties. Members may
30 also be eligible to receive compensation as provided
31 in section 7E.6.

32 5. A majority of the commission members shall
33 constitute a quorum. For the purpose of conducting
34 business, a majority vote of the commission shall be
35 required. Beginning in May 2002, the commission shall
36 meet in May of each year for the purpose of electing
37 one of its members as chairperson. The commission
38 shall meet quarterly and at other times as necessary
39 at the call of the chairperson or when any five
40 members of the commission file a written request with
41 the chairperson for a meeting. Written notice of the
42 time and place of each meeting shall be given to each
43 member of the commission.

44 6. The commission may establish committees, as it
45 deems advisable and feasible, whose membership shall
46 include at least two members of the commission, but
47 only the commission may take final action on a
48 proposal or recommendation of a committee.

49 7. Any vacancy shall be filled in the same manner
50 as regular appointments are made for the unexpired

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1 portion of the regular term. A member of the
2 commission may be removed for any of the causes and in
3 the manner provided in chapter 66.

4 Sec. 3. NEW SECTION. 28L.2 STAFF AND FACILITIES.
5 The commission and committees established by the

6 commission may accept technical and operational
7 assistance from the staff of the legislative service
8 bureau and the legislative fiscal bureau, other state
9 or federal agencies, units of local governments, or
10 any other public or private source. The directors of
11 the legislative service bureau and the legislative
12 fiscal bureau may assign professional, technical,
13 legal, clerical, or other staff, as necessary and
14 authorized by the legislative council for continued
15 operation of the commission. However, technical and
16 operational assistance provided by the bureaus shall
17 be provided within existing appropriations made to or
18 with existing resources of the legislative service
19 bureau and legislative fiscal bureau. The legislative
20 council may also provide to the commission available
21 facilities and equipment as requested by the
22 commission. The legislative council shall provide
23 funding for consulting services should the commission
24 deem it appropriate.

25 Sec. 4. NEW SECTION. 28L.3 REVIEW OF STATE AND
26 LOCAL REVENUE AND SERVICES.

27 1. The commission shall conduct a review of the
28 following:

29 a. Revenue sources available to local governments,
30 including taxes, fees, state appropriations, and
31 federal moneys.

32 b. Revenue sources available to the state,
33 including taxes, fees, and federal moneys, and the
34 portion of state revenues annually appropriated, or
35 otherwise disbursed, to local governments.

36 c. Services provided by local governments,
37 including those provided at the discretion of a local
38 government and those mandated by federal or state
39 statutes and regulations.

40 2. In conducting its review of revenue sources,
41 the commission shall study state and local taxes from
42 the standpoint of equity, neutrality, competitiveness,
43 simplicity, and stability.

44 3. The commission shall hold public hearings to
45 allow persons and organizations to be heard.

46 4. The commission shall submit a report to the
47 general assembly on the status of the review no later
48 than March 15, 2002. The status report shall
49 summarize the commission's activities to date and may
50 include such other information that the commission

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1 deems relevant and necessary.

2 5. a. The commission shall submit a final report
3 to the general assembly no later than January 15,
4 2006.

5 b. The final report shall include the following:

6 (1) A statement of goals that the commission
7 believes are necessary to achieve principles of
8 taxation agreed upon by the committee.

9 (2) Any strategies formulated by the commission
10 that consist of recommended methods of state and local
11 taxation, specific structural changes, and any
12 modifications to the current system of state and local
13 taxation.

14 (3) Such other information that the commission
15 deems relevant and necessary.

16 6. This section shall not be construed to preclude
17 the enactment of legislation that eliminates or
18 reduces any state or local government tax during the
19 period the Iowa commission on state and local taxation
20 is conducting the review required by this section.

21 Sec. 5. NEW SECTION. 28L.4 DUTIES OF THE
22 COMMISSION.

23 The commission shall:

24 1. Conduct the review as required in section
25 28L.3.

26 2. Monitor legislative or administrative action on
27 recommendations in the report required in section
28 28L.3.

29 3. Annually report on the state of local
30 governments in Iowa.

31 4. Annually report on state and federal issues
32 relating to local government that have a potential
33 fiscal impact on local governments.

34 5. Annually report on court decisions having an
35 impact on state and local government revenue or
36 services.

37 6. Select participants to the pilot projects
38 established in sections 331.440B and 384.22A and
39 report to the general assembly as required in those
40 sections.

41 7. The reports in subsections 3, 4, and 5 shall be
42 filed with the governor, president of the senate,
43 speaker of the house, and the majority and minority
44 leaders of each house, and shall be made available to
45 legislators and the public upon request. The reports
46 must be submitted no later than January 15 of each
47 year. The report in subsection 6 shall be filed with
48 the general assembly on or before January 1, 2005.

49 Sec. 6. NEW SECTION. 28L.5 INFORMATION.

50 The commission may request from any state agency or

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1 official the information and assistance as needed to
2 perform the duties of the commission. A state agency
3 or official shall furnish the information or

4 assistance requested within the authority and
5 resources of the state agency or official. This
6 section does not allow the examination or copying of
7 any public record which is required by law to be kept
8 confidential.

9 Sec. 7. NEW SECTION. 28L6 FUTURE REPEAL.

10 This chapter is repealed effective July 1, 2006.

11 Sec. 8. Section 331.325, Code 2001, is amended to
12 read as follows:

13 331.325 CONTROL AND MAINTENANCE OF PIONEER

14 CEMETERIES – CEMETERY COMMISSION.

15 1. As used in this section, "pioneer cemetery"
16 means a cemetery where there have been six or fewer
17 burials in the preceding fifty years.

18 2. Each county board of supervisors may adopt an
19 ordinance assuming jurisdiction and control of pioneer
20 cemeteries in the county. The board shall exercise
21 the powers and duties of township trustees relating to
22 the maintenance and repair of cemeteries in the county
23 as provided in sections 359.28 through 359.41 except
24 that the board shall not certify a tax levy pursuant
25 to section 359.30 or 359.33 and except that the
26 maintenance and repair of all cemeteries under the
27 jurisdiction of the county including pioneer
28 cemeteries shall be paid from the county general fund
29 or the cemetery fund established in section 331.440H,
30 as applicable. The maintenance and improvement
31 program for a pioneer cemetery may include restoration
32 and management of native prairie grasses and
33 wildflowers.

34 3. In lieu of management of the cemeteries, the
35 board of supervisors may create, by ordinance, a
36 cemetery commission to assume jurisdiction and
37 management of the pioneer cemeteries in the county.
38 The ordinance shall delineate the number of
39 commissioners, the appointing authority, the term of
40 office, officers, employees, organizational matters,
41 rules of procedure, compensation and expenses, and
42 other matters deemed pertinent by the board. The
43 board may delegate any power and duties relating to
44 cemeteries which may otherwise be exercised by
45 township trustees pursuant to sections 359.28 through
46 359.41 to the cemetery commission except the
47 commission shall not certify a tax levy pursuant to
48 section 359.30 or 359.33 and except that the expenses
49 of the cemetery commission shall be paid from the
50 county general fund or the cemetery fund established

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1 in section 331.440H, as applicable.

2 4. Notwithstanding sections 359.30 and 359.33, the

3 costs of management, repair, and maintenance of
4 pioneer cemeteries shall be paid from the county
5 general fund or the cemetery fund established in
6 section 331.440H, as applicable.

7 Sec. 9. NEW SECTION. 331.404 COUNTY FINANCIAL
8 MANAGEMENT PLAN.

9 Each county shall prepare a financial management
10 plan for the county for use in budget planning. The
11 financial management plan shall contain a set of
12 financial policies for use by counties in budget
13 planning. The county financial management plan shall
14 be prepared in a manner which will assist counties in
15 identifying budgeting goals, fiscal and service
16 planning strategies, and revenue targets. County
17 financial management planning shall be completed on
18 forms prepared by the department of management and
19 approved by the county finance committee in
20 consultation with the Iowa state association of county
21 supervisors, the Iowa state association of county
22 auditors, and the public.

23 Copies of the financial management plan for a
24 county shall be maintained as a public record at the
25 county auditor's office and shall be filed with the
26 state appeal board in the same manner and at the same
27 time that certified budgets are filed under section
28 24.17.

29 Sec. 10. NEW SECTION. 331.423A ENDING FUND
30 BALANCE.

31 Effective for a fiscal year beginning on or after
32 July 1, 2005, actual ending fund balances shall not
33 exceed twenty-five percent of actual expenditures in
34 the previous fiscal year for either the general fund
35 or the rural services fund. Actual ending fund
36 balances for a fiscal year in excess of twenty-five
37 percent of actual expenditures in the previous fiscal
38 year shall be reserved or designated for a specific
39 purpose and specifically described in the certified
40 budget. The excess actual balance for that specific
41 purpose shall be considered an increase in an item in
42 the budget for the following fiscal year for purposes
43 of section 24.28.

44 Counties shall reach the twenty-five percent fund
45 balance limitation by the fiscal year ending June 30,
46 2005, and shall maintain the balance at this level or
47 at a lower level as recorded in the annual financial
48 report. A county shall not exceed a balance greater
49 than five percent above the twenty-five percent fund
50 balance limitation. If a county exceeds the

2 fiscal year that shows a fund balance exceeding the
3 limitation, the county shall implement a levy
4 reduction formula to offset the excess fund balance.
5 Up to ten percent of an amount reserved or
6 designated for a specific purpose may be used for a
7 purpose other than that described in the certified
8 budget. Such change in use shall be treated as an
9 amendment to the budget subject to section 331.435.
10 The board of supervisors may change the specific
11 purpose for which all or a portion of funds in excess
12 of ten percent are reserved or designated if the
13 proposition to change the specific purpose has been
14 submitted at a special election and received a
15 favorable majority of the votes cast on the
16 proposition. The special election shall be held in
17 the manner provided in section 331.425, except that if
18 the change in purpose is to the general services fund
19 ending balance, registered voters in the county may
20 vote on the proposition and if the change in purpose
21 is the rural services fund ending balance, registered
22 voters residing outside the corporate limits of a city
23 within the county may vote on the proposition.

24 Sec. 11. Section 331.429, subsection 1, Code 2001,
25 is amended by adding the following new paragraph:
26 NEW PARAGRAPH. f. Notwithstanding paragraphs "a"
27 and "b", transfers from the general fund or rural
28 services fund in accordance with this paragraph. The
29 board may transfer additional funds from the general
30 fund or rural services fund in excess of the amounts
31 in paragraphs "a" and "b" if the proposition has been
32 submitted at a special election and received a
33 favorable majority of the votes cast on the
34 proposition. The board shall direct the county
35 commissioner of elections to submit the proposition at
36 an election. The board must give at least thirty-two
37 days' notice to the county commissioner of elections
38 that the special election is to be held. For a
39 transfer from the general fund, registered voters of
40 the county may vote on the proposition. For a
41 transfer from the rural services fund, registered
42 voters of the county residing outside the corporate
43 limits of a city within the county may vote on the
44 proposition. The proposition to be submitted shall be
45 substantially in the following form:
46 "Vote "yes" or "no" on the following question:
47 Shall the county of _____ transfer an additional
48 \$_____ each year for two years beginning July 1,
49 _____, from the (general fund or rural services fund)
50 to the secondary road fund?"

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1 Notice of the special election shall be published
2 at least once in a newspaper in the manner provided in
3 section 331.305. Notice of the special election shall
4 appear as early as practicable after the board has
5 voted to submit a proposition to the voters to
6 transfer funds from the general fund or rural services
7 fund to the secondary road fund.
8 If a majority of the votes cast are in favor of the
9 proposition, the board shall certify the results of
10 the election to the department of management and
11 transfer the approved amount to the secondary road
12 fund in the appropriate fiscal year.

PART 2A

COUNTY LEVIES, FUNDS, BUDGETS, AND
EXPENDITURES – PILOT PROJECT

14 Sec. 12. NEW SECTION. 331.440B PILOT PROJECT.

15 For the fiscal year beginning July 1, 2002, through
16 the fiscal year ending June 30, 2005, a county may
17 participate in a pilot project under this part. To
18 participate, a county board of supervisors must adopt
19 a resolution in favor of participation in the pilot
20 project and must forward the resolution to the Iowa
21 state association of counties and the commission on
22 state and local taxation by September 1, 2001. The
23 commission may select participating counties based on
24 population, property valuations, and other factors
25 deemed appropriate by the commission. No more than a
26 total of ten counties and cities may participate in a
27 pilot project under this part or under chapter 384,
28 division IIA.

29 On or before January 1, 2005, the commission shall
30 report on the pilot project to the general assembly.
31 The report shall include such data and information
32 necessary to allow the general assembly to evaluate
33 the pilot project.

34 Sections 331.421, 331.423, 331.424, 331.424C
35 through 331.426, do not apply to this part.
36 References in the Code of Iowa to these sections do
37 not apply to counties participating in the pilot
38 project under this part.

39 Sec. 13. NEW SECTION. 331.440C DEFINITIONS.

40 As used in this part, unless the context otherwise
41 requires:

42 1. "Committee" means the county finance committee
43 established in chapter 333A.

44 2. "Debt service" means expenditures for servicing
45 the county's debt.

46 3. "Debt service levy" means a levy authorized and
47 limited by section 331.422, subsection 3.

48 4. "Emergency services levy" means a levy

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1 authorized and limited by section 331.424C.

2 5. "Fiscal year" means the period of twelve months
3 beginning July 1 and ending on the following June 30.

4 6. "General county services" means the services
5 which are primarily intended to benefit all residents
6 of a county, including secondary road services, but
7 excluding services financed by other statutory funds.

8 7. "Item" means a budgeted expenditure,
9 appropriation, or cash reserve from a fund for a
10 service area, program, program element, or purpose.

11 8. "Rural county services" means the services
12 which are primarily intended to benefit those persons
13 residing in the county outside of incorporated city
14 areas, including secondary road services, but
15 excluding services financed by other statutory funds.

16 9. "Secondary road services" means the services
17 related to secondary road construction and
18 maintenance, excluding debt service and services
19 financed by other statutory funds.

20 Sec. 14. NEW SECTION. 331.440D PROPERTY TAX
21 DOLLARS – MAXIMUMS.

22 1. Annually, the board shall determine separate
23 property tax levy limits to pay for general county
24 services and rural county services in accordance with
25 this section. The property tax levies separately
26 certified for general county services and rural county
27 services in accordance with section 331.434 shall not
28 exceed the amount determined under this section.

29 2. For purposes of this section and sections
30 331.423A and 331.423B:

31 a. "Annual price index" means the change, computed
32 to four decimal places, between the preliminary price
33 index for the third quarter of the calendar year
34 preceding the calendar year in which the fiscal year
35 starts and the revised price index for the third
36 quarter of the previous calendar year as published in
37 the same issue in which such preliminary price index
38 is first published. The price index used shall be the
39 state and local government chain-type price index used
40 in the quantity and price indexes for gross domestic
41 product as published by the United States department
42 of commerce. The annual price index shall not be less
43 than zero and shall not exceed four hundredths. The
44 change shall then be added to one to create a
45 multiplier for the annual price index. For the fiscal
46 year beginning July 1, 2002, the annual price index as
47 defined in this paragraph, for the purposes of
48 determining the tentative maximum property tax dollars
49 for general county services and rural county services
50 under section 331.423, subsection 3, shall be the same

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- 1 as the annual price index certified for the fiscal
2 year beginning July 1, 2001, as applied in section
3 331.423A, subsection 3.
- 4 b. "Boundary adjustment" means annexation,
5 severance, incorporation, or discontinuance as those
6 terms are defined in section 368.1.
- 7 c. "Budget year" is the fiscal year beginning
8 during the calendar year in which a budget is first
9 certified.
- 10 d. "Current fiscal year" is the fiscal year ending
11 during the calendar year in which a budget is first
12 certified.
- 13 e. "Local sales and services taxes" means local
14 sales and services taxes imposed under the authority
15 of chapter 422B.
- 16 f. "Net new valuation taxes" means the amount of
17 property tax dollars equal to the tentative maximum
18 general rate for purposes of the general fund, or the
19 tentative maximum rural rate for purposes of the rural
20 services fund, times the increase from the previous
21 fiscal year in taxable valuation due to the following:
- 22 (1) Net new construction excluding all incremental
23 valuation that is released in any one year from an
24 urban renewal area for which taxes are being divided
25 under section 403.19 if the property remains part of
26 the urban renewal area.
- 27 (2) Additions or improvements to existing
28 structures.
- 29 (3) Remodeling of existing structures for which a
30 building permit is required.
- 31 (4) Net boundary adjustment.
- 32 (5) A municipality no longer dividing tax revenues
33 in an urban renewal area as provided in section
34 403.19, to the extent that the incremental valuation
35 released is due to new construction or revaluation on
36 property newly constructed after the division of
37 revenue begins.
- 38 (6) That portion of taxable property located in an
39 urban revitalization area on which an exemption was
40 allowed and such exemption has expired.
- 41 g. "Property tax replacement dollars" means
42 revenues received under sections 427B.17 through
43 427B.19D, revenues received under chapter 437A,
44 subchapter II, revenues received under section 99F.11
45 that are specifically designated for property tax
46 relief in the current fiscal year, and amounts
47 appropriated by the general assembly for property tax
48 relief first enacted for fiscal years beginning on or
49 after July 1, 2001.
- 50 h. "Tentative maximum general rate" means the

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1 amount calculated in subsection 3, paragraph "b",
2 subparagraph (1), divided by the net taxable valuation
3 in the county. For purposes of this paragraph, "net
4 taxable valuation" is the amount of taxable valuation
5 in the county minus the amount of taxable valuation
6 used to calculate net new valuation taxes.

7 i. "Tentative maximum rural rate" means the amount
8 calculated in subsection 3, paragraph "c",
9 subparagraph (1), divided by the net taxable valuation
10 in the unincorporated area of the county. For
11 purposes of this paragraph, "net taxable valuation" is
12 the amount of taxable valuation in the unincorporated
13 area of the county minus the amount of taxable
14 valuation in the unincorporated area of the county
15 used to calculate net new valuation taxes.

16 j. "Unused taxing authority" means the maximum
17 amount of property tax dollars calculated under
18 subsection 3 for a fiscal year minus the amount
19 actually levied under this section in that fiscal
20 year. Unused taxing authority may be carried forward
21 to the following fiscal year. However, the amount of
22 unused taxing authority which may be carried forward
23 shall not exceed twenty-five percent of the maximum
24 amount of property tax dollars available in the
25 current fiscal year.

26 3. a. Effective for and after the fiscal year
27 beginning July 1, 2002, the maximum amount of property
28 tax dollars levied which may be certified by a county
29 for general county services and rural county services
30 shall be the tentative maximum property tax dollars
31 calculated under paragraphs "b" and "c", respectively,
32 and adjusted by the amounts in paragraphs "d", "e",
33 and "f".

34 b. The tentative maximum property tax dollars for
35 general county services is an amount equal to the sum
36 of the following:

37 (1) The current fiscal year's tentative maximum
38 property tax dollars for general county services minus
39 the unused taxing authority carried forward from the
40 previous fiscal year times the annual price index.

41 (2) The amount of net new valuation taxes.

42 (3) The amount of unused taxing authority carried
43 forward from the previous fiscal year.

44 c. The tentative maximum property tax dollars for
45 rural county services is an amount equal to the sum of
46 the following:

47 (1) The current fiscal year's tentative maximum
48 property tax dollars for rural county services minus
49 the unused taxing authority carried forward from the
50 previous fiscal year times the annual price index.

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- 1 (2) The amount of net new valuation taxes.
- 2 (3) The amount of unused taxing authority carried
- 3 forward from the previous fiscal year.
- 4 d. Subtract the amount of property tax replacement
- 5 dollars to be received for the budget year that will
- 6 be deposited in the general fund or the rural services
- 7 fund, as applicable.
- 8 e. Subtract the amount of local sales and services
- 9 taxes for property tax relief estimated by the
- 10 department of revenue and finance to be received for
- 11 the budget year that will be deposited in the general
- 12 fund or the rural services fund, as applicable.
- 13 f. Subtract the amount of local sales and services
- 14 taxes received for property tax relief in the previous
- 15 fiscal year for the county general fund and rural
- 16 services fund, and add the amount of local sales and
- 17 services taxes that was budgeted for property tax
- 18 relief for each of those funds in that fiscal year.
- 19 4. Property taxes certified for deposit in the
- 20 mental health, mental retardation, and developmental
- 21 disabilities services fund in section 331.424A, the
- 22 emergency services fund in section 331.424C, the debt
- 23 service fund in section 331.430, the cemetery fund in
- 24 section 331.440H, the county supplemental fund in
- 25 section 331.440I, and any capital projects fund
- 26 established by the county for deposit of bond, loan,
- 27 or note proceeds, and any temporary increase approved
- 28 pursuant to section 331.440G, are not counted against
- 29 the maximum amount of property tax dollars that may be
- 30 certified for the fiscal year under subsection 3.
- 31 5. The department of management shall adopt rules
- 32 to administer this section and sections 331.423A and
- 33 331.423B after consultation with the county finance
- 34 committee.
- 35 Sec. 15. NEW SECTION. 331.440E BASE YEAR
- 36 PROPERTY TAX DOLLARS.
- 37 1. For purposes of calculating maximum property
- 38 tax dollars under section 331.423, the tentative
- 39 maximum property tax dollars for the fiscal year
- 40 beginning July 1, 2000, for general county services
- 41 shall be calculated as provided in this subsection.
- 42 For purposes of the base year calculation, the amount
- 43 of property taxes levied for general county services
- 44 shall include the amounts levied for each fiscal year
- 45 for general county services pursuant to sections
- 46 331.423, 331.424, and 331.426, Code 2001. However,
- 47 the amount levied for the purposes described in
- 48 section 331.425 shall not be included if it was levied
- 49 for under section 331.424, Code 2001. For purposes of
- 50 the base year calculation, the amount of property

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1 taxes levied for rural county services shall include
2 the amounts levied for each fiscal year for rural
3 county services pursuant to sections 331.423, 331.424,
4 and 331.426, Code 2001. However, the amount levied
5 for the purposes described in section 331.425 shall
6 not be included if it was levied for under section
7 331.424, Code 2001. For purposes of the base year
8 calculation, amounts certified and levied in each
9 fiscal year pursuant to sections 331.424A, 331.424B,
10 331.424C, and 331.430, and for any capital projects
11 fund, shall not be included.

12 a. The tentative maximum amount of property tax
13 dollars for general county services for taxes payable
14 in the fiscal year beginning July 1, 2000, shall be an
15 amount equal to the sum of the following, divided by
16 three, and adjusted by the amount in paragraph "b":

17 (1) The sum of the amount of property taxes levied
18 for general county services and the amount of property
19 tax replacement dollars received, the amount of
20 revenues received under section 99F.11 that were
21 specifically designated for property tax relief, and
22 the amount of local sales and services tax revenues
23 received as property tax relief and deposited in the
24 general fund, all for the fiscal year beginning July
25 1, 1997, times one and one hundred ten thousandths.

26 (2) The sum of the amount of property taxes levied
27 for general county services and the amount of property
28 tax replacement dollars received, the amount of
29 revenues received under section 99F.11 that were
30 specifically designated for property tax relief, and
31 the amount of local sales and services tax revenues
32 received as property tax relief and deposited in the
33 general fund, all for the fiscal year beginning July
34 1, 1998, times one and eighty-nine thousandths.

35 (3) The sum of the amount of property taxes levied
36 for general county services and the amount of property
37 tax replacement dollars received, the amount of
38 revenues received under section 99F.11 that were
39 specifically designated for property tax relief, and
40 the amount of local sales and services tax revenues
41 received as property tax relief and deposited in the
42 general fund, all for the fiscal year beginning July
43 1, 1999, times one and sixty-seven thousandths.

44 b. The amount computed under the formula in
45 paragraph "a" shall be adjusted by subtracting the
46 amount of the ending fund balance differential for
47 general county services as provided in this paragraph.
48 The ending fund balance differential for general
49 county services is the difference between the general
50 fund's ending balance for the fiscal year beginning

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1 July 1, 1999, and the general fund's ending balance
2 for the fiscal year beginning July 1, 1996, divided by
3 three. However, for purposes of this paragraph, the
4 ending fund balance for the fiscal year beginning July
5 1, 1996, and the fiscal year beginning July 1, 1999,
6 shall not include general obligation bond proceeds
7 deposited in the general fund and shall not include
8 revenues received under section 99F.11 deposited in
9 the general fund.

10 2. For purposes of calculating maximum property
11 tax dollars under section 331.423, the tentative
12 maximum property tax dollars for the fiscal year
13 beginning July 1, 2000, for rural county services
14 shall be calculated as provided in this subsection.

15 a. The tentative maximum amount of property tax
16 dollars for rural county services for taxes payable in
17 the fiscal year beginning July 1, 2000, shall be an
18 amount equal to the sum of the following, divided by
19 three, and adjusted by the amount in paragraph "b":

20 (1) The sum of the amount of property taxes levied
21 for rural county services and the amount of property
22 tax replacement dollars received, the amount of
23 revenues received under section 99F.11 that were
24 specifically designated for property tax relief, and
25 the amount of local sales and services tax revenues
26 received as property tax relief and deposited in the
27 rural services fund, all for the fiscal year beginning
28 July 1, 1997, times one and one hundred ten
29 thousandths.

30 (2) The sum of the amount of property taxes levied
31 for rural county services and the amount of property
32 tax replacement dollars received, the amount of
33 revenues received under section 99F.11 that were
34 specifically designated for property tax relief, and
35 the amount of local sales and services tax revenues
36 received as property tax relief and deposited in the
37 rural services fund, all for the fiscal year beginning
38 July 1, 1998, times one and eighty-nine thousandths.

39 (3) The sum of the amount of property taxes levied
40 for rural county services and the amount of property
41 tax replacement dollars received, the amount of
42 revenues received under section 99F.11 that were
43 specifically designated for property tax relief, and
44 the amount of local sales and services tax revenues
45 received as property tax relief and deposited in the
46 rural services fund, all for the fiscal year beginning
47 July 1, 1999, times one and sixty-seven thousandths.

48 b. The amount computed under the formula in
49 paragraph "a" shall be adjusted by subtracting the
50 amount of the ending fund balance differential for

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1 rural county services as provided in this paragraph.
2 The ending fund balance differential for rural county
3 services is the difference between the rural services
4 fund's ending balance for the fiscal year beginning
5 July 1, 1999, and the rural services fund's ending
6 balance for the fiscal year beginning July 1, 1996,
7 divided by three. However, for purposes of this
8 paragraph, the ending fund balance for the fiscal year
9 beginning July 1, 1996, and for the fiscal year
10 beginning July 1, 1999, shall not include revenues
11 received under section 99F.11 deposited in the general
12 fund.

13 3. A county may choose to calculate its base year
14 under subsections 1 and 2 using the fiscal years
15 beginning July 1, 1998, July 1, 1999, and July 1,
16 2000, in lieu of the fiscal years cited in subsections
17 1 and 2 and applying the following annual price
18 indices, respectively: one and sixty-nine
19 thousandths, one and forty-eight thousandths, and one
20 and thirty thousandths.

21 4. a. The tentative maximum amount of property
22 tax dollars for general county services for taxes
23 payable in the fiscal year beginning July 1, 2001, is
24 an amount equal to the amount computed in subsection 1
25 times the annual price index plus the amount of net
26 new valuation taxes.

27 b. The tentative maximum amount of property tax
28 dollars for rural county services for taxes payable in
29 the fiscal year beginning July 1, 2001, is an amount
30 equal to the amount computed in subsection 2 times the
31 annual price index plus the amount of net new
32 valuation taxes.

33 5. Each county shall calculate its tentative
34 maximum property tax dollars under this section on
35 forms prescribed by the department of management.

36 Sec. 16. NEW SECTION. 331.440F ENDING FUND
37 BALANCE.

38 Effective for a fiscal year beginning on or after
39 July 1, 2005, actual ending fund balances shall not
40 exceed twenty-five percent of actual expenditures in
41 the previous fiscal year for either the general fund
42 or the rural services fund. Actual ending fund
43 balances for a fiscal year in excess of twenty-five
44 percent of actual expenditures in the previous fiscal
45 year shall be reserved or designated for a specific
46 purpose and specifically described in the certified
47 budget. The excess actual balance for that specific
48 purpose shall be considered an increase in an item in
49 the budget for the following fiscal year for purposes
50 of section 24.28.

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1 Counties shall reach the twenty-five percent fund
2 balance limitation by the fiscal year ending June 30,
3 2005, and shall maintain the balance at this level or
4 at a lower level as recorded in the annual financial
5 report. A county shall not exceed a balance greater
6 than five percent above the twenty-five percent fund
7 balance limitation. If a county exceeds the
8 limitation, in the second budget year following the
9 fiscal year that shows a fund balance exceeding the
10 limitation, the county shall implement a levy
11 reduction formula to offset the excess fund balance.
12 Up to ten percent of an amount reserved or
13 designated for a specific purpose may be used for a
14 purpose other than that described in the certified
15 budget. Such change in use shall be treated as an
16 amendment to the budget subject to section 331.435.
17 The board of supervisors may change the specific
18 purpose for which all or a portion of funds in excess
19 of ten percent are reserved or designated if the
20 proposition to change the specific purpose has been
21 submitted at a special election and received a
22 favorable majority of the votes cast on the
23 proposition. The special election shall be held in
24 the manner provided in section 331.425, except that if
25 the change in purpose is to the general services fund
26 ending balance, registered voters in the county may
27 vote on the proposition and if the change in purpose
28 is the rural services fund ending balance, registered
29 voters residing outside the corporate limits of a city
30 within the county may vote on the proposition.

31 Sec. 17. NEW SECTION. 331.440G AUTHORITY TO LEVY
32 BEYOND MAXIMUM PROPERTY TAX DOLLARS.

33 1. The board may certify additions to the maximum
34 amount of property tax dollars to be levied for a
35 period of time not to exceed two years if the
36 proposition has been submitted at a special election
37 and received a favorable majority of the votes cast on
38 the proposition.

39 2. The special election is subject to the
40 following:

41 a. The board must give at least thirty-two days'
42 notice to the county commissioner of elections that
43 the special election is to be held.

44 b. The special election shall be conducted by the
45 county commissioner of elections in accordance with
46 law.

47 c. The proposition to be submitted shall be
48 substantially in the following form:

49 "Vote "yes" or "no" on the following:

50 Shall the county of _____ levy for an additional

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1 \$ _____ each year for ____ years beginning July 1,
2 _____, in excess of the statutory limits otherwise
3 applicable for the (general county services or rural
4 services) fund?"

5 d. The canvass shall be held beginning at one p.m.
6 on the second day which is not a holiday following the
7 special election.

8 e. Notice of the special election shall be
9 published at least once in a newspaper as specified in
10 section 331.305 prior to the date of the special
11 election. The notice shall appear as early as
12 practicable after the board has voted to seek
13 additional property tax dollars.

14 3. Registered voters in the county may vote on the
15 proposition to increase property taxes for the general
16 fund in excess of the statutory limit. Registered
17 voters residing outside the corporate limits of a city
18 within the county may vote on the proposition to
19 increase property taxes for the rural services fund in
20 excess of the statutory limit.

21 4. The amount of additional property tax dollars
22 certified under this subsection shall not be included
23 in the computation of the maximum amount of property
24 tax dollars which may be certified and levied under
25 section 331.423.

26 Sec. 18. NEW SECTION. 331.440H CEMETERY LEVY AND
27 FUND.

28 The board may levy annually a tax not to exceed six
29 and three-fourths cents per thousand dollars of the
30 assessed value of all taxable property in the county
31 to repair and maintain all cemeteries under the
32 jurisdiction of the board including pioneer cemeteries
33 and to pay other expenses of the board or the cemetery
34 commission as provided in section 331.325. The
35 proceeds of the tax levy shall be credited to the
36 cemetery fund.

37 Sec. 19. NEW SECTION. 331.440I COUNTY
38 SUPPLEMENTAL FUND.

39 1. The county supplemental fund is established for
40 the following purposes and taxes may be certified and
41 levied for such fund in the amount necessary to meet
42 its obligations:

43 a. Accounting for pension and related employee
44 benefits as provided by the county finance committee.

45 b. Accounting for tort liability insurance,
46 property insurance, and any other insurance that may
47 be necessary in the operation of the county, costs of
48 a self-insurance program, costs of a local government
49 risk pool, and amounts payable under any insurance
50 agreements to provide or procure such insurance, self-

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1 insurance program, or local government risk pool.

2 c. Accounting for gifts or grants received by the
3 county for a particular purpose.

4 d. Accounting for money and property received and
5 handled by the county as trustee or custodian or in
6 the capacity of an agent.

7 2. County revenues from taxes and other sources
8 for the purposes described in this section shall be
9 credited to the county supplemental fund.

10 Sec. 20. NEW SECTION. 331.440J UNFUNDED MANDATES
11 FUND.

12 A county may establish an unfunded mandates fund
13 and may certify taxes not to exceed twenty-seven cents
14 per thousand dollars of taxable value each year to be
15 levied for the fund. A county may levy for the fund
16 only to pay for an unfunded state mandate as described
17 in section 25B.5A and identified by the general
18 assembly in the enactment of the unfunded state
19 mandate.

20 The amount of property taxes levied under this
21 section shall not be included in the computation of
22 the maximum amount of property tax dollars which may
23 be certified and levied under section 331.440D.

24 DIVISION IIA

25 BUDGETING AND ACCOUNTING – PILOT PROJECT

26 Sec. 21. NEW SECTION. 384.22A PILOT PROJECT.

27 For the fiscal year beginning July 1, 2002, through
28 the fiscal year ending June 30, 2004, a city may
29 participate in a pilot project under this division.

30 To participate, a city council must adopt a resolution
31 in favor of participation in the pilot project and
32 must forward the resolution to the Iowa league of
33 cities and the commission on state and local taxation
34 by September 1, 2001. The commission may select
35 participating cities based on population, property
36 valuations, and other factors deemed appropriate by
37 the commission. No more than a total of ten counties
38 and cities may participate in a pilot project under
39 this division or under chapter 331, division IV, part
40 2A.

41 On or before January 1, 2005, the commission shall
42 report on the pilot project to the general assembly.
43 The report shall include such data and information
44 necessary to allow the general assembly to evaluate
45 the pilot project.

46 Section 384.1 and section 384.12, subsection 20, do
47 not apply to this division. References in the Code of
48 Iowa to section 384.1 and section 384.12, subsection
49 20, do not apply to cities participating in a pilot
50 project under this division.

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1 Sec. 22. NEW SECTION. 384.22B PROPERTY TAX
2 DOLLARS – MAXIMUMS.

3 1. A city shall certify taxes to be levied by the
4 city on all taxable property within the city limits,
5 for all city government purposes. Annually, the city
6 council may certify basic levies for city government
7 purposes, subject to the limitation on property tax
8 dollars provided in this section.

9 2. For purposes of this section:

10 a. "Annual price index" means the change, computed
11 to four decimal places, between the preliminary price
12 index for the third quarter of the calendar year
13 preceding the calendar year in which the fiscal year
14 starts and the revised price index for the third
15 quarter of the previous calendar year as published in
16 the same issue in which such preliminary price index
17 is first published. The price index used shall be the
18 state and local government chain-type price index used
19 in the quantity and price indexes for gross domestic
20 product as published by the United States department
21 of commerce. The annual price index shall not be less
22 than zero and shall not exceed four hundredths. The
23 change shall then be added to one to create a
24 multiplier for the annual price index.

25 b. "Boundary adjustment" means annexation,
26 severance, incorporation, or discontinuance as those
27 terms are defined in section 368.1.

28 c. "Budget year" is the fiscal year beginning
29 during the calendar year in which a budget is
30 certified.

31 d. "Current fiscal year" is the fiscal year ending
32 during the calendar year in which a budget is
33 certified.

34 e. "Local sales and services taxes" means local
35 sales and services taxes imposed under the authority
36 of chapter 422B.

37 f. "Net new valuation taxes" means the amount of
38 property tax dollars equal to the tentative maximum
39 general rate for city government purposes times the
40 increase from the previous year in taxable valuation
41 due to the following:

42 (1) Net new construction.

43 (2) Additions or improvements to existing
44 structures.

45 (3) Remodeling of existing structures for which a
46 building permit is required.

47 (4) Net boundary adjustment.

48 (5) A municipality no longer dividing tax revenues
49 in an urban renewal area as provided in section
50 403.19, to the extent that the incremental valuation

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1 released is due to new construction or revaluation on
2 property newly constructed after the division of
3 revenue begins.

4 (6) That portion of taxable property located in an
5 urban revitalization area on which an exemption was
6 allowed and such exemption has expired.

7 g. "Property tax replacement dollars" means
8 revenues received under sections 427B.17 through
9 427B.19D, revenues received under chapter 437A,
10 subchapter II, revenues received under section 99F.11
11 that are specifically designated for property tax
12 relief in the current fiscal year, and amounts
13 appropriated by the general assembly for property tax
14 relief first enacted for fiscal years beginning on or
15 after July 1, 2001.

16 h. "Tentative maximum general rate" means the
17 amount calculated in subsection 3, paragraph "b",
18 subparagraph (1), divided by the net taxable valuation
19 in the city. For purposes of this paragraph, "net
20 taxable valuation" is the amount of taxable valuation
21 in the city minus the amount of taxable valuation in
22 the city used to calculate net new valuation taxes.

23 i. "Unused taxing authority" means the maximum
24 amount of property tax dollars calculated under
25 subsection 3 for a fiscal year minus the amount
26 actually levied under this section in that fiscal
27 year. Unused taxing authority may be carried forward
28 to the following fiscal year. However, the amount of
29 unused taxing authority which may be carried forward
30 shall not exceed twenty-five percent of the maximum
31 amount of property tax dollars available in the
32 current fiscal year.

33 3. a. Effective for the fiscal year beginning
34 July 1, 2002, the maximum amount of property tax
35 dollars which may be certified by a city for city
36 government purposes shall be the tentative maximum
37 property tax dollars calculated under paragraph "b",
38 and adjusted by the amounts in paragraphs "c", "d",
39 and "e".

40 b. The tentative maximum property tax dollars for
41 city government purposes is an amount equal to the sum
42 of the following:

43 (1) The current fiscal year's tentative maximum
44 property tax dollars for city government purposes
45 minus the unused taxing authority carried forward from
46 the previous fiscal year times the annual price index.

47 (2) The amount of net new valuation taxes.

48 (3) The amount of unused taxing authority carried
49 forward from the previous fiscal year.

50 c. Subtract the amount of property tax replacement

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1 dollars to be received for the budget year that will
2 be deposited in the city general fund.
3 d. Subtract the amount of local sales and services
4 taxes for property tax relief estimated by the
5 department of revenue and finance to be received for
6 the budget year that will be deposited in the city
7 general fund.

8 e. Subtract the amount of local sales and services
9 taxes received for property tax relief in the previous
10 fiscal year for the city general fund, and add the
11 amount of local sales and services taxes that was
12 budgeted for property tax relief for the city general
13 fund in that fiscal year.

14 3A. Property taxes certified for deposit in the
15 debt service fund in section 384.4, trust and agency
16 funds in section 384.6, capital improvements reserve
17 fund in section 384.7, the emergency fund in section
18 384.8, any capital projects fund established by the
19 city for deposit of bond, loan, or note proceeds, any
20 temporary increase approved pursuant to section
21 384.22E, property taxes collected from a voted levy in
22 section 384.12, and property taxes levied under
23 section 384.12, subsection 18, are not counted against
24 the maximum amount of property tax dollars that may be
25 certified for a fiscal year under subsection 3.

26 4. Notwithstanding the maximum amount of taxes a
27 city may certify for levy, the tax levied by a city on
28 tracts of land and improvements on the tracts of land
29 used and assessed for agricultural or horticultural
30 purposes shall not exceed three dollars and three-
31 eighths cents per thousand dollars of assessed value
32 in any year. Improvements located on such tracts of
33 land and not used for agricultural or horticultural
34 purposes and all residential dwellings are subject to
35 the same rate of tax levied by the city on all other
36 taxable property within the city.

37 5. The department of management shall adopt rules
38 to administer this section and section 384.22C after
39 consultation with the city finance committee.

40 Sec. 23. NEW SECTION. 384.22C BASE YEAR PROPERTY
41 TAX DOLLARS.

42 1. For purposes of calculating maximum property
43 tax dollars under section 384.22B, the tentative
44 maximum property tax dollars for the fiscal year
45 beginning July 1, 2000, for city government purposes
46 shall be calculated as provided in this subsection.

47 a. The tentative maximum amount of property tax
48 dollars for city government purposes for taxes payable
49 in the fiscal year beginning July 1, 2000, shall be an
50 amount equal to the sum of the following, divided by

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1 three, and adjusted by the amounts in paragraph "b".

2 (1) The sum of the amount of property taxes levied
3 for city government purposes and the amount of
4 property tax replacement dollars received, the amount
5 of revenues received under section 99F.11 that were
6 specifically designated for property tax relief, and
7 the amount of local sales and services tax revenues
8 received as property tax relief deposited in the city
9 general fund all for the fiscal year beginning July 1,
10 1997, times one and one hundred ten thousandths.

11 (2) The sum of the amount of property taxes levied
12 for city government purposes and the amount of
13 property tax replacement dollars received, the amount
14 of revenues received under section 99F.11 that were
15 specifically designated for property tax relief, and
16 the amount of local sales and services tax revenues
17 received as property tax relief deposited in the city
18 general fund all for the fiscal year beginning July 1,
19 1998, times one and eighty-nine thousandths.

20 (3) The sum of the amount of property taxes levied
21 for city government purposes and the amount of
22 property tax replacement dollars received, the amount
23 of revenues received under section 99F.11 that were
24 specifically designated for property tax relief, and
25 the amount of local sales and services tax revenues
26 received as property tax relief deposited in the city
27 general fund all for the fiscal year beginning July 1,
28 1999, times one and sixty-seven thousandths.

29 b. The amount computed under the formula in
30 paragraph "a" shall be adjusted by subtracting the
31 amount of the ending fund balance differential for
32 city government purposes as provided in this
33 paragraph. The ending fund balance differential for
34 city government purposes is the difference between the
35 city general fund's ending balance for the fiscal year
36 beginning July 1, 1999, and the city general fund's
37 ending balance for the fiscal year beginning July 1,
38 1996, divided by three. However, for purposes of this
39 paragraph, the ending fund balance for the fiscal year
40 beginning July 1, 1996, and the fiscal year beginning
41 July 1, 1999, shall not include general obligation
42 bond proceeds deposited in the general fund and shall
43 not include revenues received under section 99F.11
44 deposited in the general fund.

45 2. A city may choose to calculate its base year
46 under subsection 1 using the fiscal years beginning
47 July 1, 1998, July 1, 1999, and July 1, 2000, in lieu
48 of the fiscal years cited in subsection 1 and applying
49 the following annual price indices, respectively: one
50 and sixty-nine thousandths, one and forty-eight

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1 thousandths, and one and thirty thousandths.

2 3. The tentative maximum amount of property tax
3 dollars for city government purposes for the fiscal
4 year beginning July 1, 2001, is an amount equal to the
5 amount computed in subsection 1 times the annual price
6 index plus the amount of net new valuation taxes.

7 4. Each city shall calculate its base year
8 tentative maximum property tax dollars and its maximum
9 property tax dollars under this section on forms
10 prescribed by the department of management.

11 Sec. 24. NEW SECTION. 384.22D ENDING FUND
12 BALANCE.

13 Effective for a fiscal year beginning on or after
14 July 1, 2005, actual ending fund balances shall not
15 exceed twenty-five percent of actual expenditures in
16 the previous fiscal year for either the general fund
17 or the rural services fund. Actual ending fund
18 balances for a fiscal year in excess of twenty-five
19 percent of actual expenditures in the previous fiscal
20 year shall be reserved or designated for a specific
21 purpose and specifically described in the certified
22 budget. The excess actual balance for that specific
23 purpose shall be considered an increase in an item in
24 the budget for the following fiscal year for purposes
25 of section 24.28.

26 Cities shall reach the twenty-five percent fund
27 balance limitation by the fiscal year ending June 30,
28 2005, and shall maintain the balance at this level or
29 at a lower level as recorded in the annual financial
30 report. A city shall not exceed a balance greater
31 than five percent above the twenty-five percent fund
32 balance limitation. If a city exceeds the limitation,
33 in the second budget year following the fiscal year
34 that shows a fund balance exceeding the limitation,
35 the city shall implement a levy reduction formula to
36 offset the excess fund balance.

37 Up to ten percent of an amount reserved or
38 designated for a specific purpose may be used for a
39 purpose other than that described in the certified
40 budget. Such change in use shall be treated as an
41 amendment to the budget subject to section 384.18.
42 The board of supervisors may change the specific
43 purpose for which all or a portion of funds in excess
44 of ten percent are reserved or designated if the
45 proposition to change the specific purpose has been
46 submitted at a special election and received a
47 favorable majority of the votes cast on the
48 proposition. The special election shall be held in
49 the manner provided in section 384.12, subsection 20.

50 Sec. 25. NEW SECTION. 384.22E AUTHORITY TO LEVY

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1 BEYOND MAXIMUM PROPERTY TAX DOLLARS.

2 1. The city council may certify additions to the
3 maximum amount of property tax dollars to be levied
4 for a period of time not to exceed two years if the
5 proposition has been submitted at a special election
6 and received a favorable majority of the votes cast on
7 the proposition.

8 2. The special election is subject to the
9 following:

10 a. The city council must give at least thirty-two
11 days' notice to the county commissioner of elections
12 that the special election is to be held.

13 b. The special election shall be conducted by the
14 county commissioner of elections in accordance with
15 law.

16 c. The proposition to be submitted shall be
17 substantially in the following form:

18 "Vote "yes" or "no" on the following:

19 Shall the city of _____ levy for an additional
20 \$_____ each year for ____ years beginning next July
21 1, ____, in excess of the statutory limits otherwise
22 applicable for the city general fund?"

23 d. The canvass shall be held beginning at one p.m.
24 on the second day which is not a holiday following the
25 special election.

26 e. Notice of the special election shall be
27 published at least once in a newspaper as specified in
28 section 362.3 prior to the date of the special
29 election. The notice shall appear as early as
30 practicable after the city council has voted to seek
31 additional property tax dollars.

32 3. The amount of additional property tax dollars
33 levied under subsection 2 shall not be included in the
34 computation of the maximum amount of property tax
35 dollars which may be certified and levied under
36 section 384.1.

37 Sec. 26. Section 425A.2, subsection 4, paragraph
38 d, Code 2001, is amended to read as follows:

39 d. If the owner is an authorized farm corporation,
40 a shareholder ~~or the shareholder's spouse~~ who owns at
41 least ~~fifty-one~~ fifty percent of the stock of the
42 authorized farm corporation ~~or the shareholder's~~
43 ~~spouse~~.

44 Sec. 27. Section 425A.2, subsection 4, paragraph
45 e, Code 2001, is amended to read as follows:

46 e. If the owner is an individual who leases the
47 tract to a family farm corporation, a shareholder of
48 the corporation if the combined stock of the family
49 farm corporation owned by the owner of the tract and
50 persons related to the owner as enumerated in

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1 paragraph "a" is equal to at least ~~fifty-one~~ fifty
2 percent of the stock of the family farm corporation.
3 Sec. 28. Section 425A.2, subsection 4, paragraph
4 f, Code 2001, is amended to read as follows:
5 f. If the owner is an individual who leases the
6 tract to a partnership, a partner if the combined
7 partnership interest owned by a designated person as
8 defined in paragraph "a" is equal to at least ~~fifty-~~
9 ~~one~~ fifty percent of the ownership interest of the
10 partnership.
11 Sec. 29. Section 427.1, subsection 19, Code 2001,
12 is amended by adding the following new unnumbered
13 paragraph after unnumbered paragraph 8:
14 NEW UNNUMBERED PARAGRAPH. Pollution-control
15 property used for purposes relating to the care and
16 feeding of livestock as defined in section 169C.1
17 shall be limited to the first two hundred thousand
18 dollars in assessed value, unless an owner of the
19 pollution-control property is any of the following:
20 a. The owner of agricultural land which is
21 eligible for the family farm property tax credit as
22 provided in chapter 425A.
23 b. Actively engaged in farming as defined in
24 section 10.1.
25 c. A networking farmers entity as defined in
26 section 10.1 or a member of a networking farmers
27 entity.
28 Sec. 30. APPLICABILITY DATES. Sections 26 through
29 28 of this Act apply to credits applied for on or
30 after July 1, 2001. Section 29 of this Act applies to
31 exemptions first applied for on or after July 1, 2001.
32 The remainder of this Act applies to the fiscal year
33 beginning July 1, 2002, and all subsequent fiscal
34 years.""
35 2. Title page, line 1, by inserting after the
36 word "for" the following: "certain cities and".

HOUSER of Pottawattamie
VAN ENGELNHOVEN of Mahaska

H-1901

1 Amend House File 672 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. APPROPRIATION OF MONEYS DEPOSITED IN
5 THE TEACHER COMPENSATION REFORM AND STUDENT
6 ACHIEVEMENT SAVINGS ACCOUNT FUND. Moneys deposited in
7 the teacher compensation reform and student
8 achievement savings account fund created in section

9 12.90, as of July 1, 2001, if House File 413 is
10 enacted by the Seventy-ninth General Assembly, 2001
11 Session, are appropriated to the department of
12 education for distribution to school districts as
13 provided in this section. Moneys appropriated in this
14 section shall be allocated to school districts in the
15 proportion that the basic enrollment of a school
16 district bears to the sum of the basic enrollments of
17 all school districts in the state for the budget year.
18 A school district shall expend funds received pursuant
19 to this section for purposes of implementing teacher
20 compensation reform and student achievement measures
21 pursuant to the provisions of a collective bargaining
22 agreement negotiated under the provisions of chapter
23 20.

24 Sec. 2. ALLOCATION AND USE OF PHASE I MONEYS.

25 Notwithstanding the provisions of chapter 294A, moneys
26 appropriated and allocated in an amount to meet the
27 minimum salary requirements of chapter 294A for
28 purposes of phase I for the fiscal year beginning July
29 1, 2001, and ending June 30, 2002, shall be allocated
30 to school districts in the proportion that the basic
31 enrollment of a school district bears to the sum of
32 the basic enrollments of all school districts in the
33 state for the budget year. A school district shall
34 expend funds received pursuant to this section for
35 purposes of implementing teacher compensation reform
36 measures pursuant to the provisions of a collective
37 bargaining agreement negotiated under the provisions
38 of chapter 20."

39 2. Title page, by striking lines 1 and 2 and
40 inserting the following: "An Act relating to and
41 making appropriations of moneys for purposes of
42 teacher compensation reform and student achievement."

CONNORS of Polk

H-1905

1 Amend Senate File 535, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 23, by inserting after line 21, the
4 following:

5 "Sec. ____ Section 260C.24, Code 2001, is amended
6 to read as follows:

7 260C.24 DISTRIBUTION AND PAYMENT OF
8 APPROPRIATIONS.

9 1. If the amount of moneys appropriated by the
10 general assembly from the general fund of the state to
11 the department of education for community colleges for
12 general state financial aid exceeds the amount
13 appropriated in the prior fiscal year, the department

- 14 of education shall cause the excess to be distributed
15 to each community college based on each community
16 college's proportional share of the total full-time
17 equivalent enrollment.
18 2. Payment of appropriations for distribution
19 under this chapter, or of appropriations made in lieu
20 of such appropriations, shall be made by the
21 department of revenue and finance in monthly
22 installments due on or about the fifteenth of each
23 month of a budget year, and installments shall be as
24 nearly equal as possible, as determined by the
25 department of revenue and finance, taking into
26 consideration the relative budget and cash position of
27 the state resources."
28 2. By renumbering as necessary.

HANSEN of Pottawattamie

H-1906

- 1 Amend House File 751 as follows:
2 1. Page 1, by inserting after line 29, the
3 following:
4 "2A. The aggregate amount of tax credits which may
5 be issued for investments in a single qualifying
6 business shall not exceed one million dollars. The
7 tax credits issued for investments in a particular
8 qualifying business shall be issued on the basis of
9 the chronological order of receipt by the department
10 of economic development of notifications required
11 pursuant to section 15E.43, subsection 1."
12 2. Page 3, by striking lines 24 and 25, and
13 inserting the following:
14 "5. Any consideration received by a transferor
15 shall be immediately invested in the qualifying
16 business for which the original investment was made.
17 The investment of the consideration received by the
18 transferor shall not be considered an equity
19 investment by the transferor and the transferor shall
20 not be eligible to receive a tax credit for the
21 investment of the proceeds received from the transfer
22 of a tax credit."

Committee on Ways and Means

H-1908

- 1 Amend House File 743 as follows:
2 1. Page 2, by striking lines 10 through 20.
3 2. By striking page 4, line 25, through page 5,
4 line 1.
5 3. Page 5, line 24, by striking the words and

6 figures "sections 200.4 and 200.8" and inserting the
7 following: "section 200.4".
8 4. By renumbering, redesignating, and correcting
9 internal references as necessary.

TEIG of Hamilton

H-1911

1 Amend Senate File 535, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 26, by inserting after line 3, the
4 following:
5 "Sec. ____ Section 272.33, unnumbered paragraph 3,
6 Code 2001, is amended to read as follows:
7 An evaluator license is valid for a period of five
8 years and is renewable upon meeting renewal
9 requirements established by the board of educational
10 examiners. The holder of a license with an evaluator
11 endorsement must complete evaluation coursework as
12 part of license renewal requirements. The board of
13 educational examiners shall develop renewal
14 requirements for holders of evaluator endorsements.
15 To be eligible for an evaluator license or evaluator
16 endorsement, an individual must hold ~~either a~~
17 ~~teacher's license, or administrative license, or a~~
18 statement of professional recognition issued by the
19 board of educational examiners. An individual
20 possessing a permanent teaching license which remains
21 in force shall be issued an evaluator license."
22 2. By renumbering as necessary.

FOEGE of Linn

H-1914

1 Amend, the amendment, H-1897, to Senate File 514,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 25, line 18, by inserting after the word
5 "value" the following: "per owner on a statewide
6 basis".
7 2. Page 25, by inserting after line 27, the
8 following:
9 "For purposes of establishing the valuation
10 limitation under this subsection, if more than one
11 person has an ownership interest in the property, the
12 multiple owners shall be considered one owner so that
13 the two hundred thousand dollar limitation cannot be

14 exceeded as a result of multiple ownership."

KREIMAN of Davis
ARNOLD of Lucas

H-1915

- 1 Amend House File 752 as follows:
- 2 1. Page 1, by striking lines 5 through 10 and
- 3 inserting the following:
- 4 "b. For purposes of this subsection, "coins or
- 5 currency" means a coin or currency made of".
- 6 2. Page 1, line 13, by striking the figure "2005"
- 7 and inserting the following: "2004".
- 8 3. Page 1, line 15, by striking the figure "2003"
- 9 and inserting the following: "2002".

FALLON of Polk

H-1916

- 1 Amend Senate File 524, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 30, and inserting the
- 4 following:
- 5 "a. For each fiscal year until the close of the
- 6 fiscal year ending in 2011, the revenue actually
- 7 collected during that fiscal year".
- 8 2. Page 6, line 30, by inserting after the figure
- 9 "123.183" the following: ", until the close of the
- 10 fiscal year ending in 2011".

BRUNKHORST of Bremer

H-1917

- 1 Amend House Concurrent Resolution 35 as follows:
- 2 1. By striking page 1, line 3, through page 2,
- 3 line 21, and inserting the following:
- 4 "A Concurrent Resolution requesting the establishment
- 5 of a committee to study and make recommendations
- 6 concerning issues related to hazardous material
- 7 cleanup and mitigation.
- 8 WHEREAS, hazardous material mitigation is a service
- 9 local fire departments and hazardous material crews
- 10 provide in the case of hazardous material spills; and
- 11 WHEREAS, hazardous material mitigation and training
- 12 are services provided to residents and commercial
- 13 services by publicly funded agencies and local
- 14 governments; and
- 15 WHEREAS, commercial services and their insurance
- 16 carriers provide reimbursement for cleanup when needed

17 to the local hazardous material services; and
18 WHEREAS, billing charges by various public services
19 and hazardous material services to insurance carriers
20 for cleanups and mitigation vary; and
21 WHEREAS, commercial services and their insurance
22 carriers need some standardization in billing for
23 cleanup services and mitigation; NOW THEREFORE,
24 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
25 SENATE CONCURRING, That the legislative council is
26 requested to establish an interim study committee to
27 study and make recommendations regarding the costs
28 associated with the cleanup and mitigation of
29 hazardous material, the regional system used to
30 provide the service, the billing procedures and
31 standards used in other states, the costs of training
32 and maintaining the hazardous material service in
33 Iowa, the cost of cleanup, mitigation, and disposal of
34 hazardous material spilled in Iowa, and the workers
35 needed at hazardous material spill sites; and
36 BE IT FURTHER RESOLVED, That the interim study
37 committee shall include members of the general
38 assembly, representation of professional and volunteer
39 fire fighters who are trained in hazardous material
40 cleanup, mitigation, and handling, the department of
41 natural resources, members of the trucking industry
42 involved in the interstate and intrastate
43 transportation of hazardous material for the
44 agricultural sector and the industrial sector,
45 railroad companies, the insurance industry involved in
46 insuring hazardous material spills, the state
47 department of transportation, cities, counties, the
48 department of public safety, and the chemical
49 manufacturing industry; and
50 BE IT FURTHER RESOLVED, That the interim study

Page 2

1 committee shall report its findings and
2 recommendations to the general assembly by January 1,
3 2002."

BRAUNS of Muscatine

H-1918

1 Amend Senate File 140, as passed by the Senate, as
2 follows:
3 1. By striking page 2, line 22, through page 4,
4 line 18.
5 2. Page 4, by striking line 23 and inserting the
6 following:
7 "2. Section 6 of this Act applies".

- 8 3. Title page, by striking lines 3 and 4 and
9 inserting the following: "dependents,".
10 4. By renumbering, redesignating, and correcting
11 internal references as necessary.

ALONS of Sioux
EICHHORN of Hamilton

H-1919

- 1 Amend House File 751 as follows:
2 1. Page 1, line 10, by inserting after the figure
3 "432" the following: "or 533".
4 2. Page 1, line 32, by inserting after the figure
5 "432" the following: "or 533".
6 3. Page 3, line 1, by striking the words "revenue
7 and finance" and inserting the following: "economic
8 development".
9 4. Page 3, line 16, by inserting after the figure
10 "432" the following: "or 533".
11 5. Page 3, line 20, by inserting after the figure
12 "432" the following: "or as moneys and credits under
13 chapter 533".
14 6. Page 3, line 23, by inserting after the figure
15 "432" the following: "or from moneys and credits
16 under chapter 533".
17 7. Page 3, by inserting after line 23 the
18 following:
19 "4A. Upon the transfer of all or a portion of an
20 unused tax credit, the transferor shall provide
21 notification to the department of revenue and finance
22 regarding the transfer. The transferor shall report
23 to the department the name and tax identification
24 number of the transferee and the amount of the tax
25 credit being transferred."
26 8. Page 4, by inserting after line 9 the
27 following:
28 "Sec. ____ Section 533.24, Code 2001, is amended
29 by adding the following new unnumbered paragraph:
30 NEW UNNUMBERED PARAGRAPH. The tax imposed on
31 moneys and credits under this section shall be reduced
32 by an investment tax credit authorized pursuant to
33 sections 15E.41 through 15E.43."
34 9. By renumbering as necessary.

TEIG of Hamilton

H-1921

- 1 Amend the amendment, H-1906, to House File 751 as
2 follows:
3 1. Page 1, line 6, by striking the words "one

4 million" and inserting the following: "five hundred
5 thousand".

FALLON of Polk

H-1922

- 1 Amend House File 751 as follows:
- 2 1. Page 3, by inserting after line 25 the
- 3 following:
- 4 "Sec. ____ NEW SECTION. 15E.44 REPORT.
- 5 By January 15, 2005, the department of economic
- 6 development shall submit a written report to the
- 7 general assembly regarding the economic impact of the
- 8 investments for which tax credit certificates were
- 9 issued including, but not limited to, capital
- 10 investments made, private moneys leveraged, jobs
- 11 created, and wages and benefits of those jobs.
- 12 Sec. ____ NEW SECTION. 15E.45 REPEAL.
- 13 Sections 15E.41 through 15E.44 are repealed on
- 14 December 31, 2005."
- 15 2. By renumbering as necessary.

FALLON of Polk

H-1923

- 1 Amend House File 751 as follows:
- 2 1. Page 2, by inserting after line 32 the
- 3 following:
- 4 "1A. In addition to the criteria listed in
- 5 subsection 1, the department of economic development
- 6 shall consider all of the following when making a
- 7 determination of whether a business is a qualifying
- 8 business:
- 9 a. Whether the wages, benefits, including health
- 10 benefits, safety, and other attributes of the business
- 11 would improve the quality of other existing regional
- 12 or statewide cultural, recreational, entertainment,
- 13 and educational activities or employment in the
- 14 community.
- 15 b. The ability of the business to produce a long-
- 16 term, tax-generating economic impact.
- 17 c. The investment of the city, county, or region
- 18 in the business.
- 19 d. Other funding mechanisms.
- 20 e. The long-term economic viability of the
- 21 business.
- 22 f. The extent to which the business has taken the
- 23 following planning principles into consideration:
- 24 (1) Efficient and effective use of land resources
- 25 and existing infrastructure by encouraging development

26 in areas with existing infrastructure or capacity to
27 avoid costly duplication of services and costly use of
28 land.
29 (2) Provision for a variety of transportation
30 choices, including pedestrian traffic.
31 (3) Maintenance of a unique sense of place by
32 respecting local cultural and natural environmental
33 features.
34 (4) Conservation of open space and farmland and
35 preservation of critical environmental areas.
36 (5) Promotion of the safety, livability, and
37 revitalization of existing urban and rural
38 communities."

FALLON of Polk

H-1924

1 Amend House File 751 as follows:
2 1. Page 1, by striking lines 12 through 16, and
3 inserting the following: "subsection 2, in a
4 qualified business. An individual may claim the
5 credit of a partnership."
6 2. Page 3, by striking lines 9 and 10.
7 3. By renumbering as necessary.

FALLON of Polk

H-1925

1 Amend House File 751 as follows:
2 1. Page 1, line 3, by striking the words
3 "citizens of", and inserting the following:
4 "businesses in".

FALLON of Polk

H-1926

1 Amend the amendment, H-1897, to Senate File 514, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 8, by striking lines 25 through 30, and
5 inserting the following: "commission shall select
6 counties to participate in the pilot project based on
7 population, property valuations, and other factors
8 deemed appropriate by the commission. If necessary to
9 meet these participation requirements, the commission
10 may solicit the participation of counties that have
11 not adopted and forwarded a resolution to the
12 commission. No more than a total of five counties may
13 participate in a pilot project under this part."

- 14 2. Page 18, by striking lines 10 through 23.
15 3. Page 18, by striking lines 34 through 40, and
16 inserting the following: "by September 1, 2001. The
17 commission shall select cities to participate in the
18 pilot project based on population, property
19 valuations, and other factors deemed appropriate by
20 the commission. If necessary to meet these
21 participation requirements, the commission may solicit
22 the participation of cities that have not adopted and
23 forwarded a resolution to the commission. No more
24 than a total of five cities may participate in a pilot
25 project under this division."
26 4. By renumbering as necessary.

HOUSER of Pottawattamie

H-1927

- 1 Amend the amendment, H-1897, to Senate File 514, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 5, by inserting after line 10, the
5 following:
6 "Sec. ____ Section 331.323, subsection 2,
7 paragraph g. Code 2001, is amended to read as follows:
8 g. Establish the number of deputies, assistants,
9 and clerks for the offices of assessor, auditor,
10 treasurer, recorder, sheriff, and county attorney."
11 2. Page 12, line 49, by inserting after the
12 figure "2001." the following: "Amounts levied for
13 each fiscal year under the authority of section 441.16
14 shall be added to the base year calculation for
15 general county services."
16 3. Page 18, by inserting after line 23, the
17 following:
18 "Sec. ____ Section 331.559, subsection 18, Code
19 2001, is amended by striking the subsection."
20 4. Page 22, by inserting after line 28, the
21 following:
22 "Amounts levied for each fiscal year under the
23 authority of section 441.16 shall be added to the base
24 year calculation."
25 5. Page 25, by inserting after line 27, the
26 following:
27 "Sec. ____ Section 441.3, Code 2001, is amended to
28 read as follows:
29 441.3 EXAMINING BOARD.
30 At a regular meeting of the conference board each
31 voting unit of the conference board shall appoint one
32 person who is a resident of the assessor jurisdiction
33 to serve as a member of an examining board to hold an
34 examination for the positions of assessor or deputy

35 assessor. This examining board shall organize as soon
36 as possible after its appointment with a chairperson
37 and secretary. All its necessary expenditures shall
38 be paid ~~as provided from the budget of the assessor.~~
39 Members of the board shall serve without compensation.
40 The terms of each shall be for six years.
41 Sec. ____ Section 441.5, unnumbered paragraph 5,
42 Code 2001, is amended to read as follows:
43 Any person possessing temporary certification who
44 receives a provisional appointment as assessor shall,
45 during the person's first eighteen months in office,
46 be required to complete a course of study prescribed
47 and administered by the director of revenue and
48 finance. Upon the successful completion of this
49 course of study, the assessor shall be granted regular
50 certification and shall be eligible to remain in

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1 office for the balance of the assessor's six-year
2 term. All expenses incurred in obtaining regular
3 certification shall be ~~defrayed by the assessment~~
4 ~~expense fund paid from the budget of the assessor.~~
5 Sec. ____ Section 441.7, Code 2001, is amended to
6 read as follows:
7 441.7 SPECIAL EXAMINATION.
8 If the conference board fails to appoint an
9 assessor from the list of individuals on the register,
10 the conference board shall request permission from the
11 director of revenue and finance to hold a special
12 examination in the particular city or county in which
13 the vacancy has occurred. Permission may be granted
14 by the director of revenue and finance after
15 consideration of factors such as the availability of
16 candidates in that particular city or county. The
17 director of revenue and finance shall conduct no more
18 than one special examination for each vacancy in an
19 assessing jurisdiction. The examination shall be
20 conducted by the director of revenue and finance as
21 provided in section 441.5, except as otherwise
22 provided in this section. The examining board shall
23 give notice of holding the examination for assessor by
24 posting a written notice in a conspicuous place in the
25 county courthouse in the case of county assessors or
26 in the city hall in the case of city assessors,
27 stating that at a specified date, an examination for
28 the position of assessor will be held at a specified
29 place. Similar notice shall be given at the same time
30 by one publication of the notice in three newspapers
31 of general circulation in the case of a county
32 assessor, or in case there are not three such
33 newspapers in a county, then in newspapers which are

34 available, or in one newspaper of general circulation
35 in the city in the case of city assessor. The
36 conference board of the city or county in which a
37 special examination is held shall reimburse the
38 department of revenue and finance for all expenses
39 incurred in the administration of the examination, to
40 be paid for by out of the budget of the respective
41 city or county assessment expense fund assessor.
42 Following the administration of this special
43 examination, the director of revenue and finance shall
44 certify to the examining board a new list of
45 candidates eligible to be appointed as assessor and
46 the examining board and conference board shall proceed
47 in accordance with the provisions of section 441.6.
48 Sec. __. Section 441.8, unnumbered paragraph 8,
49 Code 2001, is amended to read as follows:
50 Each conference board The board of supervisors, or

Page 3

1 city council, as applicable, shall include in the
2 budget for the operation of the assessor's office
3 funds sufficient to enable the assessor and any deputy
4 assessor to obtain certification as provided in this
5 section. The conference board shall also allow the
6 assessor and any deputy assessor sufficient time off
7 from their regular duties to obtain certification.
8 The director of revenue and finance shall adopt rules
9 pursuant to chapter 17A to implement and administer
10 this section.
11 Sec. __. Section 441.15, Code 2001, is amended to
12 read as follows:
13 441.15 BOND.
14 Assessors and deputy assessors shall be required to
15 furnish bond for the performance of their duties in
16 such amount as the conference board may require and
17 the cost ~~thereof of the bond~~ shall be provided for in
18 the budget of the assessor and ~~paid out of the~~
19 ~~assessment expense fund.~~
20 Sec. __. Section 441.16, Code 2001, is amended by
21 striking the section and inserting in lieu thereof the
22 following:
23 441.16 BUDGET.
24 All expenditures under this chapter shall be paid
25 as provided in this section.
26 Not later than January 1 of each year the assessor,
27 the examining board, and the board of review, shall
28 each prepare a proposed budget of all expenses for the
29 ensuing fiscal year. The assessor shall include in
30 the proposed budget the probable expenses for
31 defending assessment appeals. The budgets shall be
32 combined by the assessor and copies of the budget

33 forthwith filed by the assessor in triplicate with the
34 chairperson of the board of supervisors or city
35 council, as applicable.
36 Such combined budgets shall contain an itemized
37 list of the proposed salaries of the assessor and each
38 deputy, the amount required for field personnel and
39 other personnel, their number and their compensation;
40 the estimated amount needed for expenses, printing,
41 mileage and other expenses necessary to operate the
42 assessor's office, the estimated expenses of the
43 examining board and the salaries and expenses of the
44 local board of review.
45 For purposes of promoting operational efficiency,
46 the assessor shall have authority to transfer funds
47 budgeted for specific items for the operation of the
48 assessor's office from one unexpended balance to
49 another; such transfer shall not be made so as to
50 increase the total amount budgeted for the operation

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1 of the office of assessor, and no funds shall be used
2 to increase the salary of the assessor or the salaries
3 of permanent deputy assessors. The assessor shall
4 issue requisitions for the examining board and for the
5 board of review on order of the chairperson of each
6 board and for costs and expenses incident to
7 assessment appeals, only on order of the city legal
8 department, in the case of cities and of the county
9 attorney in the case of counties.
10 Sec.____. Section 441.17, subsection 5, unnumbered
11 paragraph 2, Code 2001, is amended to read as follows:
12 In all cases where the court finds that the
13 taxpayer has not listed the taxpayer's property, as
14 provided by law, and in all hearings where the court
15 decides a matter against the taxpayer, the costs shall
16 be paid by the taxpayer, otherwise they shall be paid
17 ~~out of the assessment expense fund from the budget of~~
18 the assessor. The fees and mileage to be paid
19 witnesses shall be the same as prescribed by law in
20 proceedings in the district courts of this state in
21 civil cases. Where the costs are taxed to the
22 taxpayer they shall be added to the taxes assessed
23 against said taxpayer and the taxpayer's property and
24 shall be collected in the same manner as are other
25 taxes.
26 Sec.____. Section 441.50, Code 2001, is amended to
27 read as follows:
28 441.50 APPRAISERS EMPLOYED.
29 ~~The conference board of supervisors or city council~~
30 shall have power to employ appraisers or other
31 technical or expert help to assist in the valuation of

32 property, the cost thereof to be paid in the same
33 manner as other expenses of the assessor's office.
34 The conference board of supervisors or city council
35 may certify for levy annually an amount not to exceed
36 forty and one-half cents per thousand dollars of
37 assessed value of taxable property for the purpose of
38 establishing a special appraiser's fund, to be used
39 only for such purposes. ~~From time to time the~~
40 ~~conference board may direct the transfer of any~~
41 ~~unexpended balance in the special appraiser's fund to~~
42 ~~the assessment expense fund."~~
43 6. By renumbering as necessary.

VAN ENGELENHOVEN of Mahaska
HOUSER of Pottawattamie

H-1928

1 Amend Senate File 514, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 13, line 29, by inserting after the word
4 "proceeds," the following: "property taxes certified
5 for levy for mass transit as part of a joint agreement
6 with a city to provide mass transit,".

T. TAYLOR of Linn
D. TAYLOR of Linn

H-1929

1 Amend Senate File 514, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 19, line 14, by striking the word "two"
4 and inserting the following: "five".

PETERSEN of Polk

H-1931

1 Amend House File 753, as follows:
2 1. Page 1, line 1, by inserting after the word
3 "TAX" the following: "ADVISORY".
4 2. Page 1, line 3, by inserting after the word
5 "tax" the following: "advisory".
6 3. Page 1, by striking lines 11 through 21, and
7 inserting the following:
8 "___ a. The council shall include six voting
9 members, including all of the following:
10 (1) The director or a designee appointed by the
11 director who shall serve as chairperson of the
12 council.
13 (2) Four persons appointed by the governor,

14 including all of the following:

15 (a) Persons who represent the Iowa retail
16 federation, the institute for cooperatives, and the
17 agribusiness association of Iowa. The governor may
18 make appointments of persons representing the
19 associations from a list of candidates that shall be
20 provided by the associations upon request by the
21 governor.

22 (b) Two agricultural producers actively engaged in
23 the production of a commodity. The two agricultural
24 producers shall use advanced technological innovations
25 in their production operations.

26 The director may appoint an alternate designee and
27 the governor may appoint other alternate voting
28 members in the same manner as the principal designee
29 or other voting members. An alternate member shall
30 serve as a substitute for the principal member who is
31 absent during a council meeting. The alternate member
32 who substitutes for an absent member shall have all
33 the same powers and duties of the absent member."

34 4. By striking page 1, line 33 through page 2,
35 line 4, and inserting the following:

36 "____. The members appointed by the governor shall
37 be appointed in compliance with sections 69.16 and
38 69.16A and shall serve three-year terms beginning and
39 ending as provided by section 69.19. Members
40 appointed by the governor shall serve for staggered
41 terms as provided by the governor and may be
42 reappointed."

43 5. Page 2, by striking lines 8 and 9, and
44 inserting the following: "the call of the chairperson
45 or upon written request to the chairperson of any
46 three voting members. Four voting members".

47 6. Page 2, line 17, by striking the words "a
48 designee of the director" and inserting the following:
49 "an employee of the department".

50 7. Page 4, line 7, by striking the figure "2011"

Page 2

1 and inserting the following: "2006".

2 8. By renumbering as necessary.

TEIG of Hamilton
FREVERT of Palo Alto

H-1933

1 Amend House File 751 as follows:

2 1. Page 4, by inserting after line 9, the
3 following:

4 "Sec.____. Section 476.1A, Code 2001, is amended

5 by adding the following new subsection:

6 NEW SUBSECTION. 5A. Filing alternative energy
7 purchase program plans with the board, and offering
8 such programs to customers, pursuant to section
9 476.47.

10 Sec.____. Section 476.1B, subsection 1, Code 2001,
11 is amended by adding the following new paragraphs:

12 NEW PARAGRAPH. m. An electric power agency as
13 defined in chapters 28F and 476A that includes as a
14 member a city or municipality owned utility that
15 builds transmission facilities after July 1, 2001, is
16 subject to applicable transmission reliability rules
17 or standards adopted by the board for those
18 facilities.

19 NEW PARAGRAPH. n. Filing alternative energy
20 purchase program plans with the board, and offering
21 such programs to customers, pursuant to section
22 476.47.

23 Sec.____. Section 476.6, Code 2001, is amended by
24 adding the following new subsection:

25 NEW SUBSECTION. 16A. POWER PURCHASE CONTRACTS.

26 a. A rate-regulated public utility shall file with
27 the board any contract for the purchase of electric
28 power to serve Iowa retail electric consumers if the
29 contract meets all of the following conditions:
30 (1) The contract term is for a period of five
31 years or longer.

32 (2) The amount of power purchased equals or
33 exceeds five percent of the public utility's Iowa
34 retail load.

35 (3) The power is being purchased from a new
36 electric power generating facility that is being
37 planned or is under construction in Iowa as of the
38 date of the contract.

39 b. A public utility, at its option, may file with
40 the board other contracts for the purchase of electric
41 power from an electric power generating facility in
42 Iowa if the amount of power purchased equals or
43 exceeds twenty-five megawatts.

44 c. The board shall issue its decision within
45 ninety days after the public utility's filing is
46 deemed complete; however, upon good cause shown, the
47 board may extend the time for issuing the order as
48 follows:

49 (1) The board may grant an extension of twenty
50 days.

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1 (2) The board may grant more than one extension,
2 but each extension must rely upon a separate showing
3 of good cause.

4 (3) A subsequent extension must not be granted any
5 earlier than five days prior to the expiration of the
6 original ninety-day period, or the current extension.

7 d. The board shall approve the contract if it
8 finds, after a contested case proceeding, that the
9 terms of the contract are reasonable and prudent. In
10 determining whether the terms of the contract are
11 reasonable and prudent, the board may consider the
12 reliability and economic benefits of new, Iowa-based
13 generation. The rate-regulated public utility shall
14 also demonstrate to the board that it has considered
15 other sources for long-term electric supply, and that
16 the purchase power contract is reasonable when
17 compared to other feasible alternative sources of
18 supply including the building of utility-owned
19 generation. The board may condition its approval upon
20 the utility and the successful bidder agreeing to
21 contract modifications identified by the board.

22 e. Board approval of a contract shall constitute
23 an irrevocable determination of the prudence and
24 reasonableness of the contract and its terms. The
25 board, subsequent to approval of a contract, may at
26 anytime by order compel the public utility to enforce
27 the terms of the contract.

28 f. The costs of the contract shall be included in
29 the public utility's regulated retail electric rates.
30 The public utility may propose to recover the costs
31 through an automatic adjustment of rates as provided
32 in subsection 11.

33 g. The board shall adopt rules pursuant to chapter
34 17A regarding the filing and approval of contracts
35 under this subsection, including rules to ensure that
36 there is a fair and open bidding process for power
37 purchase contracts.

38 Sec. ____ NEW SECTION. 476.47 ALTERNATE ENERGY
39 PURCHASE PROGRAMS.

40 1. Beginning January 1, 2004, an electric utility,
41 whether or not rate-regulated under this chapter,
42 shall offer an alternate energy purchase program to
43 its customers, based on energy produced by alternate
44 energy production facilities in Iowa.

45 2. The board shall require electric utilities to
46 file plans for alternate energy purchase programs
47 offered pursuant to this section.

48 a. Rate-regulated electric utilities shall file
49 alternate energy purchase programs that allow
50 customers to contribute voluntarily to the development

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1 of alternative energy in Iowa, and shall file tariffs
2 as required by the board by rule.

3 b. Electric utilities that are not rate-regulated
4 shall offer alternate energy purchase programs at
5 rates determined by their governing authority, and
6 shall file tariffs with the board for informational
7 purposes only. Electric utilities that are not rate-
8 regulated may satisfy the alternate energy purchase
9 program requirement by allowing customers to
10 contribute voluntarily to the development of
11 alternative energy in Iowa or through the inclusion of
12 alternative energy in the utility's generation
13 portfolio.

14 3. The electric utility shall notify consumers of
15 its alternate energy purchase program and any proposed
16 modifications to such program at least sixty days
17 prior to implementation of the program or any
18 modification.

19 4. For purposes of this section, an electric
20 utility may base its program on energy produced by
21 alternate energy production facilities located outside
22 of Iowa under either of the following circumstances:

23 a. The energy is purchased by the electric utility
24 pursuant to a contract in effect prior to July 1,
25 2001, and continues until the expiration of the
26 contract, including any options to renew that are
27 exercised by the electric utility.

28 b. The electric utility has a financial interest,
29 as of July 1, 2001, in the alternate energy production
30 facility that is located outside of Iowa, or in an
31 entity that has a financial interest in an alternate
32 energy production facility located outside of Iowa.

33 5. This section shall not apply to non-rate-
34 regulated electric utilities physically located
35 outside of Iowa that serve Iowa customers.

36 Sec. __. Section 476.53, Code 2001, is amended by
37 striking the section and inserting in lieu thereof the
38 following:

39 **476.53 ELECTRIC GENERATING AND TRANSMISSION**
40 **FACILITIES.**

41 1. It is the intent of the general assembly to
42 attract the development of electric power generating
43 and transmission facilities within the state in
44 sufficient quantity to ensure reliable electric
45 service to Iowa consumers and provide economic
46 benefits to the state.

47 2. The general assembly's intent with regard to
48 the development of electric power generating and
49 transmission facilities, as provided in subsection 1,
50 shall be implemented in a manner that is cost-

2 policies of the state, as expressed in Title XI.

3 3. a. If a rate-regulated public utility files an
4 application pursuant to section 476A.3 to construct an
5 electric power generating facility in Iowa equal to or
6 greater than three hundred megawatts of nameplate
7 baseload or combined-cycle capacity, or an alternate
8 energy facility as defined in section 476.42, or if a
9 rate-regulated public utility leases or owns, in whole
10 or in part, a new electric power generating facility
11 in Iowa equal to or greater than three hundred
12 megawatts of nameplate baseload or combined-cycle
13 capacity, or a new alternate energy facility as
14 defined in section 476.42, the board shall specify in
15 advance, by order issued after a contested case
16 proceeding, the ratemaking principles that will apply
17 when the costs of the facility are included in
18 regulated electric rates.

19 b. In determining the applicable ratemaking
20 principles, the board shall not be limited to
21 traditional ratemaking principles or traditional cost
22 recovery mechanisms.

23 c. In determining the applicable ratemaking
24 principles, the board must find that the rate-
25 regulated public utility has demonstrated to the board
26 that the public utility has considered other sources
27 for long-term electric supply and that the facility or
28 lease is reasonable when compared to other feasible
29 alternative sources of supply. The rate-regulated
30 public utility may satisfy the requirements of this
31 paragraph through a competitive bidding process, under
32 rules adopted by the board, that demonstrate the
33 facility or lease is a reasonable alternative to meet
34 its electric supply needs.

35 d. The applicable ratemaking principles shall be
36 determined in a contested case proceeding, which
37 proceeding may be combined with the proceeding for
38 issuance of a certificate conducted pursuant to
39 chapter 476A.

40 e. The order setting forth the applicable
41 ratemaking principles shall be issued prior to the
42 commencement of construction or lease of the facility.

43 f. Following issuance of the order, the rate-
44 regulated public utility shall have the option of
45 proceeding with construction or lease of the facility
46 in Iowa, or withdrawing its application for a
47 certificate under chapter 476A.

48 g. Notwithstanding any provision of this chapter
49 to the contrary, the ratemaking principles established
50 by the order issued pursuant to paragraph "e" shall be

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1 binding with regard to the specific electric power
2 generating facility in any subsequent rate proceeding.
3 Sec. __. Section 476A.4, Code 2001, is amended by
4 adding the following new subsection:
5 **NEW SUBSECTION. 5.** A proceeding for the issuance
6 of a certificate under section 476A.5 may be
7 consolidated with a contested case proceeding for
8 determination of applicable ratemaking principles
9 under section 476.53.

10 Sec. __. Section 476A.6, Code 2001, is amended to
11 read as follows:

12 **476A.6 DECISION – CRITERIA.**

13 The board shall render a decision on the
14 application in an expeditious manner. A certificate
15 shall be issued to the applicant if the board finds
16 all of the following:

17 1. The services and operations resulting from the
18 construction of the facility are ~~required by the~~
19 ~~present or future public convenience, use and~~
20 necessity compatible with the energy policy of the
21 state as developed under section 476.53 and the
22 economic development policy of the state as expressed
23 in Title I, subtitle 5, and will not be detrimental to
24 the provision of adequate and reliable electric
25 service.

26 2. The applicant is willing to ~~perform such~~
27 ~~services and~~ construct, maintain, and operate the
28 facility pursuant to the provisions of the certificate
29 and this chapter.

30 3. The construction, maintenance, and operation of
31 the facility will ~~cause minimum adverse~~ be consistent
32 with reasonable land use, ~~and~~ environmental, ~~and~~
33 ~~aesthetic impact policies~~ and are consonant with
34 reasonable utilization of air, land, and water
35 resources, ~~for beneficial purposes~~ considering
36 ~~reasonably available technology and the economics of~~
37 ~~available alternatives.~~

38 4. ~~The applicant, if a public utility as defined~~
39 ~~in section 476.1, has in effect a comprehensive energy~~
40 ~~management program designed to reduce peak loads and~~
41 ~~to increase efficiency of use of energy by all classes~~
42 ~~of customers of the utility, and the facility in the~~
43 ~~application is necessary notwithstanding the existence~~
44 ~~of the comprehensive energy management program. As~~
45 ~~used in this subsection, a "comprehensive energy~~
46 ~~management program" includes at a minimum the~~
47 ~~following:~~

- 48 a. ~~Establishment of load management and~~
49 ~~interruptible service programs, where cost effective.~~
50 b. ~~Development of wheeling agreements and other~~

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1 energy-sharing agreements, where cost effective with
2 utilities that have available capacity.
3 e. Establishment of cost effective energy
4 efficiency and renewable energy services and programs.
5 d. Compliance with board rules on energy
6 management procedures.

7 5. The applicant, if a public utility as defined
8 in section 476.1, shall demonstrate to the board that
9 the utility has considered sources for long term
10 electric supply from either purchase of electricity or
11 investment in facilities owned by other persons.

12 6. The applicant, if a public utility as defined
13 in section 476.1, has considered all feasible
14 alternatives to the proposed facility including
15 nongeneration alternatives; has ranked those
16 alternatives by cost; has implemented the least cost
17 alternatives first; and the facility in the
18 application is necessary notwithstanding the
19 implementation of these alternatives.

20 Sec. ____ Section 476A.7, Code 2001, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 3. Pursuant to the provisions of
23 section 476.53, a rate-regulated public utility shall
24 have the option of withdrawing its application for
25 issuance of a certificate at any time prior to the
26 issuance of the certificate, or after the certificate
27 has been issued.

28 Sec. ____ Section 476A.15, Code 2001, is amended
29 to read as follows:

30 476A.15 WAIVER.

31 The board, if it determines that the public
32 interest would not be adversely affected, may waive
33 any of the requirements of this chapter for facilities
34 with a capacity of one hundred or fewer megawatts.

35 Sec. ____ NEW SECTION. 476A.20 DEFINITIONS.
36 For purposes of this subchapter, unless the context
37 otherwise requires:

38 1. "Electric power agency" means an entity as
39 defined in section 28F.2.

40 2. "Facility" means an electric power generating
41 plant, or transmission line or system, as defined in
42 section 476A.1.

43 3. "Public bond or obligation" means an obligation
44 as defined in section 76.14.

45 Sec. ____ NEW SECTION. 476A.21 ELECTRIC POWER
46 AGENCY - GENERAL AUTHORITY.

47 In addition to other powers conferred upon an
48 electric power agency by chapter 28F or other
49 applicable law, an electric power agency may enter
50 into and carry out joint agreements with other

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1 participants for the acquisition of ownership of a
2 joint facility and for the planning, financing,
3 operation, and maintenance of the joint facility, as
4 provided in this subchapter.

5 Sec. ____ **NEW SECTION. 476A.22 ELECTRIC POWER**
6 **AGENCY – AUTHORITY – CONFLICTING PROVISIONS.**

7 1. In addition to any powers conferred upon an
8 electric power agency under chapter 28F or other
9 applicable law, an electric power agency may exercise
10 all other powers reasonably necessary or appropriate
11 for or incidental to the effectuation of the electric
12 power agency's authorized purposes, including without
13 limitation, the powers enumerated in chapters 6A and
14 6B for purposes of constructing or acquiring an
15 electric power facility.

16 2. An electric power agency, in connection with
17 its property and affairs, and in connection with
18 property within its control, may exercise any and all
19 powers that might be exercised by a natural person or
20 a private corporation in connection with similar
21 property and affairs.

22 3. The enumeration of specified powers and
23 functions of an electric power agency in this
24 subchapter is not a limitation of the powers of an
25 electric power agency, but the procedures prescribed
26 for exercising the powers and functions enumerated in
27 this subchapter control and govern in the event of any
28 conflict with any other provision of law.

29 4. The authority conferred pursuant to this
30 subchapter applies to electric power agencies,
31 notwithstanding any contrary provisions of section
32 28F.1.

33 Sec. ____ **NEW SECTION. 476A.23 ISSUANCE OF**
34 **PUBLIC BONDS OR OBLIGATIONS – PURPOSES –**
35 **LIMITATIONS.**

36 1. An electric power agency may from time to time
37 issue its public bonds or obligations in such
38 principal amounts as the electric power agency deems
39 necessary to provide sufficient funds to carry out any
40 of its purposes and powers, including but not limited
41 to any of the following:

42 a. The acquisition or construction of any project
43 to be owned or leased by the electric power agency, or
44 the acquisition of any interest in such project or any
45 right to the capacity of such project, including the
46 acquisition, construction, or acquisition of any
47 interest in an electric power generating plant to be
48 constructed in this state, or the acquisition,
49 construction, or acquisition of any interest in a
50 transmission line or system.

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1 b. The funding or refunding of the principal of,
2 or interest or redemption premiums on, any public
3 bonds or obligations issued by the electric power
4 agency whether or not the public bonds or obligations
5 or interest to be funded or refunded have become due.

6 c. The establishment or increase of reserves to
7 secure or to pay the public bonds or obligations or
8 interest on the public bonds or obligations.

9 d. The payment of all other costs or expenses of
10 the electric power agency incident to and necessary to
11 carry out its purposes and powers.

12 2. Notwithstanding anything in this subchapter or
13 chapter 28F to the contrary, a facility shall not be
14 financed with the proceeds of public bonds or
15 obligations, the interest on which is exempt from
16 federal income tax, unless the public issuer of such
17 public bonds or obligations covenants that the issuer
18 shall comply with the requirements or limitations
19 imposed by the Internal Revenue Code or other
20 applicable federal law to preserve the tax exemption
21 of interest payable on the bonds or obligations.

22 3. Notwithstanding anything in this subchapter or
23 chapter 28F to the contrary, an electric power
24 generating facility shall not be financed under this
25 subchapter unless all of the following conditions are
26 satisfied:

27 a. The electric power generating facility is
28 designed to serve only the electric power requirements
29 of retail customers of members that were municipal
30 electric utilities established in the state prior to
31 January 1, 2001.

32 b. The electric power agency annually files with
33 the board, in a manner to be determined by the board,
34 information regarding sales from the electric power
35 generating facility in sufficient detail to determine
36 compliance with these provisions.

37 The board shall report to the general assembly if
38 any of the provisions are being violated.

39 Sec. NEW SECTION. 476A.24 PUBLIC BONDS OR
40 OBLIGATIONS AUTHORIZED BY RESOLUTION OF BOARD –
41 TERMS.

42 1. The board of directors of an electric power
43 agency, by resolution, may authorize the issuance of
44 public bonds or obligations of the electric power
45 agency.

46 2. The public bonds or obligations may be issued
47 in one or more series under the resolution or under a
48 trust indenture or other security agreement.

49 3. The resolution, trust indenture, or other
50 security agreement, with respect to such public bonds

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1 or obligations, shall provide for all of the
2 following:

- 3 a. The date on the public bonds or obligations.
- 4 b. The time of maturity.
- 5 c. The rate of interest.
- 6 d. The denomination.
- 7 e. The form, either coupon or registered.
- 8 f. The conversion, registration, and exchange
9 privileges.
- 10 g. The rank or priority.
- 11 h. The manner of execution.
- 12 i. The medium of payment, including the place of
13 payment, either within or outside of the state.
- 14 j. The terms of redemption, either with or without
15 premium.
- 16 k. Such other terms and conditions as set forth by
17 the board in the resolution, trust indenture, or other
18 security agreement.

19 4. Public bonds or obligations authorized by the
20 board of directors shall not be subject to any
21 restriction under other law with respect to the
22 amount, maturity, interest rate, or other terms of
23 obligation of a public agency or private person.
24 5. Chapter 75 shall not apply to public bonds or
25 obligations authorized by the board of directors as
26 provided in this section.
27 Sec. NEW SECTION. 476A.25 PUBLIC BONDS OR
28 OBLIGATIONS PAYABLE SOLELY FROM AGENCY REVENUES OR
29 FUNDS.

30 1. The principal of and interest on any public
31 bonds or obligations issued by an electric power
32 agency shall be payable solely from the revenues or
33 funds pledged or available for their payment as
34 authorized in this subchapter.

35 2. Each public bond or obligation shall contain
36 all of the following terms:

- 37 a. That the principal of or interest on such
38 public bonds or obligation is payable solely from
39 revenues or funds of the electric power agency.
- 40 b. That neither the state or a political
41 subdivision of the state other than the electric power
42 agency, nor a public agency that is a member of the
43 electric power agency is obligated to pay the
44 principal or interest on such public bonds or
45 obligations.
- 46 c. That neither the full faith and credit nor the
47 taxing power of the state, of any political
48 subdivision of the state, or of any such public agency
49 is pledged to the payment of the principal of or the
50 interest on the public bonds or obligations.

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1 Sec.____. NEW SECTION. 476A.26 PUBLIC BONDS OR
2 OBLIGATIONS – TYPES – SOURCES FOR PAYMENT –
3 SECURITY.

4 1. Except as otherwise expressly provided by this
5 subchapter or by the electric power agency, every
6 issue of public bonds or obligations of the electric
7 power agency shall be payable out of any revenues or
8 funds of the electric power agency, subject only to
9 any agreements with the holders of particular public
10 bonds or obligations pledging any particular revenues
11 or funds.

12 2. An electric power agency may issue types of
13 public bonds or obligations as it may determine,
14 including public bonds or obligations as to which the
15 principal and interest are payable exclusively from
16 the revenues from one or more projects, or from an
17 interest in such project or projects, or a right to
18 capacity of such project or projects, or from any
19 revenue-producing contract made by the electric power
20 agency with any person, or from its revenues
21 generally.

22 3. Any public bonds or obligations may be
23 additionally secured by a pledge of any grant,
24 subsidy, or contribution from any public agency or
25 other person, or a pledge of any income or revenues,
26 funds, or moneys of the electric power agency from any
27 other source.

28 Sec.____. NEW SECTION. 476A.27 PUBLIC BONDS OR
29 OBLIGATIONS AND RATES FOR DEBT SERVICE NOT SUBJECT TO
30 STATE APPROVAL.

31 Public bonds or obligations of an electric power
32 agency may be issued under this subchapter, and rents,
33 rates, and charges may be established in the same
34 manner as provided in section 28F.5 and pledged for
35 the security of public bonds or obligations and
36 interest and redemption premiums on such public bonds
37 or obligations, without obtaining the consent of any
38 department, division, commission, board, bureau, or
39 agency of the state and without any other proceeding
40 or the happening of any other condition or occurrence,
41 except as specifically required by this subchapter.

42 Sec.____. NEW SECTION. 476A.28 PUBLIC BONDS OR
43 OBLIGATIONS TO BE NEGOTIABLE.

44 All public bonds or obligations of an electric
45 power agency shall be negotiable within the meaning
46 and for all of the purposes of the uniform commercial
47 code, chapter 554, subject only to the registration
48 requirement of section 76.10.

49 Sec.____. NEW SECTION. 476A.29 VALIDITY OF
50 PUBLIC BONDS OR OBLIGATIONS AT DELIVERY – TEMPORARY

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1 BONDS.

2 1. Any public bonds or obligations may be issued
3 and delivered, notwithstanding that one or more of the
4 officers executing them shall have ceased to hold
5 office at the time when the public bonds or
6 obligations are actually delivered.

7 2. Pending preparation of definitive bonds
8 obligations, an electric power agency may issue
9 temporary bonds or obligations that shall be exchanged
10 for the definitive bonds or obligations upon their
11 issuance.

12 Sec. __. NEW SECTION. 476A.30 PUBLIC OR PRIVATE
13 SALE OF BONDS AND NOTES.

14 Public bonds or obligations of an electric power
15 agency may be sold at public or private sale for a
16 price and in a manner determined by the electric power
17 agency.

18 Sec. __. NEW SECTION. 476A.31 PUBLIC BONDS OR
19 OBLIGATIONS AS SUITABLE INVESTMENTS FOR GOVERNMENTAL
20 UNITS, FINANCIAL INSTITUTIONS, AND FIDUCIARIES.

21 The following persons may legally invest any debt
22 service funds, money, or other funds belonging to such
23 person or within such person's control in any public
24 bonds or obligations issued pursuant to this
25 subchapter:

26 1. A bank, trust company, savings association,
27 building and loan association, savings and loan
28 association, or investment company.

29 2. An insurance company, insurance association, or
30 any other person carrying on an insurance business.

31 3. An executor, administrator, conservator,
32 trustee, or other fiduciary.

33 4. Any other person authorized to invest in bonds
34 or obligations of the state.

35 Sec. __. NEW SECTION. 476A.32 RESOLUTION, TRUST
36 INDENTURE, OR SECURITY AGREEMENT CONSTITUTES CONTRACT
37 - PROVISIONS.

38 The resolution, trust indenture, or other security
39 agreement under which any public bonds or obligations
40 are issued shall constitute a contract with the
41 holders of the public bonds or obligations, and may
42 contain provisions, among others, prescribing any of
43 the following terms:

44 1. The terms and provisions of the public bonds or
45 obligations.

46 2. The mortgage or pledge of and the grant of a
47 security interest in any real or personal property and
48 all or any part of the revenue from any project or any
49 revenue producing contract made by the electric power
50 agency with any person to secure the payment of public

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1 bonds or obligations, subject to any agreements with
2 the holders of public bonds or obligations which might
3 then exist.

4 3. The custody, collection, securing, investment,
5 and payment of any revenues, assets, money, funds, or
6 property with respect to which the electric power
7 agency may have any rights or interest.

8 4. The rates or charges for electric energy sold
9 by, or services rendered by, the electric power
10 agency, the amount to be raised by the rates or
11 charges, and the use and disposition of any or all
12 revenue.

13 5. The creation of reserves or debt service funds
14 and the regulation and disposition of such reserves or
15 funds.

16 6. The purposes to which the proceeds from the
17 sale of any public bonds or obligations to be issued
18 may be applied, and the pledge of the proceeds to
19 secure the payment of the public bonds or obligations.

20 7. Limitations on the issuance of any additional
21 public bonds or obligations, the terms upon which
22 additional public bonds or obligations may be issued
23 and secured, and the refunding of outstanding public
24 bonds or obligations.

25 8. The rank or priority of any public bonds or
26 obligations with respect to any lien or security.

27 9. The creation of special funds or moneys to be
28 held for operating expenses, payment, or redemption of
29 public bonds or obligations, reserves or other
30 purposes, and the use and disposition of moneys held
31 in these funds.

32 10. The procedure by which the terms of any
33 contract with or for the benefit of the holders of
34 public bonds or obligations may be amended or
35 abrogated, the amount of public bonds or obligations
36 the holders of which must consent to such amendment or
37 abrogation, and the manner in which consent may be
38 given.

39 11. The definition of the acts or omissions to act
40 that constitute a default in the duties of the
41 electric power agency to holders of its public bonds
42 or obligations, and the rights and remedies of the
43 holders in the event of default including, if the
44 electric power agency so determines, the right to
45 accelerate the date of the maturation of the public
46 bonds or obligations or the right to appoint a
47 receiver or receivers of the property or revenues
48 subject to the lien of the resolution, trust
49 indenture, or other security agreement.

50 12. Any other or additional agreements with or for

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1 the benefit of the holders of public bonds or
2 obligations or any covenants or restrictions necessary
3 or desirable to safeguard the interests of the
4 holders.

5 13. The custody of any of the electric power
6 agency's property or investments, the safekeeping of
7 such property or investments, the insurance to be
8 carried on such property or investments, and the use
9 and disposition of insurance proceeds.

10 14. The vesting in a trustee or trustees, within
11 or outside the state, of such property, rights,
12 powers, and duties as the electric power agency may
13 determine; or the limiting or abrogating of the rights
14 of the holders of any public bonds or obligations to
15 appoint a trustee, or the limiting of the rights,
16 powers, and duties of such trustee.

17 15. The appointment of and the establishment of
18 the duties and obligations of any paying agent or
19 other fiduciary within or outside the state.

20 Sec. NEW SECTION. 476A.33 MORTGAGE OR TRUST
21 DEED TO SECURE BONDS.

22 For the security of public bonds or obligations
23 issued or to be issued by an electric power agency,
24 the electric power agency may mortgage or execute
25 deeds of trust of the whole or any part of its
26 property.

27 Sec. NEW SECTION. 476A.34 NO PERSONAL
28 LIABILITY ON PUBLIC BONDS OR OBLIGATIONS.

29 An official, director, member of an electric power
30 agency, or any person executing public bonds or
31 obligations shall not be liable personally on the
32 public bonds or obligations or be subject to any
33 personal liability or accountability by reason of the
34 issuance of such public bonds or obligations.

35 Sec. NEW SECTION. 476A.35 REPURCHASE OF
36 SECURITIES.

37 An electric power agency may purchase public bonds
38 or obligations out of any funds available for such
39 purchase, and hold, pledge, cancel, or resell the
40 public bonds or obligations, subject to and in
41 accordance with any agreements with the holders.

42 Sec. NEW SECTION. 476A.36 PLEDGE OF REVENUE
43 AS SECURITY.

44 An electric power agency may pledge its rates,
45 rents, and other revenues, or any part of such rates,
46 rents, and revenues, as security for the repayment,
47 with interest and redemption premiums, if any, of the
48 moneys borrowed by the electric power agency or
49 advanced to the electric power agency for any of its
50 authorized purposes and as security for the payment of

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1 moneys due and owed by the electric power agency under
2 any contract.

3 Sec.____. Section 478.3, Code 2001, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 3. For the purpose of this
6 section, the term "public" shall not be interpreted to
7 be limited to consumers located in this state.

8 Sec.____. CODE EDITOR DIRECTIVE. The Code editor
9 shall change references to "this chapter" in sections
10 476A.1 through 476A.15 as necessary and appropriate to
11 reflect the addition of the new subchapter to chapter
12 476A as a result of this Act."

13 2. Title page, line 3, by inserting after the
14 word "credits" the following: ", and making other
15 changes related to electric power generation and
16 transmission in Iowa, including the criteria for
17 construction of an electric generating facility;
18 waivers; approval of power purchase contracts;
19 providing for the development of a state electric
20 energy policy; providing for joint agreements for
21 acquisition of ownership of a joint facility for
22 electric power generation and transmission, and for
23 the planning, financing, operation, and maintenance of
24 the joint facility; providing for the bonding
25 authority of electric power agencies; and making
26 certain other changes and requirements related to
27 electric generation and transmission".

28 3. By renumbering, redesignating, and correcting
29 internal references as necessary.

JENKINS of Black Hawk
HANSEN of Pottawattamie
KETTERING of Sac
HOFFMAN of Crawford
JOHNSON of Osceola

H-1936

1 Amend the amendment, H-1933, to House File 751, as
2 follows:

3 1. By striking page 1, line 2, through page 14,
4 line 29, and inserting the following:

5 "____. Page 4, by inserting after line 9, the
6 following:

7 "Sec.____. NEW SECTION. 476A.20 DEFINITIONS.

8 For purposes of this subchapter, unless the context
9 otherwise requires:

10 1. "Electric power agency" means an entity as
11 defined in section 28F.2.

12 2. "Facility" means an electric power generating

13 plant, or transmission line or system, as defined in
14 section 476A.1.

15 3. "Public bond or obligation" means an obligation
16 as defined in section 76.14.

17 Sec. ____ NEW SECTION. 476A.21 ELECTRIC POWER
18 AGENCY – GENERAL AUTHORITY.

19 In addition to other powers conferred upon an
20 electric power agency by chapter 28F or other
21 applicable law, an electric power agency may enter
22 into and carry out joint agreements with other
23 participants for the acquisition of ownership of a
24 joint facility and for the planning, financing,
25 operation, and maintenance of the joint facility, as
26 provided in this subchapter.

27 Sec. ____ NEW SECTION. 476A.22 ELECTRIC POWER
28 AGENCY – AUTHORITY – CONFLICTING PROVISIONS.

29 1. In addition to any powers conferred upon an
30 electric power agency under chapter 28F or other
31 applicable law, an electric power agency may exercise
32 all other powers reasonably necessary or appropriate
33 for or incidental to the effectuation of the electric
34 power agency's authorized purposes, including without
35 limitation, the powers enumerated in chapters 6A and
36 6B for purposes of constructing or acquiring an
37 electric power facility.

38 2. An electric power agency, in connection with
39 its property and affairs, and in connection with
40 property within its control, may exercise any and all
41 powers that might be exercised by a natural person or
42 a private corporation in connection with similar
43 property and affairs.

44 3. The enumeration of specified powers and
45 functions of an electric power agency in this
46 subchapter is not a limitation of the powers of an
47 electric power agency, but the procedures prescribed
48 for exercising the powers and functions enumerated in
49 this subchapter control and govern in the event of any
50 conflict with any other provision of law.

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1 4. The authority conferred pursuant to this
2 subchapter applies to electric power agencies,
3 notwithstanding any contrary provisions of section
4 28F.1.

5 Sec. ____ NEW SECTION. 476A.23 ISSUANCE OF
6 PUBLIC BONDS OR OBLIGATIONS – PURPOSES –
7 LIMITATIONS.

8 1. An electric power agency may from time to time
9 issue its public bonds or obligations in such
10 principal amounts as the electric power agency deems
11 necessary to provide sufficient funds to carry out any

12 of its purposes and powers, including but not limited
13 to any of the following:

14 a. The acquisition or construction of any project
15 to be owned or leased by the electric power agency, or
16 the acquisition of any interest in such project or any
17 right to the capacity of such project, including the
18 acquisition, construction, or acquisition of any
19 interest in an electric power generating plant to be
20 constructed in this state, or the acquisition,
21 construction, or acquisition of any interest in a
22 transmission line or system.

23 b. The funding or refunding of the principal of,
24 or interest or redemption premiums on, any public
25 bonds or obligations issued by the electric power
26 agency whether or not the public bonds or obligations
27 or interest to be funded or refunded have become due.

28 c. The establishment or increase of reserves to
29 secure or to pay the public bonds or obligations or
30 interest on the public bonds or obligations.

31 d. The payment of all other costs or expenses of
32 the electric power agency incident to and necessary to
33 carry out its purposes and powers.

34 2. Notwithstanding anything in this subchapter or
35 chapter 28F to the contrary, a facility shall not be
36 financed with the proceeds of public bonds or
37 obligations, the interest on which is exempt from
38 federal income tax, unless the public issuer of such
39 public bonds or obligations covenants that the issuer
40 shall comply with the requirements or limitations
41 imposed by the Internal Revenue Code or other
42 applicable federal law to preserve the tax exemption
43 of interest payable on the bonds or obligations.

44 3. Notwithstanding anything in this subchapter or
45 chapter 28F to the contrary, an electric power
46 generating facility shall not be financed under this
47 subchapter unless all of the following conditions are
48 satisfied:

49 a. The electric power generating facility is
50 designed to serve only the electric power requirements

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1 of retail customers of members that were municipal
2 electric utilities established in the state prior to
3 January 1, 2001.

4 b. The electric power agency annually files with
5 the board, in a manner to be determined by the board,
6 information regarding sales from the electric power
7 generating facility in sufficient detail to determine
8 compliance with these provisions.

9 The board shall report to the general assembly if
10 any of the provisions are being violated.

11 Sec.____. NEW SECTION. 476A.24 PUBLIC BONDS OR
12 OBLIGATIONS AUTHORIZED BY RESOLUTION OF BOARD –
13 TERMS.

14 1. The board of directors of an electric power
15 agency, by resolution, may authorize the issuance of
16 public bonds or obligations of the electric power
17 agency.

18 2. The public bonds or obligations may be issued
19 in one or more series under the resolution or under a
20 trust indenture or other security agreement.

21 3. The resolution, trust indenture, or other
22 security agreement, with respect to such public bonds
23 or obligations, shall provide for all of the
24 following:

25 a. The date on the public bonds or obligations.

26 b. The time of maturity.

27 c. The rate of interest.

28 d. The denomination.

29 e. The form, either coupon or registered.

30 f. The conversion, registration, and exchange
31 privileges.

32 g. The rank or priority.

33 h. The manner of execution.

34 i. The medium of payment, including the place of
35 payment, either within or outside of the state.

36 j. The terms of redemption, either with or without
37 premium.

38 k. Such other terms and conditions as set forth by
39 the board in the resolution, trust indenture, or other
40 security agreement.

41 4. Public bonds or obligations authorized by the
42 board of directors shall not be subject to any
43 restriction under other law with respect to the
44 amount, maturity, interest rate, or other terms of
45 obligation of a public agency or private person.

46 5. Chapter 75 shall not apply to public bonds or
47 obligations authorized by the board of directors as
48 provided in this section.

49 Sec.____. NEW SECTION. 476A.25 PUBLIC BONDS OR
50 OBLIGATIONS PAYABLE SOLELY FROM AGENCY REVENUES OR

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1 FUNDS.

2 1. The principal of and interest on any public
3 bonds or obligations issued by an electric power
4 agency shall be payable solely from the revenues or
5 funds pledged or available for their payment as
6 authorized in this subchapter.

7 2. Each public bond or obligation shall contain
8 all of the following terms:

9 a. That the principal of or interest on such

10 public bonds or obligation is payable solely from
11 revenues or funds of the electric power agency.

12 b. That neither the state or a political
13 subdivision of the state other than the electric power
14 agency, nor a public agency that is a member of the
15 electric power agency is obligated to pay the
16 principal or interest on such public bonds or
17 obligations.

18 c. That neither the full faith and credit nor the
19 taxing power of the state, of any political
20 subdivision of the state, or of any such public agency
21 is pledged to the payment of the principal of or the
22 interest on the public bonds or obligations.

23 Sec.____. NEW SECTION. 476A.26 PUBLIC BONDS OR
24 OBLIGATIONS – TYPES – SOURCES FOR PAYMENT –
25 SECURITY.

26 1. Except as otherwise expressly provided by this
27 subchapter or by the electric power agency, every
28 issue of public bonds or obligations of the electric
29 power agency shall be payable out of any revenues or
30 funds of the electric power agency, subject only to
31 any agreements with the holders of particular public
32 bonds or obligations pledging any particular revenues
33 or funds.

34 2. An electric power agency may issue types of
35 public bonds or obligations as it may determine,
36 including public bonds or obligations as to which the
37 principal and interest are payable exclusively from
38 the revenues from one or more projects, or from an
39 interest in such project or projects, or a right to
40 capacity of such project or projects, or from any
41 revenue-producing contract made by the electric power
42 agency with any person, or from its revenues
43 generally.

44 3. Any public bonds or obligations may be
45 additionally secured by a pledge of any grant,
46 subsidy, or contribution from any public agency or
47 other person, or a pledge of any income or revenues,
48 funds, or moneys of the electric power agency from any
49 other source.

50 Sec.____. NEW SECTION. 476A.27 PUBLIC BONDS OR

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1 OBLIGATIONS AND RATES FOR DEBT SERVICE NOT SUBJECT TO
2 STATE APPROVAL.

3 Public bonds or obligations of an electric power
4 agency may be issued under this subchapter, and rents,
5 rates, and charges may be established in the same
6 manner as provided in section 28F.5 and pledged for
7 the security of public bonds or obligations and
8 interest and redemption premiums on such public bonds

9 or obligations, without obtaining the consent of any
10 department, division, commission, board, bureau, or
11 agency of the state and without any other proceeding
12 or the happening of any other condition or occurrence,
13 except as specifically required by this subchapter.

14 Sec. NEW SECTION. 476A.28 PUBLIC BONDS OR
15 OBLIGATIONS TO BE NEGOTIABLE.

16 All public bonds or obligations of an electric
17 power agency shall be negotiable within the meaning
18 and for all of the purposes of the uniform commercial
19 code, chapter 554, subject only to the registration
20 requirement of section 76.10.

21 Sec. NEW SECTION. 476A.29 VALIDITY OF
22 PUBLIC BONDS OR OBLIGATIONS AT DELIVERY – TEMPORARY
23 BONDS.

24 1. Any public bonds or obligations may be issued
25 and delivered, notwithstanding that one or more of the
26 officers executing them shall have ceased to hold
27 office at the time when the public bonds or
28 obligations are actually delivered.

29 2. Pending preparation of definitive bonds
30 obligations, an electric power agency may issue
31 temporary bonds or obligations that shall be exchanged
32 for the definitive bonds or obligations upon their
33 issuance.

34 Sec. NEW SECTION. 476A.30 PUBLIC OR PRIVATE
35 SALE OF BONDS AND NOTES.

36 Public bonds or obligations of an electric power
37 agency may be sold at public or private sale for a
38 price and in a manner determined by the electric power
39 agency.

40 Sec. NEW SECTION. 476A.31 PUBLIC BONDS OR
41 OBLIGATIONS AS SUITABLE INVESTMENTS FOR GOVERNMENTAL
42 UNITS, FINANCIAL INSTITUTIONS, AND FIDUCIARIES.

43 The following persons may legally invest any debt
44 service funds, money, or other funds belonging to such
45 person or within such person's control in any public
46 bonds or obligations issued pursuant to this
47 subchapter:

48 1. A bank, trust company, savings association,
49 building and loan association, savings and loan
50 association, or investment company.

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1 2. An insurance company, insurance association, or
2 any other person carrying on an insurance business.

3 3. An executor, administrator, conservator,
4 trustee, or other fiduciary.

5 4. Any other person authorized to invest in bonds
6 or obligations of the state.

7 Sec. NEW SECTION. 476A.32 RESOLUTION, TRUST

8 INDENTURE, OR SECURITY AGREEMENT CONSTITUTES CONTRACT
9 - PROVISIONS.

10 The resolution, trust indenture, or other security
11 agreement under which any public bonds or obligations
12 are issued shall constitute a contract with the
13 holders of the public bonds or obligations, and may
14 contain provisions, among others, prescribing any of
15 the following terms:

16 1. The terms and provisions of the public bonds or
17 obligations.

18 2. The mortgage or pledge of and the grant of a
19 security interest in any real or personal property and
20 all or any part of the revenue from any project or any
21 revenue producing contract made by the electric power
22 agency with any person to secure the payment of public
23 bonds or obligations, subject to any agreements with
24 the holders of public bonds or obligations which might
25 then exist.

26 3. The custody, collection, securing, investment,
27 and payment of any revenues, assets, money, funds, or
28 property with respect to which the electric power
29 agency may have any rights or interest.

30 4. The rates or charges for electric energy sold
31 by, or services rendered by, the electric power
32 agency, the amount to be raised by the rates or
33 charges, and the use and disposition of any or all
34 revenue.

35 5. The creation of reserves or debt service funds
36 and the regulation and disposition of such reserves or
37 funds.

38 6. The purposes to which the proceeds from the
39 sale of any public bonds or obligations to be issued
40 may be applied, and the pledge of the proceeds to
41 secure the payment of the public bonds or obligations.

42 7. Limitations on the issuance of any additional
43 public bonds or obligations, the terms upon which
44 additional public bonds or obligations may be issued
45 and secured, and the refunding of outstanding public
46 bonds or obligations.

47 8. The rank or priority of any public bonds or
48 obligations with respect to any lien or security.

49 9. The creation of special funds or moneys to be
50 held for operating expenses, payment, or redemption of

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1 public bonds or obligations, reserves or other
2 purposes, and the use and disposition of moneys held
3 in these funds.

4 10. The procedure by which the terms of any
5 contract with or for the benefit of the holders of
6 public bonds or obligations may be amended or

7 abrogated, the amount of public bonds or obligations
8 the holders of which must consent to such amendment or
9 abrogation, and the manner in which consent may be
10 given.

11 11. The definition of the acts or omissions to act
12 that constitute a default in the duties of the
13 electric power agency to holders of its public bonds
14 or obligations, and the rights and remedies of the
15 holders in the event of default including, if the
16 electric power agency so determines, the right to
17 accelerate the date of the maturation of the public
18 bonds or obligations or the right to appoint a
19 receiver or receivers of the property or revenues
20 subject to the lien of the resolution, trust
21 indenture, or other security agreement.

22 12. Any other or additional agreements with or for
23 the benefit of the holders of public bonds or
24 obligations or any covenants or restrictions necessary
25 or desirable to safeguard the interests of the
26 holders.

27 13. The custody of any of the electric power
28 agency's property or investments, the safekeeping of
29 such property or investments, the insurance to be
30 carried on such property or investments, and the use
31 and disposition of insurance proceeds.

32 14. The vesting in a trustee or trustees, within
33 or outside the state, of such property, rights,
34 powers, and duties as the electric power agency may
35 determine; or the limiting or abrogating of the rights
36 of the holders of any public bonds or obligations to
37 appoint a trustee, or the limiting of the rights,
38 powers, and duties of such trustee.

39 15. The appointment of and the establishment of
40 the duties and obligations of any paying agent or
41 other fiduciary within or outside the state.

42 Sec. __. **NEW SECTION. 476A.33 MORTGAGE OR TRUST**
43 **DEED TO SECURE BONDS.**

44 For the security of public bonds or obligations
45 issued or to be issued by an electric power agency,
46 the electric power agency may mortgage or execute
47 deeds of trust of the whole or any part of its
48 property.

49 Sec. __. **NEW SECTION. 476A.34 NO PERSONAL**
50 **LIABILITY ON PUBLIC BONDS OR OBLIGATIONS.**

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1 An official, director, member of an electric power
2 agency, or any person executing public bonds or
3 obligations shall not be liable personally on the
4 public bonds or obligations or be subject to any
5 personal liability or accountability by reason of the

6 issuance of such public bonds or obligations.

7 Sec. ____ NEW SECTION. 476A.35 REPURCHASE OF
8 SECURITIES.

9 An electric power agency may purchase public bonds
10 or obligations out of any funds available for such
11 purchase, and hold, pledge, cancel, or resell the
12 public bonds or obligations, subject to and in
13 accordance with any agreements with the holders.

14 Sec. ____ NEW SECTION. 476A.36 PLEDGE OF REVENUE
15 AS SECURITY.

16 An electric power agency may pledge its rates,
17 rents, and other revenues, or any part of such rates,
18 rents, and revenues, as security for the repayment,
19 with interest and redemption premiums, if any, of the
20 moneys borrowed by the electric power agency or
21 advanced to the electric power agency for any of its
22 authorized purposes and as security for the payment of
23 moneys due and owed by the electric power agency under
24 any contract.

25 Sec. ____ CODE EDITOR DIRECTIVE. The Code editor
26 shall change references to "this chapter" in sections
27 476A.1 through 476A.15 as necessary and appropriate to
28 reflect the addition of the new subchapter to chapter
29 476A as a result of this Act."

30 ____ Title page, line 3, by inserting after the
31 word "credits" the following: ", and providing for
32 joint agreements for the acquisition of ownership of a
33 joint facility for electric power generation and
34 transmission, and for the planning, financing,
35 operation, and maintenance of the joint facility, and
36 providing for the bonding authority of electric power
37 agencies".

38 ____ By renumbering, redesignating, and
39 correcting internal references as necessary."

· CHIODO of Polk

H-1938

1 Amend Senate File 165, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 11 by striking the words "English
4 language" and inserting the following: "abiding faith
5 in democracy, individual liberty, and free
6 enterprise".

WARNSTADT of Woodbury

H-1944

1 Amend Senate File 165, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 23 the
4 following:
5 "_. Use of languages other than English in
6 ethnic or cultural celebrations, enactments,
7 festivals, or public events."

REYNOLDS of Van Buren

H-1945

1 Amend Senate File 165 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 IOWA ENGLISH
6 LANGUAGE REAFFIRMATION.
7 English shall be used for documents of the state
8 government and its political subdivisions. This does
9 not preclude the use of other languages when
10 necessary."

RICHARDSON of Warren

H-1947

1 Amend Senate File 165, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 14 through 16 and
4 inserting the following: "state."

DOTZLER of Black Hawk

H-1948

1 Amend Senate File 165, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 9, by striking the word "protect"
4 and inserting the following: "enhance".

DOTZLER of Black Hawk

H-1949

1 Amend Senate File 165, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 7, by striking the word
4 "necessary" and inserting the following: "deemed
5 appropriate".

DOTZLER of Black Hawk

H-1950

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 17, by striking the word
- 4 "necessary" and inserting the following: "deemed
- 5 appropriate".

DOTZLER of Black Hawk

H-1951

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 16 the
- 4 following:
- 5 "___ Historically, large numbers of Iowans have
- 6 spoken languages other than English, and over time
- 7 have come to learn English."

RICHARDSON of Warren

H-1952

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 30 and
- 4 inserting the following:
- 5 "Section 1. NEW SECTION. 1E.1 STANDARD LANGUAGE.
- 6 1. The standard language in this state is American
- 7 English. All official documents, regulations, orders,
- 8 transactions, proceedings, programs, meetings,
- 9 publications, or actions taken or issued, which are
- 10 conducted or regulated by, or on behalf of, or
- 11 representing the state shall be in the English
- 12 language.
- 13 2. For the purposes of this section, "official
- 14 action" means".
- 15 2. Page 3, by inserting after line 10 the
- 16 following:
- 17 "Sec. ___. The Code editor is directed to codify
- 18 section 1E.1 as enacted by this Act as a new section
- 19 in a new chapter 1E entitled "State Symbols.""
- 20 3. Page 3, by striking lines 11 and 12.
- 21 4. By renumbering as necessary.

RICHARDSON of Warren

H-1953

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 3, line 7, by striking the words "and
- 4 tenth" and inserting the following: ", tenth, and
- 5 fourteenth".

KREIMAN of Davis

H-1954

- 1 Amend Senate File 165 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 16, by inserting after the word
- 4 "state" the following: "and opinions of the supreme
- 5 court".

KREIMAN of Davis

H-1955

- 1 Amend House File 755 as follows:
- 2 1. By striking page 10, line 25 through page 11,
- 3 line 1.

HATCH of Polk

H-1956

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 27, by striking the words "or
- 4 officer of state government" and inserting the
- 5 following: ", officer of state government, or officer
- 6 of a governmental subdivision, including but not
- 7 limited to a county, city, township, school district,
- 8 or any other special purpose district".
- 9 2. Page 2, by striking lines 29 and 30, and
- 10 inserting the following: "person in a language other
- 11 than English."

QUIRK of Chickasaw

H-1957

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 through 24, and
- 4 inserting the following:
- 5 "____. Except as otherwise provided in subsections 4
- 6 and 5, the English language shall be the language of
- 7 government in".
- 8 2. By renumbering as necessary.

KUHN of Floyd

H-1962

- 1 Amend House File 755 as follows:
- 2 1. Page 9, line 14, by inserting after the word
- 3 "state." the following: "The amount of interest and
- 4 earnings transferred to the general fund of the state
- 5 under this section shall be retransferred to the
- 6 rebuild Iowa infrastructure account from the general
- 7 fund of the state before the end of the fiscal year
- 8 beginning July 1, 2006."

WARNSTADT of Woodbury

H-1964

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 1, the
- 4 following:
- 5 "6. This section is repealed on July 1, 2004."

FALLON of Polk

H-1965

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 29, by inserting after the word
- 4 "language." the following: "The designation of
- 5 English as the official language of the state for such
- 6 reports and publications shall not be construed as a
- 7 requirement for Roman catholic priests who utilize the
- 8 reports and publications in mass and in other
- 9 religious services to read the reports and
- 10 publications in the English language, rather than in
- 11 Latin."

FALLON of Polk

H-1966

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 29, by inserting after the word
- 4 "language." the following: "As a means of recognizing
- 5 the prevalence of Iowans with German heritage in this
- 6 state, the state of Iowa adopts the German language as
- 7 the second official language of this state which may
- 8 be used for the official reports and publications
- 9 enumerated in this chapter and adopts the following as
- 10 the official German slogan of this state: "Ich bin

11 ein Iowan.""

LENSING of Johnson

H-1967

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 10 the
- 4 following:
- 5 "Sec. ____ GENERAL ASSEMBLY LANGUAGE RECOGNITION.
- 6 The general assembly recognizes the important role
- 7 that understanding of foreign languages and cultures
- 8 plays in Iowa's success in international trade in food
- 9 and agricultural products. In order to give credit to
- 10 those members of the general assembly who lead by
- 11 example in furthering such understanding, the house of
- 12 representatives, with the concurrence of the senate,
- 13 resolves that each of the respective houses of the
- 14 general assembly will provide a certificate of
- 15 recognition to each of its members who demonstrates
- 16 expertise with the use a foreign language other than
- 17 English."
- 18 2. By renumbering as necessary.

FREVERT of Palo Alto

H-1968

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 29 the
- 4 following:
- 5 "Consistent with the designation of English as the
- 6 official language of the state for such reports and
- 7 publications, any road sign posted along a highway or
- 8 interstate located on or near a state boundary line
- 9 between the state of Iowa and a contiguous state,
- 10 which is intended to notify travelers that they are
- 11 entering the state of Iowa and to welcome them to the
- 12 state, shall be changed to read "Welcome to Iowa, an
- 13 English-is-the-official-language state"."

LENSING of Johnson

H-1969

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 29, by inserting after the word
- 4 "language." the following: "In order to facilitate
- 5 understanding of the English language used for the

6 reports and publications, the full name or group of
7 words or letters for any acronym used shall be
8 included in the first use of the acronym in such a
9 report or publication."

PETERSEN of Polk

H-1970

1 Amend Senate File 165, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 29, by inserting after the word
4 "language." the following: "The official language of
5 the state used for baby changing stations located in
6 public restrooms shall not be limited to the English
7 language."

PETERSEN of Polk

H-1971

1 Amend Senate File 165, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 29 the
4 following:
5 "In designating the English language as the
6 official language of the state for such reports and
7 publications, it is not the intent of the general
8 assembly to discourage residents of the state from
9 learning, or maintaining proficiency in, a language
10 other than the English language. The general assembly
11 encourages bilingualism to facilitate a better
12 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."

MASCHER of Johnson

H-1972

1 Amend Senate File 165, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 29, by inserting after the word
4 "language." the following: "The official language of
5 the state used annually on March 17 to recognize
6 Iowa's Irish heritage shall be Irish Gaelic."

FALLON of Polk
O'BRIEN of Boone

H-1973

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 29, by inserting after the word
- 4 "language." the following: "The designation of
- 5 English as the official language of the state for such
- 6 reports and publications shall not be construed as a
- 7 requirement for Greek orthodox priests who utilize the
- 8 reports and publications in performing liturgy and
- 9 other religious services to read the reports and
- 10 publications in the English language, rather than in
- 11 Greek."

GREIMANN of Story

H-1974

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 10, the
- 4 following:
- 5 "Sec. ____ REPORT AND PUBLICATION LANGUAGE REVIEW.
- 6 The legislative council is requested to authorize a
- 7 study of official state and local government reports
- 8 and publications to identify the quantity of these
- 9 reports and publications that are published in a
- 10 language other than English. An official report of
- 11 the study shall be submitted to the governor and
- 12 general assembly by December 15, 2001."
- 13 2. By renumbering as necessary.

GREIMANN of Story

H-1975

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 29, by inserting after the word
- 4 "language." the following: "The designation of
- 5 English as the official language of the state for such
- 6 reports and publications shall not be construed as a
- 7 requirement for Jewish rabbis who utilize the reports
- 8 and publications in worship services and other
- 9 religious services to read the reports and
- 10 publications in the English language, rather than in
- 11 Hebrew."

FALLON of Polk

H-1976

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 1 the
- 4 following:
- 5 "Sec. ____ Section 2.17, Code 2001, is amended by
- 6 adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. The official language
- 8 used by the general assembly in debate, committee
- 9 deliberations, and other oral communications shall not
- 10 be limited to the English language."
- 11 2. By renumbering as necessary.

BUKTA of Clinton

H-1977

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 29, by inserting after the word
- 4 "language," the following: "As a means of recognizing
- 5 the linguistic importance of Latin to the formation of
- 6 the English language and the importance of Latin in
- 7 the derivation of the European languages used by
- 8 settlers during the late nineteenth century in the
- 9 region that became this state, the state of Iowa
- 10 adopts the following as the official Latin motto of
- 11 the state: "Iowa -- terra diversa ac copiosa."

FALLON of Polk
BUKTA of Clinton

H-1978

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 29 the
- 4 following:
- 5 "In designating the English language as the
- 6 official language of the state for such reports and
- 7 publications, it is not the intent of the general
- 8 assembly to discriminate in any way against recent
- 9 immigrants from other countries who have not yet
- 10 achieved a working command of the English language.
- 11 Instead, the intent of the general assembly is to
- 12 assist such individuals in achieving an autonomous
- 13 existence as a citizen of the state of Iowa by
- 14 encouraging the rapid and successful transition toward
- 15 the ability to functionally utilize the English

16 language."

MASCHER of Johnson

H-1980

1 Amend House File 751 as follows:

2 1. Page 1, by inserting before line 1, the

3 following:

4 "Section 1. Section 15.329, subsection 2,

5 paragraph b, Code 2001, is amended to read as follows:

6 b. Produce or manufacture high value-added goods

7 or services or be in one of the following industries

8 cluster groups:

9 (1) ~~Value-added agricultural products~~ Life
10 sciences.

11 (2) ~~Insurance and financial services~~ Information
12 solutions.

13 (3) ~~Plastics~~ Advanced manufacturing.

14 (4) ~~Metals.~~

15 (5) ~~Printing paper or packaging products.~~

16 (6) ~~Drugs and pharmaceuticals.~~

17 (7) ~~Software development.~~

18 (8) ~~Instruments and measuring devices and medical~~
19 ~~instruments.~~

20 (9) ~~Recycling and waste management.~~

21 (10) ~~Telecommunications.~~

22 Retail business shall not be eligible for benefits
23 under this part."

24 2. Title page, line 1, by inserting after the

25 word "Act" the following: "relating to economic

26 development programs by providing cluster groups under

27 the new jobs and income program and".

28 3. By renumbering as necessary.

DOTZLER of Black Hawk
WINCKLER of Scott
HATCH of Polk
JOCHUM of Dubuque

H-1985

1 Amend House File 755 as follows:

2 1. Page 16, by inserting after line 5, the

3 following:

4 "Sec. ____ Section 232.21, subsection 4, Code

5 2001, as amended by 2001 Acts, Senate File 458,

6 section 5, if enacted, is amended to read as follows:

7 4. A child placed in a shelter care facility under

8 this section shall not be held for a period in excess

9 of forty-eight hours without an oral or written court

10 order authorizing the shelter care. When the action

11 is authorized by an oral court order, the court shall
12 enter a written order before the end of the next day
13 confirming the oral order and indicating the reasons
14 for the order. A child placed in shelter care
15 pursuant to section 232.19, subsection 1, paragraph
16 "c", shall not be held in excess of seventy-two hours
17 in any event. If deemed appropriate by the court, an
18 order authorizing shelter care placement may include a
19 determination that continuation of the child in the
20 child's home is contrary to the child's welfare and
21 that reasonable efforts as defined in section 232.57
22 have been made. The inclusion of such a determination
23 shall not under any circumstances be deemed a
24 prerequisite for entering an order pursuant to this
25 section. However, the inclusion of such a finding
26 determination, supported by the record, may assist the
27 department in obtaining federal funding for the
28 child's placement.

29 Sec.____. Section 321.113, subsection 5, paragraph
30 b, unnumbered paragraph 1, if enacted by 2001 Iowa
31 Acts, Senate File 350, section 4, is amended to read
32 as follows:

33 If the title of a 1993 model year or older motor
34 vehicle is transferred to a new owner or if such a
35 motor vehicle is brought into the state on or after
36 January 1, 2002, the registration fee shall not be
37 based on the weight and list price of the motor
38 vehicle, but shall be as follows:

39 Sec.____. Section 322B.2, subsection 4, if enacted
40 by 2001 Iowa Acts, House File 656, section 2, is
41 amended to read as follows:

42 4. "Manufactured or mobile home distributor" means
43 a person who sells or distributes manufactured or
44 mobile homes to manufactured or mobile home
45 retailers."

46 2. Page 20, by inserting after line 3, the
47 following:

48 "Sec.____. Section 627.6, subsection 8, paragraph
49 f, subparagraph (3), Code 2001, as amended by 2001
50 Iowa Acts, House File 654, section 3, if enacted, is

Page 2

1 amended to read as follows:

2 (3) For simplified employee pension plans, self-
3 employed pension plans (also known as Keogh plans or
4 H.R. 10 plans), individual retirement accounts
5 established under section 408(a) of the Internal
6 Revenue Code, individual retirement annuities
7 established under section 408(b) of the Internal
8 Revenue Code, savings incentive matched plans for
9 employees, salary reduction simplified employee

10 pension plans (also known as SARSEPs), and similar
11 plans for retirement investments authorized in the
12 future under federal law, the exemption for
13 contributions shall not exceed, for each tax year of
14 contributions, the actual amount of the contribution
15 deducted for individual retirement accounts and
16 annuities established under section 408 of the
17 Internal Revenue Code or the maximum amount which
18 could be contributed and deducted in the tax year of
19 the contribution on the debtor's tax return or the
20 maximum amount which could be contributed to an
21 individual retirement account established under
22 section 408(a) of the Internal Revenue Code and
23 deducted in the tax year of the contribution,
24 whichever is less. The exemption for accumulated
25 earnings and market increases in value of plans under
26 this subparagraph shall be limited to an amount
27 determined by multiplying all the accumulated earnings
28 and market increases in value by a fraction, the
29 numerator of which is the total amount of exempt
30 contributions as determined by this subparagraph, and
31 the denominator of which is the total of exempt and
32 nonexempt contributions to the plan."
33 3. Page 21, line 5, by inserting after the word
34 "enacted," the following: "and Code section 322B.2,".
35 4. By renumbering as necessary.

MILLAGE of Scott

H-1986

1 Amend House File 751 as follows:
2 1. Page 2, by inserting after line 32 the
3 following:
4 "g. The business produces or manufactures goods or
5 services in one of the following cluster groups:
6 (1) Life sciences.
7 (2) Information solutions.
8 (3) Advanced manufacturing."

DOTZLER of Black Hawk
WINCKLER of Scott
HATCH of Polk
JOCHUM of Dubuque

H-1989

1 Amend House File 751 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 15.108, Code 2001, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 12. SCIENCE AND TECHNOLOGY. To

7 provide, through the science and technology advisor
8 appointed by the governor pursuant to section 15E.65,
9 advice to state governmental entities, academia, the
10 business community, and other constituencies regarding
11 science and technology issues."

12 2. Page 4, by inserting after line 9 the
13 following:

14 "Sec. ____ NEW SECTION. 15E.61 SHORT TITLE.

15 This division shall be known and may be cited as
16 the "Iowa New Economy Act".

17 Sec. ____ NEW SECTION. 15E.62 PURPOSE.

18 The purpose of the Iowa new economy Act is to
19 establish a structure for coordinating the development
20 and implementation of a technology-led economic
21 development strategic plan to competitively position
22 Iowa as a world leader in the new economy and create
23 high-wage, high-growth jobs in targeted industry
24 clusters. The Iowa new economy council shall work
25 with the board and the state board of regents to
26 create regional technology innovation networks in
27 areas of the state with a high concentration of
28 technology-intensive businesses within the targeted
29 industry clusters.

30 Sec. ____ NEW SECTION. 15E.63 DEFINITIONS.

31 As used in this division, unless the context
32 otherwise requires:

33 1. "Board" means the Iowa economic development
34 board created in section 15.103.

35 2. "Department" means the Iowa department of
36 economic development created in chapter 15.

37 3. "Industry clusters" means a group of companies
38 that operate in the same or a related field, are
39 linked by buyer-seller relationships, common
40 customers, or other relationships, and rely on an
41 active set of relationships among themselves for
42 individual efficiency and competitiveness.

43 Sec. ____ NEW SECTION. 15E.64 INDUSTRY CLUSTERS.

44 The Iowa new economy council shall define industry
45 clusters identified in section 15.329.

46 Sec. ____ NEW SECTION. 15E.65 IOWA NEW ECONOMY
47 COUNCIL.

48 1. An Iowa new economy council is created.

49 2. A science and technology advisor shall be
50 appointed by the governor and employed by the

Page 2

1 department of economic development. The advisor shall
2 have significant, extensive expertise in the fields of
3 science and technology. The advisor shall advise
4 state governmental entities, academia, the business

5 community, and other constituencies regarding science
6 and technology issues.

7 3. The council shall initially consist of eleven
8 senior-level decision makers, who are voting members,
9 and five ex officio, nonvoting members. With the
10 exception of the member designated in paragraph "f",
11 the eleven senior-level decision makers shall be
12 appointed by the governor. The eleven senior-level
13 decision makers include all of the following:

14 a. One representative from each of the industry
15 leadership councils identified by the council pursuant
16 to section 15E.67.

17 b. Three additional representatives of the
18 business community. Representation under this
19 paragraph shall be from various size companies and
20 from different geographic areas of the state.

21 c. One representative of the university of Iowa,
22 the university of northern Iowa, or Iowa state
23 university of science and technology designated by the
24 state board of regents on a rotating basis.

25 d. One representative from the community college
26 system.

27 e. One representative of a labor union.

28 f. The director of the department of economic
29 development.

30 g. The science and technology advisor appointed
31 pursuant to subsection 2.

32 4. The ex officio members of the council shall
33 include all of the following:

34 a. One representative of the primary and secondary
35 educational system appointed by the governor.

36 b. The president of the senate, or a member of the
37 senate appointed by the president.

38 c. The minority leader of the senate, or a member
39 of the senate appointed by the minority leader.

40 d. The speaker of the house of representatives, or
41 a member of the house of representatives appointed by
42 the speaker.

43 e. The minority leader of the house of
44 representatives, or a member of the house of
45 representatives appointed by the minority leader.

46 5. Appointees to the council shall be senior-level
47 decision makers within their organizations. Any
48 designee serving on the council shall also be a
49 senior-level decision maker who has the ability to
50 make a decision on behalf of the appointee. The

Page 3

1 appointee or designee shall not designate a substitute
2 to participate in council meetings and activities.

3 6. The administration of the council shall be

4 coordinated by the science and technology advisor
5 appointed pursuant to subsection 2.

6 7. The initial appointments to the council made
7 pursuant to subsection 3, paragraph "a", shall be made
8 after the Iowa leadership councils are established
9 pursuant to section 15E.67.

10 8. The Iowa new economy council shall annually
11 elect a chairperson from among its members.

12 9. If more than three industry leadership councils
13 are established pursuant to section 15E.67, the voting
14 membership of the council shall be expanded to allow
15 one representative of each industry leadership council
16 to serve on the council.

17 10. The council shall be subject to the open
18 meetings law in chapter 21 and all meetings of the
19 council shall be conducted in the presence of a
20 representative of the department.

21 Sec. . NEW SECTION. 15E.66 STRATEGIC FOCUS
22 AND ACTIVITIES.

23 1. The strategic focus of the Iowa new economy
24 council shall be to support and strengthen the
25 competitiveness of Iowa businesses within each of the
26 industry clusters. At a minimum, the council shall
27 perform all of the following duties:

28 a. Develop collaborative industry-led projects in
29 the industry clusters.

30 b. Lead efforts to improve Iowa's competitive
31 position in the industry cluster areas.

32 c. Facilitate activities designed to strengthen
33 relationships and advocate collaboration among Iowa
34 research institutions and Iowa's technology intensive
35 businesses.

36 d. Develop a three-year strategic plan with an
37 annual operating plan to share with the board for
38 consideration in developing the department-wide
39 strategic plan.

40 2. The Iowa new economy council shall develop and
41 implement activities addressing all of the following
42 economic foundation issues of the new economy:

43 a. Skilled and adaptable human resources.

44 b. Access to technologies on which new products
45 and processes are based.

46 c. Availability of financial capital to support
47 new ventures, expansion of existing companies, and
48 reinvestment in transition industries.

49 d. Support of advanced physical infrastructure for
50 transportation, communications, energy and water, and

Page 4

1 waste handling.

2 e. A review of the regulatory and taxation

environment and business climate resulting in
recommendations to balance competitiveness.
3. The council shall focus on nondiscriminatory
market expansion and shall foster a competitive and
open environment. The council shall not be a
mechanism to allocate markets, fix prices, or stifle
competition.

Sec. ____ NEW SECTION. 15E.67 INDUSTRY
LEADERSHIP COUNCILS.

In conjunction with the creation of the Iowa new
economy council, leadership councils shall be
established in the advanced manufacturing, information
solutions, and life science industry clusters as well
as other industry clusters identified by the Iowa new
economy council. The leadership councils shall be
comprised of representatives of business and industry,
academia, government, and other representatives
identified by the Iowa new economy council. The
leadership councils shall be established to address
issues specific to the industry clusters. The ongoing
structure, membership, and operational objectives of
the industry leadership councils shall be determined
by the Iowa new economy council.

Sec. ____ NEW SECTION. 15E.68 FUNDING.

The Iowa new economy council and the industry
leadership councils shall not receive a direct
appropriation from the state. The department may
allocate to the council moneys that have been
appropriated to the department for purposes identified
by the council to support council activities. Public
resources allocated for the operation of the Iowa new
economy council and the industry leadership councils
or for specific projects sponsored by the Iowa new
economy council and the industry leadership councils
shall be received through appropriate performance
agreements administered by the department or other
appropriate public entities. Private moneys secured
through contributions, contracts, or other means would
be administered and accounted for as determined by the
Iowa new economy council.

Sec. ____ NEW SECTION. 15E.69 REPORTS.

The Iowa new economy council shall annually submit
a report to the governor and the general assembly
concerning the use of resources and the results
derived from investments in the activities sponsored
by the council. Copies of status reports provided
under any performance agreement with the department or
other public entity shall be provided to the governor

2 Sec.____. NEW SECTION. 15E.70 COUNCIL
3 COORDINATION.

- 4 The council shall work with the board and state
5 board of regents to review, evaluate, and monitor
6 business outreach and assistance programs, including
7 university technology transfer programs on an ongoing
8 basis. In reviewing, evaluating, and monitoring
9 programs and activities, the council shall seek input
10 from business, academia, government, and other
11 constituencies. The council shall make
12 recommendations to the board and state board of
13 regents with respect to each of the following:
14 1. Strengthening collaboration among business and
15 industry and Iowa's research institutions.
16 2. Coordinating activities to facilitate the
17 growth of the industry clusters."
18 3. Title page, line 1, by inserting after the
19 word "Act" the following: "relating to economic
20 development programs by creating an Iowa new economy
21 council and".
22 4. By renumbering as necessary.

JENKINS of Black Hawk

H-1993

- 1 Amend House File 755 as follows:
2 1. Page 16, by inserting after line 5, the
3 following:
4 "Sec.____. Section 232.21, subsection 4, Code
5 2001, as amended by 2001 Acts, Senate File 458,
6 section 5, if enacted, is amended to read as follows:
7 4. A child placed in a shelter care facility under
8 this section shall not be held for a period in excess
9 of forty-eight hours without an oral or written court
10 order authorizing the shelter care. When the action
11 is authorized by an oral court order, the court shall
12 enter a written order before the end of the next day
13 confirming the oral order and indicating the reasons
14 for the order. A child placed in shelter care
15 pursuant to section 232.19, subsection 1, paragraph
16 "c", shall not be held in excess of seventy-two hours
17 in any event. If deemed appropriate by the court, an
18 order authorizing shelter care placement may include a
19 determination that continuation of the child in the
20 child's home is contrary to the child's welfare and
21 that reasonable efforts as defined in section 232.57
22 have been made. The inclusion of such a determination
23 shall not under any circumstances be deemed a
24 prerequisite for entering an order pursuant to this
25 section. However, the inclusion of such a finding
26 determination, supported by the record, may assist the

27 department in obtaining federal funding for the
28 child's placement.

29 Sec. ____ Section 321.113, subsection 5, paragraph
30 b, unnumbered paragraph 1, if enacted by 2001 Iowa
31 Acts, Senate File 350, section 4, is amended to read
32 as follows:

33 If the title of a 1993 model year or older motor
34 vehicle is transferred to a new owner or if such a
35 motor vehicle is brought into the state on or after
36 January 1, 2002, the registration fee shall not be
37 based on the weight and list price of the motor
38 vehicle, but shall be as follows:

39 Sec. ____ Section 322B.2, subsection 4, if enacted
40 by 2001 Iowa Acts, House File 656, section 2, is
41 amended to read as follows:

42 4. "Manufactured or mobile home distributor" means
43 a person who sells or distributes manufactured or
44 mobile homes to manufactured or mobile home
45 retailers."

46 2. Page 20, by inserting after line 3, the
47 following:

48 "Sec. ____ Section 627.6, subsection 8, paragraph
49 f, subparagraph (3), Code 2001, as amended by 2001
50 Iowa Acts, House File 654, section 3, if enacted, is

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1 amended to read as follows:

2 (3) For simplified employee pension plans, self-
3 employed pension plans (also known as Keogh plans or
4 H.R. 10 plans), individual retirement accounts
5 established under section 408(a) of the Internal
6 Revenue Code, individual retirement annuities
7 established under section 408(b) of the Internal
8 Revenue Code, savings incentive matched plans for
9 employees, salary reduction simplified employee
10 pension plans (also known as SARSEPs), and similar
11 plans for retirement investments authorized in the
12 future under federal law, the exemption for
13 contributions shall not exceed, for each tax year of
14 contributions, the actual amount of the contribution
15 ~~deducted for individual retirement accounts and~~
16 ~~annuities established under section 408 of the~~
17 ~~Internal Revenue Code or the maximum amount which~~
18 ~~could be contributed and deducted in the tax year of~~
19 ~~the contribution on the debtor's tax return or the~~
20 ~~maximum amount which could be contributed to an~~
21 individual retirement account established under
22 section 408(a) of the Internal Revenue Code and
23 deducted in the tax year of the contribution,
24 whichever is less. The exemption for accumulated
25 earnings and market increases in value of plans under

- 26 this subparagraph shall be limited to an amount
27 determined by multiplying all the accumulated earnings
28 and market increases in value by a fraction, the
29 numerator of which is the total amount of exempt
30 contributions as determined by this subparagraph, and
31 the denominator of which is the total of exempt and
32 nonexempt contributions to the plan."
- 33 3. Page 21, line 5, by inserting after the word
34 "enacted," the following: "and Code section 322B.2,".
35 4. By renumbering as necessary.

MILLAGE of Scott

H-1997

- 1 Amend Senate File 476, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 11 and 12 and
4 inserting the following:
5 "a. Demonstrates support for and implementation of
6 the school district's student achievement goals."
7 2. Page 3, line 31, by striking the word "model"
8 and inserting the following: "models".
9 3. Page 4, line 3, by striking the word "model"
10 and inserting the following: "models".
11 4. Page 4, line 4, by striking the word
12 "annually".
13 5. Page 4, line 5, by striking the word
14 "however," and inserting the following: "of a school
15 year in which a contract period ends".
16 6. Page 11, lines 14 and 15, by striking the
17 words "starting July 1, 2001," and inserting the
18 following: ", preceding participation, as set forth
19 in section 284.4".
20 7. Page 13, line 20, by striking the word "model"
21 and inserting the following: "models".
22 8. By striking page 15, line 8 through page 16,
23 line 7, and inserting the following:
24 "Sec. __. **NEW SECTION. 284.11 PILOT PROGRAM FOR**
25 **TEAM-BASED VARIABLE PAY FOR STUDENT ACHIEVEMENT.**
26 1. It is the intent of the general assembly to
27 create a statewide team-based variable pay program to
28 reward individual attendance centers for improvement
29 in student achievement. A pilot program is
30 established to give Iowa school districts with one or
31 more participating attendance centers the opportunity
32 to explore and demonstrate successful methods to
33 implement team-based variable pay. The department
34 shall develop and administer the pilot program. Each
35 school district approved by the department to
36 participate in the pilot program shall administer a
37 valid and reliable standardized assessment at the

38 beginning and end of the school year to demonstrate
39 growth in student achievement.

40 2. All licensed practitioners employed at a
41 participating attendance center that has demonstrated
42 improvement in student achievement shall share in a
43 cash award. However, the school district is
44 encouraged to extend cash awards to other staff
45 employed at the attendance center.

46 3. The principal, with the participation of a team
47 of licensed practitioners appointed by the principal,
48 at each participating attendance center within a
49 school district shall annually submit district
50 attendance center student performance goals to the

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1 school board for approval. The attendance center
2 goals must be aligned with the school improvement
3 goals for the district developed in accordance with
4 section 256.7, subsection 21. The district shall
5 determine the designation of an attendance center for
6 purposes of this section. The attendance center
7 student performance goals may differ from attendance
8 center to attendance center and may contain goals and
9 indicators in addition to the comprehensive school
10 improvement plan. An attendance center shall
11 demonstrate student achievement through the use of
12 multiple measures that are valid and reliable.

13 4. Each participating district shall create its
14 own design for a team-based pay plan linked to the
15 district's comprehensive school improvement plan. The
16 plan must include attendance center student
17 performance goals, student performance levels,
18 multiple indicators to determine progress toward
19 attendance center goals, and a system for providing
20 financial rewards. The team-based pay plan shall be
21 approved by the local board.

22 5. Each district team-based pay plan shall be
23 reviewed by the department. The department shall
24 include a review of the locally established goals,
25 targeted levels of improvement, assessment strategies,
26 and financial reward system.

27 6. A district electing to initiate a team-based
28 variable pay plan according to this section during the
29 school year beginning July 1, 2001, shall notify the
30 department of its election in writing no later than
31 August 1, 2001. The department shall certify the
32 school district plan by October 1, 2001."

33 9. Page 16, by striking line 11 and inserting the
34 following:

35 "a. Student achievement scores in mathematics and
36 reading at the fourth and eighth grade levels on a

- 37 district-by-district basis as reported to the local
 38 communities pursuant to section 256.7, subsection 21,
 39 paragraph "c".
 40 10. Page 16, line 18, by inserting after the word
 41 "education," the following: "the legislative
 42 education accountability and oversight committee,".
 43 11. Page 17, line 11, by striking the word "a".
 44 12. Page 17, line 12, by striking the word
 45 "model" and inserting the following: "models".
 46 13. Page 18, by striking lines 10 through 15.
 47 14. Page 19, line 24, by inserting after the word
 48 "apply," the following: "However, if the probationary
 49 teacher is a beginning teacher who fails to
 50 successfully complete a beginning teacher mentoring

Page 3

- 1 and induction program in accordance with chapter 284,
 2 the provisions of sections 279.17 and 279.18 shall
 3 also apply."
 4 15. Page 20, by striking line 22 and inserting
 5 the following: "select assessment models for use in
 6 accurately measuring".

CARROLL of Poweshiek
 GRUNDBERG of Polk
 WISE of Lee

H-2003

- 1 Amend House File 755 as follows:
 2 1. Page 14, by inserting before line 5, the
 3 following:
 4 "DIVISION ____
 5 OFFICIAL REGISTER – RED BOOK
 6 Sec. ____ Section 7A.20, subsection 2, Code 2001,
 7 is amended by striking the subsection.
 8 Sec. ____ Section 7D.6, unnumbered paragraph 2,
 9 Code 2001, is amended by striking the unnumbered
 10 paragraph.
 11 Sec. ____ Section 18.86, Code 2001, is amended to
 12 read as follows:
 13 18.86 ASSEMBLY MEMBERS.
 14 The official reports, the miscellaneous documents
 15 and other publications upon request, and the completed
 16 journals of the general assembly ~~and ten copies of the~~
 17 ~~official register,~~ shall be sent to each member of the
 18 general assembly, and, so far as they are available,
 19 additional copies upon their request. Requests for
 20 publications shall be handled only upon receipt of
 21 postage by the superintendent.
 22 Sec. ____ Section 18.87, Code 2001, is amended to

23 read as follows:

24 18.87 LIBRARIES.

25 The completed journals of the general assembly, ~~and~~
26 ~~the official register~~ shall be sent to each free
27 public library in Iowa, the division of libraries and
28 information services of the department of education,
29 the commission of libraries, libraries at state
30 institutions, and college libraries.

31 Sec. ____ Section 18.88, Code 2001, is amended to
32 read as follows:

33 18.88 NEWSPAPERS.

34 The journals of the general assembly ~~and the~~
35 ~~official register~~ shall be sent to each newspaper of
36 general circulation in Iowa, and editors of newspapers
37 in Iowa shall be entitled to other publications on
38 request when they are available. Requests for
39 publications shall be handled only upon receipt of
40 postage by the superintendent.

41 Sec. ____ Section 18.90, Code 2001, is amended to
42 read as follows:

43 18.90 COUNTY AUDITORS.

44 The completed journals of the general assembly, ~~and~~
45 ~~the official register~~ shall be sent to each county
46 auditor, who shall be required to keep the same at all
47 times available for the inspection of the public.

48 Sec. ____ Section 331.502, subsection 3, Code
49 2001, is amended to read as follows:

50 3. Keep the complete journals of the general

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1 assembly ~~and the official register~~ available for
2 public inspection as provided in section 18.90.

3 Sec. ____ Sections 9.6, 9F.4, and 18.91, Code
4 2001, are repealed."

5 2. By renumbering as necessary.

RAECKER of Polk

H-2004

1 Amend House File 755 as follows:

2 1. Page 9, by inserting before line 21, the
3 following:

4 "Sec. ____ Section 8.54, subsection 5, Code 2001,
5 is amended by striking the subsection.

6 Sec. ____ Section 8.55, subsection 2, Code 2001,
7 is amended to read as follows:

8 2. The maximum balance of the fund is the amount
9 equal to five percent of the adjusted revenue estimate
10 for the fiscal year. If the amount of moneys in the
11 Iowa economic emergency fund is equal to the maximum

12 balance, moneys in excess of this amount shall be
13 transferred to the general children first fund as
14 created in section 8.57B.

15 Sec.____. NEW SECTION. 8.57B CHILDREN FIRST
16 FUND.

17 1. A children first fund is created in the state
18 treasury. The children first fund shall be separate
19 from the general fund of the state and shall not be
20 considered part of the general fund of the state
21 except in determining the cash position of the state
22 for payment of state obligations. The moneys in the
23 children first fund are not subject to section 8.33
24 and shall not be transferred, used, obligated,
25 appropriated, or otherwise encumbered except as
26 provided in this section. Moneys in the children
27 first fund may be used for cash flow purposes provided
28 that any moneys so allocated are returned to the
29 children first fund by the end of each fiscal year.
30 However, the children first fund shall be considered a
31 special account for the purposes of section 8.53.

32 2. Notwithstanding section 12C.7, subsection 2,
33 interest or earnings on moneys deposited in the
34 children first fund shall be credited to the children
35 first fund. Interest or earnings on the moneys
36 deposited in the fund are subject to appropriation for
37 purposes of enhancing preschool and early education
38 programs for young children. The treasurer of state
39 may invest moneys in the children first fund in
40 investments authorized for the Iowa public employees'
41 retirement system in section 97B.7, subsection 2,
42 paragraph "b", except that investment in common stocks
43 is not permitted. An appropriation of any other
44 moneys deposited in or credited to the fund shall not
45 be made unless the bill or joint resolution is passed
46 by a vote of at least three-fifths of the members of
47 each house of the general assembly and is approved by
48 the governor.

49 Sec.____. Section 8.58, unnumbered paragraph 2,
50 Code 2001, is amended to read as follows:

Page 2

1 ~~To the extent that moneys appropriated under~~
2 ~~section 8.57 do not result in moneys being credited to~~
3 ~~the general fund under section 8.55, subsection 2,~~
4 ~~moneys~~ Moneys appropriated under section 8.57 and
5 moneys contained in the cash reserve fund, rebuild
6 Iowa infrastructure fund, environment first fund, and
7 Iowa economic emergency fund, and the children first
8 fund shall not be considered by an arbitrator or in

9 negotiations under chapter 20."

PETERSEN of Polk
GREIMANN of Story
KREIMAN of Davis

H-2005

1 Amend House File 755 as follows:

2 1. Page 10, by inserting after line 24, the
3 following:

4 "Sec. 150. Section 403.19, subsection 2, Code
5 2001, is amended to read as follows:

6 2. That portion of the taxes each year in excess
7 of such amount shall be allocated to and when
8 collected be paid into a special fund of the
9 municipality to pay the principal of and interest on
10 loans, moneys advanced to, or indebtedness, whether
11 funded, refunded, assumed, or otherwise, including
12 bonds issued under the authority of section 403.9,
13 subsection 1, incurred by the municipality to finance
14 or refinance, in whole or in part, an urban renewal
15 project within the area, and to provide assistance for
16 low and moderate income family housing as provided in
17 section 403.22, except that taxes for the regular and
18 voter-approved physical plant and equipment levy of a
19 school district imposed pursuant to section 298.2 and
20 taxes for the payment of bonds and interest of each
21 taxing district must be collected against all taxable
22 property within the taxing district without limitation
23 by the provisions of this subsection. However, all or
24 a portion of the taxes for the physical plant and
25 equipment levy shall be paid by the school district to
26 the municipality if the ~~municipality~~ auditor certifies
27 to the school district by July 1 the amount of such
28 levy that is necessary to pay the principal and
29 interest on ~~indebtedness incurred~~ bonds issued by the
30 municipality to finance an urban renewal project,
31 ~~which indebtedness was incurred~~ bonds were issued
32 before July 1, 2000. Indebtedness incurred to refund
33 bonds issued prior to July 1, 2000, shall not be
34 included in the certification. Such school district
35 shall pay over the amount certified by November 1 and
36 May 1 of the fiscal year following certification to
37 the school district. Unless and until the total
38 assessed valuation of the taxable property in an urban
39 renewal area exceeds the total assessed value of the
40 taxable property in such area as shown by the last
41 equalized assessment roll referred to in subsection 1,
42 all of the taxes levied and collected upon the taxable
43 property in the urban renewal area shall be paid into
44 the funds for the respective taxing districts as taxes

45 by or for the taxing districts in the same manner as
46 all other property taxes. When such loans, advances,
47 indebtedness, and bonds, if any, and interest thereon,
48 have been paid, all moneys thereafter received from
49 taxes upon the taxable property in such urban renewal
50 area shall be paid into the funds for the respective

Page 2

1 taxing districts in the same manner as taxes on all
2 other property.

3 Sec. 151. Section 403.19, Code 2001, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 7. For any fiscal year, a
6 municipality may certify to the county auditor for
7 physical plant and equipment revenue necessary for
8 payment of principal and interest on bonds issued
9 prior to July 1, 2000, only if the municipality
10 certified for such revenue for the fiscal year
11 beginning July 1, 2000. A municipality shall not
12 certify to the county auditor for a school district
13 more than the amount the municipality certified for
14 the fiscal year beginning July 1, 2000. If for any
15 fiscal year a municipality fails to certify to the
16 county auditor for a school district by July 1 the
17 amount of physical plant and equipment revenue
18 necessary for payment of principal and interest on
19 such bonds, as provided in subsection 2, the school
20 district is not required to pay over the revenue to
21 the municipality. If a school district and a
22 municipality are unable to agree on the amount of
23 physical plant and equipment revenue certified by the
24 municipality for the fiscal year beginning July 1,
25 2001, either party may request that the state appeal
26 board review and finally pass upon the amount that may
27 be certified. Such appeals must be presented in
28 writing to the state appeal board no later than July
29 31 following certification. The burden shall be on
30 the municipality to prove that the physical plant and
31 equipment levy revenue is necessary to pay principal
32 and interest on bonds issued prior to July 1, 2000. A
33 final decision must be issued by the state appeal
34 board no later than the following October 1."

35 2. Page 11, by inserting after line 1, the
36 following:

37 "Sec.____. EFFECTIVE AND APPLICABILITY DATES.
38 Sections 150 and 151 of this division of this Act,
39 being deemed of immediate importance, take effect upon
40 enactment and apply to property taxes due and payable

41 in fiscal years beginning on or after July 1, 2001."

BOAL of Polk
FINCH of Story
GRUNDBERG of Polk

H-2006

1 Amend Senate File 476, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 17, by inserting after line 8, the
4 following:
5 "Sec. ____ Section 97B.42, Code 2001, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
8 other provision of this section, commencing July 1,
9 2002, a member who is employed by a school district or
10 area education agency as an elementary or secondary
11 school teacher may elect coverage under the eligible
12 alternative retirement benefits system as provided in
13 section 294.17, in lieu of continuing or commencing
14 contributions to the Iowa public employees' retirement
15 system. However, the employer's and employee's annual
16 contribution in dollars to the eligible alternative
17 retirement benefits system shall equal, but not
18 exceed, the annual contribution in dollars which the
19 employer and employee would contribute if the employee
20 had elected to remain an active member under this
21 chapter, as set forth in section 97B.11. A member who
22 elects coverage under the eligible alternative
23 retirement benefits system as provided by this
24 paragraph may withdraw the member's accumulated
25 contributions effective when coverage under the
26 eligible alternative retirement benefits system
27 commences. A member who is employed by a school
28 district or area education agency as an elementary or
29 secondary school teacher prior to July 1, 2002, must
30 file an election for coverage under the eligible
31 alternative retirement benefits system described in
32 section 294.17, with the department and the employing
33 school district or area education agency within
34 eighteen months of the first day on which coverage
35 commences under the eligible alternative retirement
36 benefits system described in section 294.17, or the
37 employee shall remain a member under this chapter and
38 shall not be eligible to elect to participate in the
39 eligible alternative retirement benefits system at a
40 later date. A person hired on or after July 1, 2002,
41 by a school district or area education agency as an
42 elementary or secondary school teacher must file an
43 election for coverage under the eligible alternative
44 retirement benefits system with the department and the

45 employing school district or area education agency
46 within sixty days of commencing employment, or the
47 employee shall remain a member under this chapter and
48 shall not be eligible to elect to participate in the
49 eligible alternative retirement benefits system at a
50 later date. The department shall cooperate with the

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1 state board of education and with applicable school
2 districts and area education agencies to facilitate
3 the implementation of this provision.
4 Sec. ____ Section 256.7, Code 2001, is amended by
5 adding the following new subsection:
6 **NEW SUBSECTION. 25. By July 1, 2002, provide for**
7 **the establishment of an eligible alternative**
8 **retirement benefits system for elementary and**
9 **secondary school teachers employed by a school**
10 **district or area education agency consistent with the**
11 **requirements of section 294.17."**

12 2. Page 19, by inserting after line 24, the
13 following:

14 "Sec. ____ **NEW SECTION. 294.17 ELIGIBLE**
15 **ALTERNATIVE PENSION AND ANNUITY RETIREMENT SYSTEM.**

16 1. The state board of education shall establish an
17 eligible alternative pension and annuity retirement
18 system, hereafter called the "retirement system",
19 effective July 1, 2002, for elementary and secondary
20 school teachers employed by a school district or area
21 education agency pursuant to the requirements of this
22 section. The state board of education shall be the
23 plan sponsor of the retirement system and shall file
24 an application for a favorable determination letter
25 for the retirement system with the Internal Revenue
26 Service.

27 2. The state board of education shall select a
28 provider of the retirement system that is a financial
29 institution capable of providing bundled services for
30 the retirement system, including, but not limited to,
31 administration, investment management, employee
32 education, and recordkeeping. In selecting a
33 provider, the state board of education shall place
34 primary emphasis on the reasonableness of services in
35 relation to cost, the ability and experience of the
36 provider in providing bundled retirement services to
37 the educational community, the financial stability of
38 the provider, and the ability of the provider to
39 provide services as required by this section.

40 3. To be an eligible alternative retirement
41 benefits system, the retirement system shall meet the
42 following requirements:

43 a. The retirement system shall be an employer-

44 sponsored defined contribution plan requiring
45 mandatory employer contributions that meet the
46 requirements of section 401(a) of the Internal Revenue
47 Code.
48 b. The employer's and employee's annual
49 contribution in dollars under an eligible alternative
50 retirement benefits system described in this section

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1 shall equal, but not exceed, the annual contribution
2 in dollars which the employer and employee would
3 contribute if the employee had elected to remain an
4 active member pursuant to the Iowa public employees'
5 retirement system, as set forth in section 97B.11.
6 Contributions under the retirement system shall be
7 treated in the same manner as contributions under the
8 Iowa public employees' retirement system are treated
9 pursuant to section 97B.11A.
10 c. Employer and employee contributions under the
11 retirement system shall be fully vested immediately.
12 d. Upon termination of employment as an elementary
13 or secondary school teacher employed by a school
14 district or area education agency, the teacher shall
15 be eligible to receive a benefit payable in at least
16 any of the following forms:
17 (1) Payment of all or part of the teacher's
18 account balance in the retirement system in a lump
19 sum.
20 (2) Payment based on the teacher's account balance
21 in the retirement system in monthly, quarterly, or
22 annual installments over a fixed reasonable period of
23 time, not exceeding the life expectancy of the teacher
24 and the teacher's beneficiary, if applicable.
25 (3) Payment based on the teacher's account balance
26 in the form of a single life or joint life and
27 survivorship annuity.
28 4. Persons employed by a school district or area
29 education agency as an elementary or secondary school
30 teacher on or after July 1, 2002, may elect coverage
31 under the retirement system established in this
32 section in lieu of coverage under the Iowa public
33 employees' retirement system, pursuant to the
34 requirements of section 97B.42."
35 3. By renumbering as necessary.

DIX of Butler
JOHNSON of Osceola
HUSEMAN of Cherokee
RAECKER of Polk
BRUNKHORST of Bremer
ALONS of Sioux

VAN FOSSEN of Scott
MANTERNACH of Jones
BRADLEY of Clinton
SIEVERS of Scott
SUKUP of Franklin
DOLECHECK of Ringgold

KETTERING of Sac
HORBACH of Tama
LARSON of Linn

DRAKE of Pottawattamie
JENKINS of Black Hawk

H-2009

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 23, the
- 4 following:
- 5 "___ American currency so that Latin phrases
- 6 contained on such currency are not required to be
- 7 translated to English."

FALLON of Polk

H-2010

- 1 Amend Senate File 165, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 1, the
- 4 following:
- 5 "___ The state shall designate the Funk and
- 6 Wagnalls New International Dictionary of the English
- 7 Language Millennium 2000 Edition (Hollie Cosgrove,
- 8 editor) or later editions of that dictionary as the
- 9 official state English language dictionary to be used
- 10 as the determining reference when a question arises as
- 11 to whether a word or phrase is an English word or
- 12 phrase."

FALLON of Polk

H-2011

- 1 Amend House File 747 as follows:
- 2 1. Page 1, by inserting after line 17, the
- 3 following:
- 4 "Sec. ___. Section 99F.11, Code 2001, is amended
- 5 by adding the following new unnumbered paragraph:
- 6 **NEW UNNUMBERED PARAGRAPH.** Beginning January 1,
- 7 2003, and for subsequent years, the commission shall
- 8 determine the total tax revenue which would have been
- 9 generated under section 99F.11, Code 2001. If the
- 10 total amount so determined is greater than the amount
- 11 estimated to be generated by the tax rates in effect
- 12 under this section for the calendar year 2003 and for
- 13 each subsequent calendar year as applicable, the
- 14 commission, notwithstanding the adjusted gross
- 15 receipts tax rates specified for excursion gambling
- 16 boats under this section, shall adjust the tax rates
- 17 on the adjusted gross receipts for the excursion

18 gambling boats so that the total tax revenue will
19 equal the tax revenue estimated under section 99F.11,
20 Code 2001. If the amount so determined is less, the
21 tax rate on the excursion gambling boats shall not be
22 changed."
23 2. Title page, line 1, by inserting after the
24 word "Act" the following: "relating to gambling by
25 providing for the adjustment of tax rates on gambling
26 games on excursion gambling boats,".

RAECKER of Polk

H-2012

1 Amend Senate File 165, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 29, by inserting after the word
4 "language" the following: "except that words in the
5 Meskwaki language such as "Iowa" are not subject to
6 this requirement".

FALLON of Polk

H-2014

1 Amend the amendment, H-1997, to Senate File 476, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by striking line 21 and inserting the
5 following: "subject to mandatory negotiations under
6 chapter 20."

STEVENS of Dickinson

H-2015

1 Amend Senate File 476, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, line 18, by inserting after the word
4 "Provide," the following: "subject to an
5 appropriation by the general assembly for that
6 purpose,".

GREIMANN of Story

H-2029

1 Amend the amendment, H-2025, to House File 413, as
2 follows:
3 1. By striking page 1, line 4, through page 8,
4 line 26, and inserting the following:
5 ""Section 1. ALLOWABLE GROWTH SUPPLEMENTAL AMOUNT.

6 Funds appropriated for the establishment of a student
7 achievement and teacher quality program in House File
8 413, if enacted by the Seventy-ninth General Assembly,
9 First Session, shall be distributed as an allowable
10 growth supplemental amount for the school budget year
11 beginning July 1, 2001. Notwithstanding section
12 257.8, subsection 2, the department of management
13 shall calculate the regular program allowable growth
14 for the budget year beginning July 1, 2001, by
15 multiplying the state percent of growth for the budget
16 year by the regular program state cost per pupil for
17 the base year, and adding to the resulting product
18 eighty-one dollars. For purposes of determining the
19 amount of a budget adjustment as defined in section
20 257.14 for the budget year beginning July 1, 2001,
21 eighty-one dollars shall be subtracted from a school
22 district's regular program cost per pupil for the
23 budget year beginning July 1, 2001, prior to
24 determining the amount of the adjustment. Amounts
25 received pursuant to this section shall be utilized by
26 school districts to enhance student achievement and
27 teacher quality."
28 _____. Title page, by striking lines 1 through 3
29 and inserting the following: "An Act providing
30 additional funding for teacher quality and student
31 achievement.""

GARMAN of Story

H-2048

1 Amend the Senate amendment, H-2047, to House File
2 742, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 14, by inserting after line 26, the
5 following:
6 ""Sec. _____. NEW SECTION. 476A.20 DEFINITIONS.
7 For purposes of this subchapter, unless the context
8 otherwise requires:
9 1. "Electric power agency" means an entity as
10 defined in section 28F.2.
11 2. "Facility" means an electric power generating
12 plant, or transmission line or system, as defined in
13 section 476A.1.
14 3. "Public bond or obligation" means an obligation
15 as defined in section 76.14.
16 Sec. _____. NEW SECTION. 476A.21 ELECTRIC POWER
17 AGENCY - GENERAL AUTHORITY.
18 In addition to other powers conferred upon an
19 electric power agency by chapter 28F or other
20 applicable law, an electric power agency may enter
21 into and carry out joint agreements with other

22 participants for the acquisition of ownership of a
23 joint facility and for the planning, financing,
24 operation, and maintenance of the joint facility, as
25 provided in this subchapter.
26 Sec. ____ **NEW SECTION. 476A.22 ELECTRIC POWER**
27 **AGENCY – AUTHORITY – CONFLICTING PROVISIONS.**
28 1. In addition to any powers conferred upon an
29 electric power agency under chapter 28F or other
30 applicable law, an electric power agency may exercise
31 all other powers reasonably necessary or appropriate
32 for or incidental to the effectuation of the electric
33 power agency's authorized purposes, including without
34 limitation, the powers enumerated in chapters 6A and
35 6B for purposes of constructing or acquiring an
36 electric power facility.
37 2. An electric power agency, in connection with
38 its property and affairs, and in connection with
39 property within its control, may exercise any and all
40 powers that might be exercised by a natural person or
41 a private corporation in connection with similar
42 property and affairs.
43 3. The enumeration of specified powers and
44 functions of an electric power agency in this
45 subchapter is not a limitation of the powers of an
46 electric power agency, but the procedures prescribed
47 for exercising the powers and functions enumerated in
48 this subchapter control and govern in the event of any
49 conflict with any other provision of law.
50 4. The authority conferred pursuant to this

Page 2

1 subchapter applies to electric power agencies,
2 notwithstanding any contrary provisions of section
3 28F.1.
4 Sec. ____ **NEW SECTION. 476A.23 ISSUANCE OF**
5 **PUBLIC BONDS OR OBLIGATIONS – PURPOSES –**
6 **LIMITATIONS.**
7 1. An electric power agency may from time to time
8 issue its public bonds or obligations in such
9 principal amounts as the electric power agency deems
10 necessary to provide sufficient funds to carry out any
11 of its purposes and powers, including but not limited
12 to any of the following:
13 a. The acquisition or construction of any project
14 to be owned or leased by the electric power agency, or
15 the acquisition of any interest in such project or any
16 right to the capacity of such project, including the
17 acquisition, construction, or acquisition of any
18 interest in an electric power generating plant to be
19 constructed in this state, or the acquisition,
20 construction, or acquisition of any interest in a

21 transmission line or system.
22 b. The funding or refunding of the principal of,
23 or interest or redemption premiums on, any public
24 bonds or obligations issued by the electric power
25 agency whether or not the public bonds or obligations
26 or interest to be funded or refunded have become due.
27 c. The establishment or increase of reserves to
28 secure or to pay the public bonds or obligations or
29 interest on the public bonds or obligations.
30 d. The payment of all other costs or expenses of
31 the electric power agency incident to and necessary to
32 carry out its purposes and powers.
33 2. Notwithstanding anything in this subchapter or
34 chapter 28F to the contrary, a facility shall not be
35 financed with the proceeds of public bonds or
36 obligations, the interest on which is exempt from
37 federal income tax, unless the public issuer of such
38 public bonds or obligations covenants that the issuer
39 shall comply with the requirements or limitations
40 imposed by the Internal Revenue Code or other
41 applicable federal law to preserve the tax exemption
42 of interest payable on the bonds or obligations.
43 3. Notwithstanding anything in this subchapter or
44 chapter 28F to the contrary, an electric power
45 generating facility shall not be financed under this
46 subchapter unless all of the following conditions are
47 satisfied:
48 a. The electric power generating facility is
49 designed to serve only the electric power requirements
50 of retail customers of members that were municipal

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1 electric utilities established in the state prior to
2 January 1, 2001.
3 b. The electric power agency annually files with
4 the board, in a manner to be determined by the board,
5 information regarding sales from the electric power
6 generating facility in sufficient detail to determine
7 compliance with these provisions.
8 The board shall report to the general assembly if
9 any of the provisions are being violated.
10 Sec. ____ NEW SECTION. 476A.24 PUBLIC BONDS OR
11 OBLIGATIONS AUTHORIZED BY RESOLUTION OF BOARD -
12 TERMS.
13 1. The board of directors of an electric power
14 agency, by resolution, may authorize the issuance of
15 public bonds or obligations of the electric power
16 agency.
17 2. The public bonds or obligations may be issued
18 in one or more series under the resolution or under a
19 trust indenture or other security agreement.

20 3. The resolution, trust indenture, or other
21 security agreement, with respect to such public bonds
22 or obligations, shall provide for all of the
23 following:

- 24 a. The date on the public bonds or obligations.
- 25 b. The time of maturity.
- 26 c. The rate of interest.
- 27 d. The denomination.
- 28 e. The form, either coupon or registered.
- 29 f. The conversion, registration, and exchange
30 privileges.
- 31 g. The rank or priority.
- 32 h. The manner of execution.
- 33 i. The medium of payment, including the place of
34 payment, either within or outside of the state.
- 35 j. The terms of redemption, either with or without
36 premium.
- 37 k. Such other terms and conditions as set forth by
38 the board in the resolution, trust indenture, or other
39 security agreement.

40 4. Public bonds or obligations authorized by the
41 board of directors shall not be subject to any
42 restriction under other law with respect to the
43 amount, maturity, interest rate, or other terms of
44 obligation of a public agency or private person.

45 5. Chapter 75 shall not apply to public bonds or
46 obligations authorized by the board of directors as
47 provided in this section.

48 Sec. NEW SECTION. 476A.25 PUBLIC BONDS OR
49 OBLIGATIONS PAYABLE SOLELY FROM AGENCY REVENUES OR
50 FUNDS.

Page 4

1 1. The principal of and interest on any public
2 bonds or obligations issued by an electric power
3 agency shall be payable solely from the revenues or
4 funds pledged or available for their payment as
5 authorized in this subchapter.

6 2. Each public bond or obligation shall contain
7 all of the following terms:

8 a. That the principal of or interest on such
9 public bonds or obligation is payable solely from
10 revenues or funds of the electric power agency.

11 b. That neither the state or a political
12 subdivision of the state other than the electric power
13 agency, nor a public agency that is a member of the
14 electric power agency is obligated to pay the
15 principal or interest on such public bonds or
16 obligations.

17 c. That neither the full faith and credit nor the
18 taxing power of the state, of any political

19 subdivision of the state, or of any such public agency
20 is pledged to the payment of the principal of or the
21 interest on the public bonds or obligations.

22 Sec. ____ NEW SECTION. 476A.26 PUBLIC BONDS OR
23 OBLIGATIONS – TYPES – SOURCES FOR PAYMENT –
24 SECURITY.

25 1. Except as otherwise expressly provided by this
26 subchapter or by the electric power agency, every
27 issue of public bonds or obligations of the electric
28 power agency shall be payable out of any revenues or
29 funds of the electric power agency, subject only to
30 any agreements with the holders of particular public
31 bonds or obligations pledging any particular revenues
32 or funds.

33 2. An electric power agency may issue types of
34 public bonds or obligations as it may determine,
35 including public bonds or obligations as to which the
36 principal and interest are payable exclusively from
37 the revenues from one or more projects, or from an
38 interest in such project or projects, or a right to
39 capacity of such project or projects, or from any
40 revenue-producing contract made by the electric power
41 agency with any person, or from its revenues
42 generally.

43 3. Any public bonds or obligations may be
44 additionally secured by a pledge of any grant,
45 subsidy, or contribution from any public agency or
46 other person, or a pledge of any income or revenues,
47 funds, or moneys of the electric power agency from any
48 other source.

49 Sec. ____ NEW SECTION. 476A.27 PUBLIC BONDS OR
50 OBLIGATIONS AND RATES FOR DEBT SERVICE NOT SUBJECT TO

Page 5

1 STATE APPROVAL.

2 Public bonds or obligations of an electric power
3 agency may be issued under this subchapter, and rents,
4 rates, and charges may be established in the same
5 manner as provided in section 28F.5 and pledged for
6 the security of public bonds or obligations and
7 interest and redemption premiums on such public bonds
8 or obligations, without obtaining the consent of any
9 department, division, commission, board, bureau, or
10 agency of the state and without any other proceeding
11 or the happening of any other condition or occurrence,
12 except as specifically required by this subchapter.

13 Sec. ____ NEW SECTION. 476A.28 PUBLIC BONDS OR
14 OBLIGATIONS TO BE NEGOTIABLE.

15 All public bonds or obligations of an electric
16 power agency shall be negotiable within the meaning
17 and for all of the purposes of the uniform commercial

18 code, chapter 554, subject only to the registration
19 requirement of section 76.10.

20 Sec. ____ **NEW SECTION. 476A.29 VALIDITY OF**
21 **PUBLIC BONDS OR OBLIGATIONS AT DELIVERY – TEMPORARY**
22 **BONDS.**

23 1. Any public bonds or obligations may be issued
24 and delivered, notwithstanding that one or more of the
25 officers executing them shall have ceased to hold
26 office at the time when the public bonds or
27 obligations are actually delivered.

28 2. Pending preparation of definitive bonds
29 obligations, an electric power agency may issue
30 temporary bonds or obligations that shall be exchanged
31 for the definitive bonds or obligations upon their
32 issuance.

33 Sec. ____ **NEW SECTION. 476A.30 PUBLIC OR PRIVATE**
34 **SALE OF BONDS AND NOTES.**

35 Public bonds or obligations of an electric power
36 agency may be sold at public or private sale for a
37 price and in a manner determined by the electric power
38 agency.

39 Sec. ____ **NEW SECTION. 476A.31 PUBLIC BONDS OR**
40 **OBLIGATIONS AS SUITABLE INVESTMENTS FOR GOVERNMENTAL**
41 **UNITS, FINANCIAL INSTITUTIONS, AND FIDUCIARIES.**

42 The following persons may legally invest any debt
43 service funds, money, or other funds belonging to such
44 person or within such person's control in any public
45 bonds or obligations issued pursuant to this
46 subchapter:

47 1. A bank, trust company, savings association,
48 building and loan association, savings and loan
49 association, or investment company.

50 2. An insurance company, insurance association, or

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1 any other person carrying on an insurance business.

2 3. An executor, administrator, conservator,
3 trustee, or other fiduciary.

4 4. Any other person authorized to invest in bonds
5 or obligations of the state.

6 Sec. ____ **NEW SECTION. 476A.32 RESOLUTION, TRUST**
7 **INDENTURE, OR SECURITY AGREEMENT CONSTITUTES CONTRACT**
8 **– PROVISIONS.**

9 The resolution, trust indenture, or other security
10 agreement under which any public bonds or obligations
11 are issued shall constitute a contract with the
12 holders of the public bonds or obligations, and may
13 contain provisions, among others, prescribing any of
14 the following terms:

15 1. The terms and provisions of the public bonds or
16 obligations.

17 2. The mortgage or pledge of and the grant of a
18 security interest in any real or personal property and
19 all or any part of the revenue from any project or any
20 revenue producing contract made by the electric power
21 agency with any person to secure the payment of public
22 bonds or obligations, subject to any agreements with
23 the holders of public bonds or obligations which might
24 then exist.

25 3. The custody, collection, securing, investment,
26 and payment of any revenues, assets, money, funds, or
27 property with respect to which the electric power
28 agency may have any rights or interest.

29 4. The rates or charges for electric energy sold
30 by, or services rendered by, the electric power
31 agency, the amount to be raised by the rates or
32 charges, and the use and disposition of any or all
33 revenue.

34 5. The creation of reserves or debt service funds
35 and the regulation and disposition of such reserves or
36 funds.

37 6. The purposes to which the proceeds from the
38 sale of any public bonds or obligations to be issued
39 may be applied, and the pledge of the proceeds to
40 secure the payment of the public bonds or obligations.

41 7. Limitations on the issuance of any additional
42 public bonds or obligations, the terms upon which
43 additional public bonds or obligations may be issued
44 and secured, and the refunding of outstanding public
45 bonds or obligations.

46 8. The rank or priority of any public bonds or
47 obligations with respect to any lien or security.

48 9. The creation of special funds or moneys to be
49 held for operating expenses, payment, or redemption of
50 public bonds or obligations, reserves or other

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1 purposes, and the use and disposition of moneys held
2 in these funds.

3 10. The procedure by which the terms of any
4 contract with or for the benefit of the holders of
5 public bonds or obligations may be amended or
6 abrogated, the amount of public bonds or obligations
7 the holders of which must consent to such amendment or
8 abrogation, and the manner in which consent may be
9 given.

10 11. The definition of the acts or omissions to act
11 that constitute a default in the duties of the
12 electric power agency to holders of its public bonds
13 or obligations, and the rights and remedies of the
14 holders in the event of default including, if the
15 electric power agency so determines, the right to

16 accelerate the date of the maturation of the public
17 bonds or obligations or the right to appoint a
18 receiver or receivers of the property or revenues
19 subject to the lien of the resolution, trust
20 indenture, or other security agreement.
21 12. Any other or additional agreements with or for
22 the benefit of the holders of public bonds or
23 obligations or any covenants or restrictions necessary
24 or desirable to safeguard the interests of the
25 holders.

26 13. The custody of any of the electric power
27 agency's property or investments, the safekeeping of
28 such property or investments, the insurance to be
29 carried on such property or investments, and the use
30 and disposition of insurance proceeds.

31 14. The vesting in a trustee or trustees, within
32 or outside the state, of such property, rights,
33 powers, and duties as the electric power agency may
34 determine; or the limiting or abrogating of the rights
35 of the holders of any public bonds or obligations to
36 appoint a trustee, or the limiting of the rights,
37 powers, and duties of such trustee.

38 15. The appointment of and the establishment of
39 the duties and obligations of any paying agent or
40 other fiduciary within or outside the state.

41 Sec. ____ NEW SECTION. 476A.33 MORTGAGE OR TRUST
42 DEED TO SECURE BONDS.

43 For the security of public bonds or obligations
44 issued or to be issued by an electric power agency,
45 the electric power agency may mortgage or execute
46 deeds of trust of the whole or any part of its
47 property.

48 Sec. ____ NEW SECTION. 476A.34 NO PERSONAL
49 LIABILITY ON PUBLIC BONDS OR OBLIGATIONS.

50 An official, director, member of an electric power

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1 agency, or any person executing public bonds or
2 obligations shall not be liable personally on the
3 public bonds or obligations or be subject to any
4 personal liability or accountability by reason of the
5 issuance of such public bonds or obligations.

6 Sec. ____ NEW SECTION. 476A.35 REPURCHASE OF
7 SECURITIES.

8 An electric power agency may purchase public bonds
9 or obligations out of any funds available for such
10 purchase, and hold, pledge, cancel, or resell the
11 public bonds or obligations, subject to and in
12 accordance with any agreements with the holders.

13 Sec. ____ NEW SECTION. 476A.36 PLEDGE OF REVENUE
14 AS SECURITY.

15 An electric power agency may pledge its rates,
16 rents, and other revenues, or any part of such rates,
17 rents, and revenues, as security for the repayment,
18 with interest and redemption premiums, if any, of the
19 moneys borrowed by the electric power agency or
20 advanced to the electric power agency for any of its
21 authorized purposes and as security for the payment of
22 moneys due and owed by the electric power agency under
23 any contract.

24 Sec.____. Section 476.53, Code 2001, is repealed.

25 Sec.____. CODE EDITOR DIRECTIVE. The Code editor
26 shall change references to "this chapter" in sections
27 476A.1 through 476A.15 as necessary and appropriate to
28 reflect the addition of the new subchapter to chapter
29 476A as a result of this Act."

30 2. Page 15, line 35, by inserting before the word
31 "providing" the following: "including by providing
32 for joint agreements for the acquisition of ownership
33 of a joint facility for electric power generation and
34 transmission, and for the planning, financing,
35 operation, and maintenance of the joint facility, and
36 providing for the bonding authority of electric power
37 agencies".

38 3. By renumbering, redesignating, and correcting
39 internal references as necessary.

WISE of Lee
CHIODO of Polk

RESOLUTIONS ADOPTED

Resolutions adopted during the Seventy-ninth General Assembly,
2001 Session, not otherwise printed in the House Journal.

1 House Concurrent Resolution 3
2 By Grundberg, Roberts, Shey, Dolecheck, Eddie, -
3 Metcalf, Baudler, Boggess, Elgin, Kettering, Alons,
4 Sievers, Boal, Jenkins, Johnson, Klemme, Drake,
5 Broers, Van Fossen, Hoversten, Finch, De Boef,
6 and Rekow
7 A Concurrent Resolution supporting the admission of the
8 Baltic States of Estonia, Latvia, and Lithuania to
9 the North Atlantic Treaty Organization.
10 *Whereas*, the Baltic States of Estonia, Latvia, and
11 Lithuania are free, democratic, and independent
12 nations with a long and proud history; and
13 *Whereas*, the North Atlantic Treaty Organization
14 (NATO) is dedicated to the preservation of the freedom
15 and security of its member nations; and
16 *Whereas*, the Baltic States of Estonia, Latvia, and
17 Lithuania desire to share in both the benefits and
18 obligations of NATO in pursuing the development,
19 growth, and promotion of democratic institutions and
20 ensuring free market economic development; and
21 *Whereas*, those nations recognize their
22 responsibilities as democratic nations and wish to
23 exercise these responsibilities in concert with
24 members of NATO; and
25 *Whereas*, the Baltic States desire to become part of
26 NATO's efforts to prevent the extremes of nationalism;
27 and
28 *Whereas*, the security of the United States is
29 dependent upon the stability of central Europe; *Now*
30 *Therefore*,

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1 *Be It Resolved By The House Of Representatives, The*
2 *Senate Concurring*, That the Iowa General Assembly
3 supports the admission of the Baltic States of
4 Estonia, Latvia, and Lithuania to the North Atlantic
5 Treaty Organization.
6 *Be It Further Resolved*, That a copy of this
7 Resolution be sent by the Chief Clerk of the House of
8 Representatives to the President of the United States;
9 the President of the Senate of the United States; the
10 Committee on Foreign Relations of the Senate of the
11 United States; the Speaker of the House of
12 Representatives of the United States; the Committee on
13 International Relations of the House of

14 Representatives of the United States; and members of
15 Iowa's congressional delegation.

HCR 3 filed January 8, 2001; House adopted January 17, 2001.

1 House Concurrent Resolution 8
2 By Committee On Agriculture
3 (Successor to HSB 87)
4 A Concurrent Resolution honoring Herb Plambeck.
5 *Whereas*, Herb Plambeck has been the "voice of the
6 family farm" since joining WHO radio in Des Moines in
7 1936 as the first full-time farm broadcaster in the
8 nation hired by a commercial radio station, a position
9 he held for 34 years; and
10 *Whereas*, Herb Plambeck also traveled the world as a
11 news correspondent, reporting from battlefields and
12 palaces, interviewing 10 United States presidents as
13 well as kings and dictators, and being among the first
14 Americans to enter Adolf Hitler's mountaintop retreat
15 at the close of World War II; and
16 *Whereas*, Herb Plambeck's career spanned the decades
17 from his early farm days plowing in Scott County,
18 through attendance at Iowa State University, work as a
19 newspaper farm editor in Davenport, his years at WHO,
20 and service as assistant to two United States
21 secretaries of agriculture, to a weekend gardening
22 radio program and guest appearances on WHO until his
23 recent death; and
24 *Whereas*, Herb Plambeck made historical first radio
25 farm broadcast reports from the Soviet Union in 1955
26 and the People's Republic of China in 1976; and
27 *Whereas*, Herb Plambeck wrote numerous newspaper and
28 magazine articles, 11 books and booklets, was awarded
29 honor and acclaim, but took his greatest pleasure in
30 public service, earning the trust of Iowa's farm

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1 families through his hard work and honesty; *Now*
2 *Therefore*,
3 *Be It Resolved By The House Of Representatives, The*
4 *Senate Concurring*, That the General Assembly
5 recognizes Herb Plambeck posthumously for his
6 achievements, recognizing not only his career
7 accomplishments but also his contribution to Iowa's
8 family farm heritage; and
9 *Be It Further Resolved*, That members of the General
10 Assembly, including members serving on the Committees
11 on Agriculture, bid farewell to Herb Plambeck
12 remembering "that's the way it was"; and
13 *Be It Further Resolved*, That the Chief Clerk of the
14 House of Representatives deliver a copy of this

15 resolution to Laura Plambeck of Des Moines, Mary
16 Munger of Sioux City, and James Plambeck of Ames.

HCR 8 filed February 6, 2001; House adopted February 8, 2001;
Senate adopted April 2, 2001.

1 House Concurrent Resolution 9
2 By Committee on Agriculture
3 (Successor to HSB 103)
4 A Concurrent Resolution to request that the
5 Congress of the United States maintain its
6 commitment to clean air and the ethanol industry,
7 by maintaining the oxygenate requirement in the
8 federal Clean Air Act that promotes the use of ethanol
9 in reformulated gasoline, and urging the United
10 States Environmental Protection Agency to resist
11 California's attempt to waive the oxygenate
12 requirement in that state.
13 *Whereas*, the federal Clean Air Act requires the use
14 of oxygenated motor vehicle fuels in order to improve
15 air quality in the nation's most polluted areas and to
16 reduce emissions of benzene and other ozone-forming
17 aromatic compounds associated with gasoline; and
18 *Whereas*, ethanol blended gasoline is an
19 environmentally safe oxygenate enhancer that may be
20 used in reformulated gasoline in order to comply with
21 the requirements of the federal Clean Air Act; and
22 *Whereas*, the Governor of California in Executive
23 Order D-5-99 has ordered the California Environmental
24 Protection Agency to work with Senator Feinstein and
25 the California congressional delegation to pursue a
26 permanent waiver of the federal Clean Air Act
27 requirements for oxygen content in reformulated
28 gasoline in California; and
29 *Whereas*, this nation's petroleum industry is
30 actively pursuing the removal of the oxygenate

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1 requirement altogether from the United States
2 Environmental Protection Agency's Reformulated
3 Gasoline Program; and
4 *Whereas*, a federal waiver of the oxygenate
5 requirement in California, let alone nationwide
6 repeal, would be a devastating loss of a significant
7 opportunity for ethanol in this country; *Now*
8 *Therefore*,
9 *Be It Resolved By The House Of Representatives, The*
10 *Senate Concurring*, That the Iowa General Assembly
11 encourages the Congress of the United States to
12 maintain its commitment to the federal Clean Air Act

13 by retaining its oxygenate requirements and by
14 implementing standards that ensure the opportunity for
15 the use of ethanol blended gasoline in Phase II of the
16 Reformulated Gasoline Program, thereby preserving the
17 natural environment, protecting the public health,
18 reducing this nation's dependence upon foreign
19 petroleum, and providing additional markets; and
20 *Be It Further Resolved*, That the Iowa General
21 Assembly encourages the United States President, the
22 Administrator of the United States Environmental
23 Protection Agency, and the Congress of the United
24 States to oppose the waiver of the oxygen content
25 requirement from the United States Environmental
26 Protection Agency's Reformulated Gasoline Program in
27 California; and
28 *Be It Further Resolved*, That a copy of this
29 Resolution be sent by the Chief Clerk of the House of
30 Representatives to the President of the United States

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1 and the Administrator of the United States
2 Environmental Protection Agency; and
3 *Be It Further Resolved*, That copies of this
4 Resolution be sent by the Chief Clerk of the House of
5 Representatives to the President of the Senate of the
6 United States, the Speaker of the House of
7 Representatives of the United States, the Majority and
8 Minority Leaders of the United States Senate, and the
9 Majority and Minority Leaders of the United States
10 House of Representatives; and
11 *Be It Further Resolved*, That copies of this
12 Resolution be sent by the Chief Clerk of the House of
13 Representatives to Iowa's congressional delegation.

HCR 9 filed February 12, 2001; House adopted February 21, 2001;
Senate adopted April 2, 2001.

1 House Concurrent Resolution 13
2 By Siegrist and Myers
3 A Concurrent Resolution relating to a biennial memorial
4 session.
5 *Whereas*, it has been the custom to hold a biennial
6 memorial session in recognition of the public service
7 of departed members of the General Assembly; and
8 *Whereas*, both the House of Representatives and the
9 Senate desire to participate in such an observance;
10 *Now Therefore*,
11 *Be It Resolved By The House Of Representatives, The*
12 *Senate Concurring*, That an evening session of the
13 Seventy-ninth General Assembly be held in the House

14 Chamber on Wednesday, April 4, 2001, at 7:00 p.m.
15 *Be It Further Resolved*, That a joint committee of
16 eight members be appointed, four from the House of
17 Representatives to be appointed by the Speaker of the
18 House of Representatives, and four from the Senate to
19 be appointed by the President of the Senate, to make
20 suitable arrangements for a joint memorial session.

HCR 13 filed February 19, 2001; House adopted March 28, 2001;
Senate adopted April 2, 2001.

1 House Concurrent Resolution 14
2 By Rants and Myers
3 A Concurrent Resolution relating to Pioneer Lawmakers.
4 *Whereas*, the Seventy-ninth General Assembly is
5 advised of a meeting of the Pioneer Lawmakers
6 Association to be held on Wednesday, April 4, 2001;
7 and
8 *Whereas*, the Pioneer Lawmakers request the
9 opportunity to meet formally with the General
10 Assembly; *Now Therefore*,
11 *Be It Resolved By The House Of Representatives, The*
12 *Senate Concurring*, That the General Assembly meet in
13 joint session in the House Chamber on Wednesday, April
14 4, 2001, at 2:00 p.m. and that the Pioneer Lawmakers
15 be invited to attend and present a program on that
16 occasion, and that the Speaker of the House of
17 Representatives and the President of the Senate be
18 designated to deliver the invitation to them.

HCR 14 filed February 19, 2001; House adopted March 28, 2001;
Senate adopted April 2, 2001.

1 House Concurrent Resolution 17
2 By Jacobs and Mascher
3 (Companion to SCR 10 by Maddox)
4 A Concurrent Resolution designating March 2001 as Iowa
5 Women's History Month.
6 *Whereas*, Iowa women of every race, class, and
7 ethnic background have made historic contributions to
8 the growth and strength of our state and nation in
9 countless recorded and unrecorded ways, including
10 through the struggle for women's rights; and
11 *Whereas*, Iowa women have played and continue to
12 play a critical economic, cultural, and social role by
13 constituting a significant portion of the labor force
14 working inside and outside the home; and
15 *Whereas*, Iowa women were particularly important in
16 the establishment of early charitable, philanthropic,
17 and cultural institutions in our state and nation; and
18 *Whereas*, Iowa women and men worked to amend the

19 Iowa Constitution to read, "All men and women are, by
 20 nature, free and equal, and have certain inalienable
 21 rights . . ."; and
 22 *Whereas*, Iowa women were leaders in the
 23 abolitionist movement, the emancipation movement, the
 24 industrial labor movement, the civil rights movement,
 25 the peace movement, and the women's suffrage movement,
 26 thereby creating a more fair and just society for all;
 27 and
 28 *Whereas*, despite these many contributions, and the
 29 contributions of women throughout the world, the role
 30 of women is consistently overlooked and undervalued in

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1 literature, teaching, and the study of history; *Now*
 2 *Therefore*,
 3 *Be It Resolved By The House Of Representatives, The*
 4 *Senate Concurring*, That the General Assembly
 5 designates the month of March 2001 as Iowa Women's
 6 History Month and invites the citizens of Iowa to
 7 continue to discover and learn from the roles women
 8 have played throughout history.

HCR 17 filed February 22, 2001; House adopted March 1, 2001;
 Senate adopted March 1, 2001.

1 House Concurrent Resolution 19
 2 By Sievers, Van Fossen, Shey, Dix, Barry, Hoversten,
 3 Hansen, Boal, Raecker, Roberts, Tymeson, Teig,
 4 Eichhorn, Rants, Bradley, Horbach, Broers, Hoffman,
 5 Boddicker, Millage, Baudler, Weidman,
 6 Van Engelenhoven, Drake, Eddie, Johnson, Garman,
 7 De Boef, Heaton, Brauns, Finch, Elgin, Manternach,
 8 Arnold, Rekow, Huseman, Dolecheck, Alons, Kettering,
 9 Larson, Boggess, Metcalf, Gipp, Grundberg, Carroll,
 10 Brunkhorst, Jenkins, Sukup, Klemme, Houser, Rayhons,
 11 Siegrist, Hahn, Tyrrell, And Jacobs
 12 (Companion to LSB 2733SS by Kramer)
 13 A Concurrent Resolution requesting the congressional
 14 delegation of the state of Iowa support President Bush's tax
 15 relief proposal.
 16 *Whereas*, federal taxes are the highest they have
 17 ever been during peacetime; and
 18 *Whereas*, all taxpayers should be allowed to keep
 19 more of their own money; and
 20 *Whereas*, the best way to encourage economic growth
 21 is to cut marginal tax rates across all tax brackets;
 22 and
 23 *Whereas*, under current tax law, low-income workers
 24 often pay the highest marginal rates; and

25 *Whereas*, President Bush's tax relief plan will
26 contribute to raising the standard of living for all
27 Americans; and
28 *Whereas*, President Bush's tax relief plan will
29 increase access to the middle class for hard-working
30 families, treat all middle class families more fairly,

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1 encourage entrepreneurship and growth, and promote
2 charitable giving and education; and
3 *Whereas*, under President Bush's tax relief plan,
4 the largest percentage reductions will go to the
5 lowest-income earners; *Now Therefore*,
6 *Be It Resolved By The House Of Representatives, The*
7 *Senate Concurring*, That the General Assembly urges
8 Iowa's elected Senators and Representatives in the
9 United States Congress to support and work to pass the
10 tax relief plan introduced by President Bush.
11 *Be It Further Resolved*, That, upon passage, copies
12 of this Resolution shall be sent by the Chief Clerk of
13 the House of Representatives to Senator Charles E.
14 Grassley, Senator Tom Harkin, Representative Jim
15 Leach, Representative Jim Nussle, Representative
16 Leonard Boswell, Representative Greg Ganske, and
17 Representative Tom Latham.

HCR 19 filed February 28, 2001; House adopted March 14, 2001;
Senate adopted March 14, 2001.

1 House Concurrent Resolution 24
2 By Committee On Human Resources
3 (Successor to HSB 166)
4 A Concurrent Resolution requesting the legislative
5 council to establish a study committee relating to
6 the creation of a statewide central intake unit for
7 receiving child abuse reports.
8 *Whereas*, it has been recommended by the citizens'
9 aide that the child abuse reporting system be
10 redesigned so that child abuse reporters have a single
11 point of contact, which the reporters can be
12 instructed to call, regardless of where the reporters
13 live, the time of day, or which field office of the
14 department of human services has responsibility to
15 evaluate the report; that reporters are given the
16 opportunity to speak with an intake worker during
17 their initial call; and that all report information,
18 regardless of who initially receives the report, may
19 be promptly documented and retained, timely routed,
20 and appropriately evaluated; and
21 *Whereas*, the redesign of the child abuse reporting

22 system should be done in a manner that improves
23 protection for children and families, prudently
24 allocates resources, ensures accountability for those
25 charged with child protection responsibilities, and
26 addresses other complex issues; *Now Therefore,*
27 *Be It Resolved By The House Of Representatives, The*
28 *Senate Concurring,* That the legislative council is
29 requested to establish a study committee for the 2001
30 interim to consider creation of a statewide central

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1 intake unit by the department of human services for
2 receiving child abuse reports; and
3 *Be It Further Resolved,* That the study committee
4 should include members of the general assembly,
5 individuals knowledgeable about child protection and
6 prevention of child abuse, and other interested
7 persons, including but not limited to representatives
8 of the department of human services, the juvenile
9 court and juvenile court services, the department of
10 justice, the citizens' aide, county attorneys,
11 guardians ad litem, child advocates, and critics of
12 the child protection system; and
13 *Be It Further Resolved,* That the study committee
14 should be directed to utilize national experts, to
15 address other issues associated with the state's child
16 protection system, and to report its findings and
17 recommendations for consideration by the governor and
18 the Seventy-ninth General Assembly, 2002 Regular
19 Session.

HCR 24 filed March 19, 2001; House adopted April 4, 2001.

1 House Resolution 3
2 By Siegrist, Rants, and Myers
3 A Resolution honoring Chief Clerk of the House of
4 Representatives Elizabeth A. Isaacson upon her
5 retirement.
6 *Whereas,* Chief Clerk of the House of
7 Representatives Elizabeth A. Isaacson will retire in
8 January of this year after serving the House of
9 Representatives for more than 33 years; and
10 *Whereas,* Ms. Isaacson began her career with the
11 House of Representatives in 1967 as a secretary to a
12 member, becoming secretary to the majority leader in
13 1969; and
14 *Whereas,* Ms. Isaacson was named Assistant Journal
15 Clerk in 1970, Chief Journal Editor in 1973, Journal
16 Editor in 1975, Acting Chief Clerk in 1981, Chief
17 Clerk in 1982, Assistant Chief Clerk in 1983, and once
18 again Chief Clerk in 1993; and

19 *Whereas*, Ms. Isaacson has earned the utmost respect
20 of all who have worked with her over the years, from
21 members of the House of both political parties, staff
22 members of the House and Senate and the central
23 legislative staffing agencies, members of the lobby,
24 and members of the press; and
25 *Whereas*, Ms. Isaacson has served honorably as Chief
26 Clerk and has unselfishly given of her time and
27 efforts to further the interests of the Iowa General
28 Assembly and the State of Iowa; and
29 *Whereas*, Ms. Isaacson has been a long-term member
30 of the American Society of Legislative Clerks and

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1 Secretaries, serving as a Vice Chair of its Committee
2 on Support Staff in 1993 and of its Committee on
3 International Communication and Development in 1998,
4 and as a member of the Committee on Interparliamentary
5 Relations in 1994, and of the Committees on
6 Canadian/American Relations, Program Development, and
7 Site Selection in 1995; and
8 *Whereas*, Ms. Isaacson was honored by the American
9 Society of Legislative Clerks and Secretaries as a
10 recipient of the 1999 National Conference of State
11 Legislature's Staff Achievement Award for her
12 demonstrated excellence in supporting the work of the
13 Iowa House of Representatives and in strengthening the
14 legislative institution in Iowa; and
15 *Whereas*, Ms. Isaacson is recognized by all for her
16 knowledge of the legislative process, for her
17 institutional memory of the processes and actions of
18 the Iowa General Assembly, for the efficient
19 performance of her responsibilities as chief
20 administrative officer of the House of
21 Representatives, and for her exceptional
22 administrative skills in assembling and retaining
23 quality staff and in overseeing the maintenance of the
24 legislative chambers and related legislative
25 facilities; *Now Therefore*,
26 *Be It Resolved By The House Of Representatives*,
27 That the House of Representatives pay tribute to Ms.
28 Elizabeth A. Isaacson for her devoted service to the
29 House of Representatives, to the Iowa General
30 Assembly, and to the citizens of this state; and

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1 *Be It Further Resolved*, That the House of
2 Representatives bid Ms. Isaacson a fond farewell,
3 thanking her for her many years of devoted service,
4 and wishing her the very best in the years ahead; and

5 *Be It Further Resolved*, That an official copy of
6 this Resolution be prepared and presented to Ms.
7 Elizabeth A. Isaacson.

HR 3 filed January 8, 2001; House adopted January 8, 2001.

1 House Resolution 4
2 By Roberts
3 (Companion to LSB 1543SS by Behn)
4 A Resolution congratulating Mr. Thomas H.
5 Paulsen for being named the Iowa Teacher of the Year
6 for 2000.
7 *Whereas*, Mr. Thomas H. Paulsen was influenced by
8 two forces that shape many an Iowan – a love of
9 agriculture gained from his birth and upbringing on an
10 Iowa family farm, and a love of education, instilled
11 by his mother, who taught in a country school until
12 his birth; and
13 *Whereas*, he was further guided in the ninth grade
14 toward his own teaching career by an inspirational
15 agriculture education teacher; and
16 *Whereas*, he received his undergraduate degree in
17 agriculture education from Northwest Missouri State
18 University and his master's degree from the Iowa State
19 University; and
20 *Whereas*, Mr. Paulsen has served 13 years as an
21 agriculture education instructor – first at
22 Lynnville-Sully High School and currently at Carroll
23 High School, and as a Future Farmers of America (FFA)
24 advisor and a football and basketball coach; and
25 *Whereas*, during this service, Mr. Paulsen has
26 earned numerous awards and recognition, including the
27 Iowa Vocational Agriculture Teachers' Association
28 Outstanding Young Member, American Vocational
29 Association Outstanding Young Member, Carroll County
30 Environmental Educator of the Year, and Carroll Rotary

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1 Club Public School Teacher of the Year for 1999; and
2 *Whereas*, Mr. Paulsen developed and shaped the
3 agriculture education program that Carroll High School
4 and Kuemper Catholic High School cooperatively share
5 in Carroll; and
6 *Whereas*, Mr. Paulsen is a source of constant
7 encouragement and guidance for FFA members, leading
8 them to projects that not only provide the students
9 with learning opportunities, but which also benefit
10 the community; and
11 *Whereas*, the National Riparian (Streamside) Buffer
12 Initiative is a fine example of such a project, as FFA
13 members have worked diligently with public and private

14 sector partners to recruit landowners to use native
15 grasses as vegetative buffer strips on over 500 acres
16 to increase wildlife habitat while reducing soil
17 erosion and increasing water quality for neighbors who
18 utilize the Middle Raccoon River for their municipal
19 water supply; and
20 *Whereas*, Mr. Paulsen acts as a mentor to other
21 agriculture education teachers and, as a pilot member
22 of the statewide Agriculture Educators' Professional
23 Development Committee, he has assisted in developing
24 an ongoing program for agriculture education
25 instructors to further develop their technical
26 teaching, classroom management, and personal
27 development while receiving continuing education
28 credit; and
29 *Whereas*, Mr. Paulsen was selected as Teacher of the
30 Year for 2000 by a panel of judges composed of

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1 representatives from the Iowa Department of Education,
2 the Iowa State Education Association, the School
3 Administrators of Iowa, the Parent Teacher
4 Association, the 1999 Iowa Teacher of the Year, the
5 Meredith Corporation, and Drake University; and
6 *Whereas*, as Iowa's Teacher of the Year for 2000,
7 Mr. Paulsen was granted a one-year sabbatical to visit
8 schools and speak to community groups as Iowa's
9 Ambassador for Education during the 2000-2001 school
10 year; *Now Therefore*,
11 *Be It Resolved By The House Of Representatives*,
12 That the General Assembly honors Mr. Thomas H. Paulsen
13 of Carroll High School for his exemplary work in
14 education, applauds his efforts and achievements in
15 bringing out the best in his students at Carroll High
16 School and Kuemper Catholic High School, and
17 congratulates him for his outstanding accomplishment
18 in being named the Iowa Teacher of the Year for 2000.
19 *Be It Further Resolved*, That an official copy of
20 this Resolution be prepared for presentation to Mr.
21 Thomas H. Paulsen.

HR 4 filed January 11, 2001; House adopted January 16, 2001.

1 House Resolution 7
2 By Grundberg, Smith, Lensing, Mascher, Foege, Myers,
3 Alons, Arnold, Atteberry, Barry, Baudler, Bell, Boal,
4 Boddicker, Boggess, Bradley, Brauns, Broers,
5 Brunkhorst, Carroll, Connors, De Boef, Dix, Dolecheck,
6 Dotzler, Drake, Eddie, Eichhorn, Elgin, Falck, Fallon,
7 Finch, Ford, Frevert, Garman, Gipp, Greimann, Hahn,
8 Hansen, Heaton, Hoffman, Horbach, Houser, Hoversten,

9 Huseman, Huser, Jacobs, Jenkins, Jochum, Johnson,
10 Kettering, Klemme, Kuhn, Larkin, Larson, Manternach,
11 May, Mertz, Metcalf, Millage, Murphy, O'Brien,
12 Osterhaus, Quirk, Raecker, Rants, Rayhons, Rekow,
13 Reynolds, Richardson, Roberts, Scherrman, Schrader,
14 Seng, Shey, Siegrist, Sievers, Sukup, D. Taylor,
15 T. Taylor, Teig, Tymeson, Tyrrell, Van Engelenhoven,
16 Van Fossen, Warnstadt, Weidman, and Witt
17 A Resolution recognizing the achievements of Nancy Coover
18 Andreasen.
19 *Whereas*, Nancy Coover Andreasen, M.D., Ph.D., the
20 Andrew Woods Chair of Psychiatry, University of Iowa
21 College of Medicine, Editor of the American Journal of
22 Psychiatry, and author of hundreds of articles and
23 books including "The Broken Brain: The Biological
24 Revolution in Psychiatry" in 1984, is recognized
25 internationally for her distinguished contributions as
26 an educator, author, researcher, and provider of
27 mental health services in the field of psychiatry; and
28 *Whereas*, in her over 30 years of study and research
29 in the field of psychiatry, Dr. Andreasen has been a
30 leader and a visionary in her profession by, in

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1 addition to her vast number of other accomplishments,
2 developing a tool to evaluate psychiatric
3 abnormalities and to rank their severity, which
4 evolved into a tool to rate symptoms of schizophrenia
5 becoming a "citation classic," cited more than the
6 works of Sigmund and Anna Freud combined; utilizing
7 neuroimaging to pinpoint and measure the biological
8 basis of human behavior in mental illness,
9 particularly schizophrenia; and being the first to
10 demonstrate a relationship between manic-depressive
11 illness and creativity; and
12 *Whereas*, while Dr. Andreasen has been recognized by
13 her peers for her contributions to her profession with
14 numerous honors and awards, she is also recognized for
15 her compassion toward her patients, as an advocate for
16 persons with chronic mental illness, and as a person
17 who through her unique ability to make brain research
18 understandable to the public has provided relief and
19 hope to persons with mental illness and their
20 families; and
21 *Whereas*, Dr. Andreasen once analogized the need for
22 a vision of the future in scientific research to
23 hockey, recalling a quote from Wayne Gretzky: "I
24 skate to where the puck will be, not to where it is";
25 and
26 *Whereas*, Dr. Andreasen has received numerous
27 honors, including most recently the President's

28 National Medal of Science on December 1, 2000, which
 29 has only been awarded to 374 distinguished scientists
 30 and engineers and to only three Iowans since its

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1 inception in 1959; and
 2 *Whereas*, the inscription on the President's
 3 National Medal of Science awarded to Dr. Andreasen
 4 reads, "For her pivotal contributions to the social
 5 and behavioral sciences, through the integrative study
 6 of mind, brain, and behavior, by joining behavioral
 7 science with the technologies of neuroscience and
 8 neuroimaging in order to understand mental processes
 9 such as memory and creativity, and mental illnesses
 10 such as schizophrenia"; and
 11 *Whereas*, Dr. Andreasen's humility in the midst of
 12 all the acclaim is best typified by her own words in
 13 acknowledging her most recent award: "I am a firm
 14 believer that the importance of one's work is the
 15 process of doing it, not in getting awards. When I
 16 die, I don't care what prizes I won. I care about
 17 what contributions I can make through my work"; *Now*
 18 *Therefore*,
 19 *Be It Resolved By The House Of Representatives*,
 20 That the House of Representatives recognizes Dr.
 21 Andreasen not only as an award-winning,
 22 internationally acknowledged psychiatrist, educator,
 23 researcher, and author, but as an Iowa treasure who
 24 through her genuine compassion and dedication has
 25 improved the lives of and has provided hope and
 26 understanding to persons with mental illness and their
 27 families.

HR 7 filed January 24, 2001; House adopted February 6, 2001.

1 House Resolution 12
 2 By Barry, Larson, Dolecheck, Bradley, Huseman,
 3 Kettering, Broers, Sukup, Sievers, Finch, Houser,
 4 Metcalf, Raecker, Gipp, Siegrist, Cormack, Dix,
 5 Brunkhorst, Horbach, Rants, Johnson, Heaton, Jenkins,
 6 Boddicker, Roberts, De Boef, Tymeson, Boal, Elgin,
 7 Hoversten, Hoffman, Hansen, Bradley, Alons, Teig,
 8 Weidman, Van Engelenhoven, Eddie, Garman, Rekow,
 9 Manternach, Arnold, and Brauns
 10 A Resolution to recognize February 6 as "Ronald
 11 Reagan Day".
 12 *Whereas*, President Ronald Wilson Reagan, a man of
 13 humble background, worked throughout his life serving
 14 freedom and advancing the public good, having been
 15 employed as an entertainer, union leader, corporate
 16 spokesman, Governor of California, and President of

17 the United States; and
18 *Whereas*, Ronald Reagan began his career by
19 broadcasting radio announcements and advertising at
20 radio station WOC in Davenport, Iowa, in 1932, going
21 on to become the sports announcer at WHO radio in Des
22 Moines when the stations merged, until 1937 when he
23 traveled to California to cover baseball spring
24 training, and was signed by Warner Brothers to appear
25 in motion pictures; and
26 *Whereas*, President Reagan served with honor and
27 distinction for two terms as the 40th President of the
28 United States of America; the second of which he was
29 victorious in 49 of the 50 states in the general
30 election, earning the confidence of three-fifths of

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1 the electorate, a record unsurpassed in the history of
2 American presidential elections; and
3 *Whereas*, in 1981, when Ronald Reagan was
4 inaugurated President, he inherited a disillusioned
5 nation shackled by rampant inflation and high
6 unemployment; and
7 *Whereas*, during Mr. Reagan's presidency, he worked
8 in a bipartisan manner to enact his bold agenda of
9 restoring accountability and common sense to
10 government which led to an unprecedented economic
11 expansion and opportunity for millions of Americans;
12 and
13 *Whereas*, President Reagan's commitment to an active
14 social policy agenda for the nation's children helped
15 lower crime and drug use; and
16 *Whereas*, President Reagan's commitment to the armed
17 forces contributed to the restoration of pride in
18 America, her values and those cherished by the free
19 world, and prepared America's armed forces to win the
20 Gulf War; and
21 *Whereas*, President Reagan's vision of "peace
22 through strength" led to the end of the Cold War and
23 the ultimate demise of the Soviet Union, guaranteeing
24 basic human rights for millions of people; and
25 *Whereas*, on February 6, 2001, Ronald Reagan will
26 reach the age of 90, thus becoming both the oldest
27 active and oldest former President in the history of
28 our nation; *Now Therefore*,
29 *Be It Resolved By The House Of Representatives*,
30 That the House of Representatives hereby recognizes

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1 February 6, 2001, as "Ronald Reagan Day".

HR 12 filed February 5, 2001; House adopted February 6, 2001.

1 House Resolution 13
2 By Warnstadt, Tymeson, Alons, and Murphy
3 A Resolution recognizing Task Force Alpha of the
4 Iowa Army National Guard for its dedication and
5 outstanding performance of duty.
6 *Whereas*, one hundred two soldiers from the First
7 Battalion, 133rd Infantry (Task Force Alpha), were
8 selected to perform a vital security mission in Saudi
9 Arabia and Kuwait from October 10, 2000, to February
10 17, 2001; and
11 *Whereas*, throughout their mobilization, deployment,
12 and demobilization, the members of Task Force Alpha
13 continually demonstrated professionalism, dedication,
14 and skill of the highest level; and
15 *Whereas*, the members of Task Force Alpha, in their
16 active duty abroad, were separated from home and
17 family relationships and obligations, and missed
18 special family occasions as they fulfilled their
19 assignment; and
20 *Whereas*, the actions of Task Force Alpha reflect
21 great credit upon all citizen soldiers of the Iowa
22 National Guard and the people of the state of Iowa;
23 and
24 *Whereas*, the people of the state of Iowa take great
25 pride in the professionalism of the members of Task
26 Force Alpha; *Now Therefore*,
27 *Be It Resolved By The House Of Representatives*,
28 That the House of Representatives recognize the
29 members of Task Force Alpha for their dedication and
30 outstanding performance of duty, and that the House of

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1 Representatives express its appreciation to the
2 families of the members of Task Force Alpha;
3 *Be It Further Resolved*, That a copy of this
4 Resolution be presented to the Iowa Army National
5 Guard Commander of the First Battalion, 133rd
6 Infantry; to the members of the First Battalion, 133rd
7 Infantry; and to all the members of Task Force Alpha.

HR 13 filed February 6, 2001; House adopted February 13, 2001.

1 House Resolution 14
2 By Mascher, Lensing, Myers, and Foege
3 A Resolution honoring Christine Grant, former Women's
4 Athletic Director of the University of Iowa.
5 *Whereas*, Christine Grant, the Women's Athletic
6 Director at the University of Iowa for 27 years, has

7 recently retired from that position which she held
8 since the department was established in 1973; and
9 *Whereas*, during her tenure, Christine Grant
10 supervised a coaching staff which has led Iowa women's
11 teams to win or share in 25 Big Ten championships,
12 having nationally ranked teams in women's basketball
13 and softball, and supervising varsity teams of field
14 hockey, swimming, diving, tennis, golf, gymnastics,
15 track and cross country, and volleyball, and adding
16 soccer and rowing; and
17 *Whereas*, in addition to her teaching, coaching, and
18 administrative duties, Christine Grant was a founding
19 member of the Association for Intercollegiate
20 Athletics for Women, serving as President of that
21 association from 1979-82, and was on the Board of
22 Directors of the National Association of Collegiate
23 Women's Athletic Administrators, serving as President
24 of that association from 1987-98 and chairing the
25 Gender Equity Committee; and
26 *Whereas*, Christine Grant has received numerous
27 academic and professional awards, including the
28 "National Administrator of the Year" award from both
29 the National Association of Collegiate Women's
30 Athletic Administrators and the Women's Basketball

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1 Coaches' Association; the NCAA Honda Award of Merit
2 for Outstanding Achievement in Women's Collegiate
3 Athletics; a Presidential Award from and inducted into
4 the Hall of Fame of the National Girls and Women in
5 Sport; and was the corecipient of the first Lou Henry
6 Hoover Award for outstanding contributions to the
7 development of girls' and women's sports in Iowa; and
8 *Whereas*, Christine Grant has become a familiar
9 name and voice in the world of sports as a crusader
10 for gender equity in intercollegiate athletics, with
11 her long association with Title IX and gender equity
12 activism including testimony before United States
13 House of Representatives' subcommittees, serving as an
14 expert consultant to the Health Education and Welfare
15 Office for Civil Rights Title IX Task Force, and
16 testimony as an expert witness in landmark sports
17 discrimination lawsuits; and
18 *Whereas*, Christine Grant has emphasized competence
19 and high integrity for the staff and players of the
20 University of Iowa women's teams; *Now Therefore*,
21 *Be It Resolved By The House Of Representatives*,
22 That Christine Grant be recognized and congratulated
23 for her outstanding commitment to women's sports and
24 to the University of Iowa, and wished a well-earned,
25 pleasant retirement.

HR 14 filed February 7, 2001; House adopted April 18, 2001.

1 House Resolution 15
2 By Jenkins, Shoultz, and Dotzler
3 A Resolution designating the Grout Museum of
4 History and Science as the official repository of
5 artifacts related to the Sullivan Brothers.
6 *Whereas*, George Thomas, Francis Henry, Joseph
7 Eugene, Madison Abel, and Albert Leo Sullivan,
8 formerly of Waterloo, Iowa, joined the United States
9 Navy January 3, 1942; and
10 *Whereas*, the five brothers were permitted by the
11 Navy to serve together on the light cruiser USS
12 Juneau; and
13 *Whereas*, all five brothers, along with over 700
14 other men, were lost at sea during the Battle of
15 Guadalcanal, when the USS Juneau was struck by an
16 enemy torpedo on November 13, 1942; and
17 *Whereas*, the loss of these five brothers was the
18 largest loss suffered by one family in a single
19 engagement during World War II; and
20 *Whereas*, Thomas and Alleta Able Sullivan and their
21 daughter Genevieve Sullivan Davidson set aside their
22 private grief and devoted over a year of patriotic
23 duty to the recruiting efforts of the United States
24 Navy; and
25 *Whereas*, the United States Navy has named two ships
26 in honor of the Sullivan brothers; and
27 *Whereas*, the Grout Museum of History and Science is
28 in possession of tangible artifacts and archival
29 material belonging to and related to the Sullivan
30 brothers; and

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1 *Whereas*, the Fighting Sullivans from Waterloo,
2 Iowa, are known throughout the world, and exemplify
3 the ideals of self-sacrifice and patriotism; *Now*
4 *Therefore*,
5 *Be It Resolved By The House Of Representatives*,
6 That the Grout Museum of History and Science of
7 Waterloo, Iowa, is recognized as the official
8 repository of all tangible artifacts and archival
9 material relating to the Sullivan brothers.

HR 15 filed February 21, 2001; House adopted February 27, 2001.

1 House Resolution 16
2 By Metcalf and Raecker
3 A Resolution honoring Theresa J. Uchytel.

4 *Whereas*, Theresa Uchytel was crowned Miss Iowa
5 2000, on June 10, 2000; and
6 *Whereas*, Theresa Uchytel has been twirling baton
7 for nearly 20 years, achieving such high honors as
8 becoming the World Open Strut and Solo Baton-Twirling
9 Champion and the Head Majorette Instructor for the
10 Marching Auxiliaries of America, and playing
11 basketball, softball, and other sports, in spite of
12 the challenge of having been born without her left
13 hand; and
14 *Whereas*, Theresa Uchytel refuses to be defined by
15 her handicap and seeks to encourage people, regardless
16 of their challenge, to overcome the obstacles in their
17 lives; and
18 *Whereas*, Theresa Uchytel adopted as her Miss Iowa
19 pageant platform "Facing the Challenge", which
20 involved plans to educate the public about Americans
21 with disabilities and how to obtain care; and was
22 selected first runner-up for the "Quality of Life
23 Award" in the Miss America pageant due to this
24 platform; and
25 *Whereas*, Theresa Uchytel is a national spokesperson
26 for the Shriners Hospitals for Children, and was
27 appointed a national advocate for the Americans With
28 Disabilities Act; and
29 *Whereas*, Theresa Uchytel's achievements surpass
30 mere outward beauty, and exemplify personality traits

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1 and perseverance that all Iowans should embrace; *Now*
2 *Therefore*,
3 *Be It Resolved By The House Of Representatives*,
4 That the House of Representatives congratulates
5 Theresa Uchytel on her successful reign as Miss Iowa
6 2000, recognizes her talents and personal
7 achievements, and wishes her great success in her
8 future endeavors.

HR 16 filed February 21, 2001; House adopted March 7, 2001.

1 House Resolution 17
2 By Barry, Frevert, Boggess, Bukta, Mertz, Reynolds,
3 Grundberg, Metcalf, Boal, De Boef, Tymeson, Petersen,
4 Roberts, Atteberry, Alons, Jacobs, Garman,
5 Winckler, Hoffman, Horbach, Mascher, Hoversten,
6 Hansen, Smith, Scherrman, Rants,
7 Weidman, Dotzler, Greimann, Jenkins, and Sievers
8 A Resolution designating March 6, 2001, as Breast Cancer
9 Awareness and Lymphedema D-Day.
10 *Whereas*, according to the National Cancer
11 Institute, a reported 8.5 million Americans are living

12 after a diagnosis of cancer, of which about 2 million
13 are breast cancer survivors; and
14 *Whereas*, approximately 2 million Americans suffer
15 from breast cancer today, with 182,800 new cases among
16 women and 1,400 new cases among men estimated to occur
17 annually; and
18 *Whereas*, breast cancer has touched the lives of
19 millions of American families; and
20 *Whereas*, breast cancer claims an American life
21 approximately every 12 minutes, with an estimated
22 40,800 women and 400 men succumbing in the year 2000
23 alone; and
24 *Whereas*, breast cancer is considered the most
25 commonly diagnosed cancer among women in every major
26 ethnic group in the United States; and
27 *Whereas*, medical research programs in the United
28 States have dedicated their efforts to finding a cure
29 for breast cancer; and
30 *Whereas*, such dedication to research means that

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1 currently, early diagnosis and treatment of stage I or
2 II breast cancer results in five-year survival rates
3 of nearly 95 percent, a dramatic improvement from the
4 72 percent survival rate of the 1940s;
5 *Whereas*, many cancer patients, including breast,
6 prostate, gynecological, head, neck, and lung cancer,
7 and sarcoma and melanoma patients, suffer from
8 lymphedema, a painful and often debilitating side
9 effect of some cancers; and
10 *Whereas*, recent studies have indicated that 20
11 percent of breast cancer patients will develop
12 lymphedema after surgery and radiation; and
13 *Whereas*, lymphedema is an accumulation of lymphatic
14 fluid that causes swelling in the arms, legs, or other
15 areas of the body and affects both women and men; and
16 *Whereas*, the swelling caused by lymphedema can lead
17 to severe infection or loss of the use of limbs, and
18 patients suffering from lymphedema must endure
19 physical discomfort and disfigurement and cope with
20 the distress caused by these symptoms; and
21 *Whereas*, no drug or effective surgical treatment
22 for lymphedema currently exists; and
23 *Whereas*, research in all areas of lymphedema have
24 been notably limited; and
25 *Whereas*, lymphedema, which has no cure and can
26 occur anytime, has a severe financial, physical, and
27 psychological impact on patients; and
28 *Whereas*, each year on March 6, the National
29 Lymphedema Network sponsors Lymphedema D-Day to honor
30 patients and to raise awareness of the treatment and

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1 severity of this condition; *Now Therefore,*
2 *Be It Resolved By The House Of Representatives,*
3 That the House of Representatives designates March 6,
4 2001, as Breast Cancer Awareness and Lymphedema D-Day.
5 *Be It Further Resolved,* That the House of
6 Representatives encourages the citizens of Iowa to
7 honor and support the courageous patients living and
8 coping with this debilitating condition.
9 *Be It Further Resolved,* That the House of
10 Representatives honors those who have bravely fought
11 the battle against breast cancer and who are heroic
12 survivors.
13 *Be It Further Resolved,* That the House of
14 Representatives gives both support and honor to those
15 courageous people who are at this time fighting the
16 battle against breast cancer, and recognizes with
17 honor and compassion those who have lost friends and
18 loved ones to this deadly disease.

HR 17 filed February 26, 2001; House adopted March 6, 2001.

1 House Resolution 19
2 By Carroll
3 A Resolution declaring March 6, 2001, Marriage Day.
4 *Whereas,* marriage is a universal human institution
5 which is a bedrock of our society; and
6 *Whereas,* while marriage is an intimate and personal
7 relationship, marriage is also a public demonstration
8 of a couple's desire to have their private relation-
9 ship recognized by family, friends, government, and
10 society as a whole; and
11 *Whereas,* a healthy marriage improves the lives of
12 the parties by offering them emotional and financial
13 support, expansive and integrated social networks,
14 economies of scale, and a boost in earnings, parenting
15 capacity, and life management; and
16 *Whereas,* a healthy marriage provides a nurturing
17 environment for children and reduces the chance that a
18 child will be poor, have unmet health problems and
19 psychological disorders, commit crimes and exhibit
20 other conduct disorders, be less educated, achieve
21 less professional success, and have poorer
22 interpersonal relationships; and
23 *Whereas,* a child raised within the environment of a
24 healthy marriage relationship is provided direct
25 access to the financial, emotional, educational, and
26 other joint resources of both parents; and
27 *Whereas,* good marriages and strong families are
28 developed through a couple's commitment and hard work;

29 and

30 *Whereas*, couples are more likely to work toward

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1 healthy marriages in a society that recognizes the
2 importance of and values marriage; *Now Therefore*,
3 *Be It Resolved By The House of Representatives*,
4 That March 6, 2001, be declared Marriage Day to
5 recognize the importance of a healthy marriage which
6 improves the lives of the parties to the marriage,
7 fosters healthy, happy, well-educated, and prosperous
8 children, and thereby benefits society as a whole.

HR 19 filed February 28, 2001; House adopted March 6, 2001.

1 House Resolution 20
2 By Hoffman
3 A Resolution honoring Jacklyn Murray for achieving the
4 2001 Prudential Spirit of Community Award.
5 *Whereas*, Jacklyn Murray, an esteemed resident of
6 Onawa, and a student at West Monona Community High
7 School, has achieved national recognition for
8 exemplary volunteer service by receiving a 2001
9 Prudential Spirit of Community Award; and
10 *Whereas*, this prestigious award, presented by The
11 Prudential Insurance Company of America in partnership
12 with the National Association of Secondary School
13 Principals, honors young volunteers across America who
14 have demonstrated an extraordinary commitment to
15 serving their communities; and
16 *Whereas*, Ms. Murray earned this award by giving
17 generously of her time and energy by designing and
18 cochairing a project to improve two city parks,
19 raising \$83,000 to fund the project by recruiting
20 local teens to help with fund-raising, coordinating
21 the fund-raisers and donations from area businesses,
22 and soliciting and receiving numerous grants from
23 national organizations; and
24 *Whereas*, as a recipient of these awards, Ms. Murray
25 will receive a monetary award, an engraved medallion,
26 and an all-expense paid trip to Washington, D.C., in
27 May 2001, where she will join other states' nominees
28 for national recognition events, and the opportunity
29 to be named among America's top ten youth volunteers
30 of the year; and

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1 *Whereas*, the success of the state of Iowa, the
2 strength of our communities, and the overall vitality
3 of American society depend, in great measure, upon the

4 dedication of young people like Ms. Murray, who use
5 their considerable talents and resources to serve
6 others; *Now Therefore,*
7 *Be It Resolved By The House Of Representatives,*
8 That the House of Representatives hereby congratulates
9 and honors Ms. Murray, as recipient of a Prudential
10 Spirit of Community Award, recognizes her outstanding
11 record of volunteer service, peer leadership, and
12 community spirit, and extends best wishes for her
13 continued success and happiness.
14 *Be It Further Resolved,* That, after adoption, the
15 Chief Clerk of the House of Representatives shall send
16 a copy of this Resolution to Ms. Murray.

HR 20 filed March 7, 2001; House adopted March 29, 2001.

1 House Resolution 21
2 By Richardson and Bell
3 A Resolution honoring Nick Ackerman on his athletic
4 achievements.
5 *Whereas,* Nick Ackerman compiled a record of 71 wins
6 and 38 losses as a wrestler for Colfax-Mingo High
7 School, including 32 wins and eight losses his senior
8 year, during which he also placed sixth in the
9 Division 1A State Wrestling Tournament, despite
10 fracturing his wrist in a first round victory over a
11 previously undefeated opponent; and
12 *Whereas,* Nick Ackerman began his wrestling career
13 as a freshman at Simpson College with four pins, and
14 finished with a record of 15 wins and six losses,
15 including eight pins; and
16 *Whereas,* Nick Ackerman as a sophomore compiled a
17 record of 14 wins and 15 losses, and was awarded the
18 National Wrestling Hall of Fame's Medal of Courage for
19 overcoming seemingly insurmountable challenges; and
20 *Whereas,* Nick Ackerman as a junior led the Simpson
21 College wrestling team with a record of 28 wins,
22 including 11 pins, and 16 losses; and
23 *Whereas,* Nick Ackerman as a senior compiled a
24 record of 38 wins and four losses, including a 20-
25 match victory streak, and defeated the reigning
26 national champion by 13 points to 11 points to win the
27 NCAA Division III National Championship at 174 pounds,
28 and was named the tournament's outstanding wrestler;
29 and
30 *Whereas,* Nick Ackerman achieved athletic excellence

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1 despite the amputation of both of his legs below the
2 knee, due to a childhood bout of bacterial meningitis;
3 and

4 *Whereas*, with the support and inspiration of his
5 parents, Kurt and Cindy Ackerman, other family
6 members, friends, and coaches, Nick Ackerman never
7 learned that there might be limits to what he could
8 achieve; *Now Therefore*,

9 *Be It Resolved By The House Of Representatives*,
10 That the House of Representatives recognizes and
11 extends its congratulations to Nick Ackerman for both
12 his outstanding athletic achievements and for the
13 lessons in fortitude and courage that his achievements
14 demonstrate.

15 *Be It Further Resolved*, That when any member of the
16 General Assembly is tempted to give up while wrestling
17 with the great issues facing the State of Iowa, the
18 member should follow the example of Nick Ackerman and
19 overcome seemingly insurmountable challenges.

20 *Be It Further Resolved*, That, upon adoption, the
21 Chief Clerk of the House of Representatives shall
22 prepare official copies of this Resolution for
23 presentation to Nick Ackerman, Kurt and Cindy
24 Ackerman, Colfax-Mingo High School, and Simpson
25 College.

HR 21 filed March 7, 2001; House adopted March 8, 2001.

1 House Resolution 22

2 By Witt, Siegrist, Jenkins, Myers,
3 Dotzler, and Shoultz

4 A Resolution honoring and commemorating the one hundred
5 twenty-fifth anniversary of the University of Northern
6 Iowa.

7 *Whereas*, the University of Northern Iowa was
8 founded in 1876 in Cedar Falls, as the Iowa State
9 Normal School; and

10 *Whereas*, the name was changed in 1909 to the Iowa
11 State Teachers College, in 1961 to the State College
12 of Iowa, and in 1967 to the University of Northern
13 Iowa; and

14 *Whereas*, the University has, since 1876,
15 steadfastly put "Students First," demonstrated service
16 to Iowa, provided high-quality education and programs
17 that enhance Iowa's future, and made a commitment to
18 great learning and great teaching; and

19 *Whereas*, the University of Northern Iowa has
20 prepared generations of teachers to instruct
21 generations of Iowa students; and

22 *Whereas*, the enrollment of the University has
23 increased from 27 students to nearly 14,000 students,
24 and the campus has expanded from 40 acres to more than
25 900 acres; and

26 *Whereas*, the University of Northern Iowa is home to
27 stellar academic programs and colleges that are

28 consistently recognized and highly ranked by national
29 publications; and
30 *Whereas*, the University of Northern Iowa's

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1 adherence to high-quality instruction and classroom
2 experiences reflect the state of Iowa's time-honored
3 commitment to educational excellence; and
4 *Whereas*, the State of Iowa takes great pride in the
5 expertise, resources, and opportunities provided by
6 the University of Northern Iowa; *Now Therefore*,
7 *Be It Resolved By The House Of Representatives*,
8 That the House of Representatives recognizes the
9 University of Northern Iowa for its dedication to the
10 state in general and its students in particular, and
11 extends congratulations to the University of Northern
12 Iowa on 125 years of dedicated service.
13 *Be It Further Resolved*, That an official copy of
14 this Resolution be prepared and presented to the
15 president of the University of Northern Iowa and
16 representatives of the student body.

HR 22 filed March 6, 2001; House adopted March 19, 2001.

1 House Resolution 24
2 By Sukup, Garman, Roberts, Smith, Foege, Dix,
3 and Shoultz
4 A Resolution recognizing and congratulating Quakerdale
5 on 150 years of service.
6 *Whereas*, Quakerdale, a nonprofit, social service
7 agency, founded by Josiah White in 1851, has
8 strengthened the lives of youth and families in Iowa
9 for the past 150 years; and
10 *Whereas*, Quakerdale is committed to the welfare and
11 quality of life for youth and families for generations
12 to come; and
13 *Whereas*, Quakerdale is a chartered member of the
14 Coalition for Family and Children's Services in Iowa,
15 which represents 36 children's and family service
16 agencies, and is an advocate for the continuous
17 improvement of the quality of life for children and
18 families; and
19 *Whereas*, Quakerdale provides an array of services
20 designed to assist youth, families, and individuals
21 who are experiencing crisis or difficulty in their
22 lives, including adoption services, assessment
23 services, community-based day treatment, crisis
24 respite care, counseling services, family foster care,
25 independent living assistance, residential treatment,
26 school-based programs, and shelter care; and
27 *Whereas*, Quakerdale currently has locations in

28 Manning, Marshalltown, New Providence, and Waterloo;
29 and
30 *Whereas*, the year 2001 marks Quakerdale's 150th

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1 anniversary celebration; *Now Therefore*,
2 *Be It Resolved By The House Of Representatives*,
3 That the House of Representatives recognizes
4 Quakerdale for its long-term, effective leadership,
5 and compassionate services provided to children and
6 families in Iowa.
7 *Be It Further Resolved*, That the House of
8 Representatives congratulates Quakerdale on the 150th
9 anniversary of its founding, and calls upon the
10 citizens of Iowa to affirm the work and dedication of
11 Quakerdale.

HR 24 filed March 23, 2001; House adopted April 2, 2001.

1 House Resolution 25
2 By Bell
3 A Resolution honoring Anne Wignall for achieving the
4 2001 Prudential Spirit of Community Award.
5 *Whereas*, Anne Wignall, an esteemed resident of
6 Newton, and a student at B.C. Berg Middle School, has
7 achieved national recognition for exemplary volunteer
8 service by receiving a 2001 Prudential Spirit of
9 Community Award; and
10 *Whereas*, this prestigious award, presented by The
11 Prudential Insurance Company of America in partnership
12 with the National Association of Secondary School
13 Principals, honors young volunteers across America who
14 have demonstrated an extraordinary commitment to
15 serving their communities; and
16 *Whereas*, Ms. Wignall earned this award by founding
17 a nonprofit organization called Care Bags Foundation,
18 that provides "care bags" filled with donated toys and
19 hygiene items to abused or displaced children, with
20 her efforts as director including the contacting of
21 local human services agencies to present the idea,
22 coordinating volunteers to sew the bags, approaching
23 businesses for donations to fill them, and
24 distributing the bags, and conducting a workshop at a
25 regional volunteer conference encouraging others to
26 start similar programs in their communities; and
27 *Whereas*, as a recipient of these awards, Ms.
28 Wignall will receive a monetary award, an engraved
29 medallion, and an all-expense paid trip to Washington,
30 D.C., in May 2001, where she will join other states'

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1 nominees for national recognition events, and the
2 opportunity to be named among America's top 10 youth
3 volunteers of the year; and
4 *Whereas*, the success of the state of Iowa, the
5 strength of our communities, and the overall vitality
6 of American society depend, in great measure, upon the
7 dedication of young people like Ms. Wignall, who use
8 their considerable talents and resources to serve
9 others; *Now Therefore*,
10 *Be It Resolved By The House Of Representatives*,
11 That the House of Representatives hereby congratulates
12 and honors Ms. Anne Wignall, as recipient of a
13 Prudential Spirit of Community Award, recognizes her
14 outstanding record of volunteer service, peer
15 leadership, and community spirit, and extends best
16 wishes for her continued success and happiness.
17 *Be It Further Resolved*, That, after adoption, the
18 Chief Clerk of the House of Representatives shall send
19 a copy of this Resolution to Ms. Wignall.

HR 25 filed March 23, 2001; House adopted March 29, 2001.

1 House Resolution 27
2 By Alons
3 A Resolution congratulating the Men's and Women's
4 Basketball Teams of Northwestern College of Orange
5 City.
6 *Whereas*, the Northwestern College Raiders Women's
7 basketball team racked up a season of 32 wins and four
8 losses, and were seeded second in the National
9 Association of Intercollegiate Athletes (NAIA)
10 Division II National Championship Tournament; and
11 *Whereas*, the Northwestern College Raiders men's
12 basketball team finished the year with a record of 29
13 wins and six losses, and were seeded seventh in the
14 NAIA Division II National Championship Tournament; and
15 *Whereas*, on March 14, 2001, both teams bested
16 opponents to win the NAIA Division II titles, with the
17 Raiders women defeating eighth-seeded Albertson of
18 Idaho, 77-50, and the Raiders men defeating 12th-
19 seeded MidAmerican Nazarene of Kansas, 82-78; and
20 *Whereas*, both Raiders head coaches received awards,
21 with Coach Earl Woudstra being voted Women's National
22 Coach of the Year and Coach Kris Korver being voted
23 Men's National Coach of the Year; and
24 *Whereas*, Raiders women brought home the awards for
25 Women's National Player of the Year and National
26 Tournament Most Valuable Player in Rachel Binneboese,
27 who was also voted the All-American Scholar-Athlete
28 for the second year in a row; three Raiders women made

29 the All-Tourney Team: Jennifer Recker, Jaime Woudstra,
30 and Sara Friedrichsen; and Jennifer Recker won the

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1 National Tournament Hustle Award for the second year
2 in a row; and
3 *Whereas*, Raiders men brought home awards for the
4 National Tournament Most Valuable Player in Brandon
5 Woudstra, and three men made the All-Tourney Team:
6 Ben Gerleman, Brandon Jacobson, and Lance Reinke; *Now*
7 *Therefore*,
8 *Be It Resolved By The House Of Representatives*,
9 That the House of Representatives congratulates the
10 Northwestern College Raiders Women's Basketball Team
11 and the Northwestern College Raiders Men's Basketball
12 Team, their coaches, Earl Woudstra and Kris Korver,
13 and their coaching staffs, on their superlative
14 seasons, thanks them for the honor and excitement they
15 brought to the State of Iowa, and wishes them the very
16 best in the future.

HR 27 filed March 26, 2001; House adopted April 9, 2001.

1 House Resolution 30
2 By Raecker, Ford, Jacobs, Sukup, Hansen,
3 Brunkhorst, Heaton, Rayhons, Eichhorn, Cormack,
4 Boddicker, Garman, Broers, Dix, Metcalf, Boal,
5 De Boef, Alons, Johnson, Van Engelenhoven, Teig,
6 Carroll, Hoffman, Arnold, Hoversten, Eddie, Tyrrell,
7 Klemme, Grundberg, Kettering, Drake, Rekow, Tymeson,
8 Finch, Roberts, Dolecheck, Hahn, Baudler, Weidman,
9 Brauns, Shey, Huseman, Sievers, Jenkins, Boggess,
10 Elgin, Gipp, Myers, Mascher, Fallon, Kuhn, Quirk,
11 Greimann, Hatch, Smith, Kreiman, Jochum, Falck,
12 Richardson, Witt, T. Taylor, Reynolds, Dotzler,
13 Stevens, Mertz, Petersen, Foege, Lensing, Winckler,
14 Larkin, Wise, Bukta, O'Brien, Connors, Cohoon, May,
15 Warnstadt, Huser, and Osterhaus
16 A Resolution honoring the Drake Women's Basketball Team.
17 *Whereas*, the fans of Drake University and the
18 citizens of Iowa are greatly pleased that the Drake
19 Women's Basketball Team had a spectacular season in
20 compiling a 23-7 record and its fifth consecutive 20-
21 or-more-victories season; and
22 *Whereas*, the Drake Women's Basketball Team made its
23 fans and all Iowans proud by sharing the Missouri
24 Valley Conference regular season title, and by
25 receiving its first-ever at-large bid to the Women's
26 National Collegiate Athletic Association (NCAA)
27 Tournament, making its fourth NCAA appearance in five
28 years; and

29 *Whereas*, the Drake Women's Basketball Team overcame
 30 adversity early in the season when two players were

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1 diagnosed with life-threatening medical conditions and
 2 were forced to sit out the season; and

3 *Whereas*, individual athletes on the team have been
 4 honored by being named to the All-Missouri Valley
 5 Conference Team, the Missouri Valley Conference All-
 6 Freshman Team, and the Missouri Valley Conference All-
 7 Tournament Team; and

8 *Whereas*, the citizens of Iowa recognize the
 9 academic accomplishments of the Drake Women's
 10 Basketball Team for having a cumulative grade point
 11 average of 3.3, and having two Bulldogs named to the
 12 2001 Missouri Valley Conference Scholar-Athlete Team
 13 and one named to the Verizon Academic All-District
 14 Team; and

15 *Whereas*, the citizens of Iowa applaud Drake Women's
 16 Basketball Head Coach Lisa Stone for being the first
 17 rookie coach ever to be named the Missouri Valley
 18 Conference Coach of the Year, and who, by winning 23
 19 games, extended the league record for league wins and
 20 overall wins by a first-year Missouri Valley

21 Conference coach; *Now Therefore*,
 22 *Be It Resolved By The House Of Representatives*,
 23 That the House of Representatives congratulates Coach
 24 Lisa Stone and the Drake Women's Basketball Team on
 25 their successful season and thanks them for the honor
 26 and excitement they brought to the State of Iowa.

HR 30 filed April 3, 2001; House adopted April 17, 2001.

1 House Resolution 33

2 By Reynolds, Alons, Arnold, Atteberry, Barry,
 3 Baudler, Bell, Boal, Boddicker, Boggess, Bradley,
 4 Brauns, Broers, Brunkhorst, Bukta, Carroll, Chiodo,
 5 Cohoon, Connors, Cormack, De Boef, Dix, Dolecheck,
 6 Dotzler, Drake, Eddie, Eichhorn, Elgin, Falck, Fallon,
 7 Finch, Foege, Ford, Frevert, Garman, Gipp, Greimann,
 8 Grundberg, Hahn, Hansen, Hatch, Heaton, Hoffman,
 9 Horbach, Houser, Hoversten, Huseman, Huser, Jacobs,
 10 Jenkins, Jochum, Johnson, Kettering, Klemme, Kreiman,
 11 Kuhn, Larkin, Larson, Lensing, Manternach, Mascher,
 12 May, Mertz, Metcalf, Millage, Murphy, Myers, O'Brien,
 13 Osterhaus, Petersen, Quirk, Raecker, Rants, Rayhons,
 14 Rekow, Richardson, Roberts, Scherrman, Schrader, Seng,
 15 Shey, Shoults, Siegrist, Sievers, Smith, Stevens,
 16 Sukup, D. Taylor, T. Taylor, Teig, Tremmel, Tymeson,
 17 Tyrrell, Van Engelenhoven, Van Fossen, Warnstadt,
 18 Weidman, Winckler, Wise, and Witt

19 A Resolution honoring the Des Moines Register's 2001
20 Academic All-State Team.

21 *Whereas*, the Academic All-State program is
22 sponsored by the Des Moines Register in cooperation
23 with eight statewide education organizations, and is
24 designed to provide recognition to students who excel
25 in the classroom; and

26 *Whereas*, nominations for the Academic All-State
27 Team are received from 385 public and private schools
28 across Iowa, and nominees must submit documentation of
29 school transcripts, scores from college-entrance
30 examinations, an essay, and lists of school, church,

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1 and community activities for judging; and

2 *Whereas*, the judging guidelines are based upon an
3 applicant's ACT/SAT scores, the difficulty of high
4 school academic courses, college or advanced placement
5 courses, qualification as a National Merit Scholarship
6 semifinalist, depth and scope of involvement in
7 academic activities beyond the typical curriculum of
8 an honor student, extracurricular school and community
9 activities, and an essay; and

10 *Whereas*, a group of educators review the
11 applications and choose 50 semifinalists and then
12 recognize the top 10 contestants as members of the
13 All-State Team; and

14 *Whereas*, the Academic All-State Team for 2001, and
15 their schools, are as follows: Joel Brandt, Jefferson
16 High School, Cedar Rapids; Julie Brown, Fairfield High
17 School, Fairfield; Thomas Bruton, Abraham Lincoln High
18 School, Des Moines; Barry Gackle, Waterloo West High
19 School, Waterloo; Lucas Grundmeier, Des Moines
20 Christian High School, Des Moines; Amanda Hall,
21 Hamburg Junior/Senior High School, Hamburg; Hee Jin
22 Lee, West High School, Iowa City; Katherine Lewin,
23 Assumption High School, Davenport; Brij Patnaik,
24 Denison High School, Denison; and Gina Shook, Bishop
25 Heelan Catholic High School, Sioux City; and

26 *Whereas*, these 10 students exemplify the best of
27 Iowa's emphasis on educational achievement, and
28 represent the epitome of citizenship service in school
29 and community involvement; and

30 *Whereas*, it is proper that these students receive

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1 recognition and acclaim for their hard work,
2 dedication, and success; *Now Therefore*,

3 *Be It Resolved By The House Of Representatives*,

4 That the House of Representatives congratulate Joel

5 Brandt, Julie Brown, Thomas Bruton, Barry Gackle,
 6 Lucas Grundmeier, Amanda Hall, Hee Jin Lee, Katherine
 7 Lewin, Brij Patnaik, and Gina Shook for achieving
 8 excellence in academics, and being named members of
 9 the Des Moines Register's 2001 Academic All-State
 10 Team.
 11 *Be It Further Resolved*, That upon adoption, the
 12 Chief Clerk of the House of Representatives prepare a
 13 copy of this Resolution for presentation to each of
 14 the student scholars of the 2001 Academic All-State
 15 Team.

HR 33 filed April 5, 2001; House adopted April 30, 2001.

1 House Resolution 34
 2 By Raecker, Grundberg, Myers, Mascher, Fallon, Kuhn,
 3 Quirk, Greimann, Hatch, Smith, Kreiman, Jochum, Falck,
 4 Richardson, Witt, T. Taylor, Reynolds, Dotzler, Mertz,
 5 Stevens, Foege, Petersen, Lensing, Winckler, Larkin,
 6 Wise, Bukta, O'Brien, Cohoon, May, Huser, Osterhaus,
 7 Jacobs, Teig, Van Engelenhoven, Johnson, Alons,
 8 De Boef, Boal, Metcalf, Dix, Broers, Garman,
 9 Boddicker, Cormack, Eichhorn, Rayhons, Heaton,
 10 Brunkhorst, Hansen, Eddie, Gipp, Tyrrell, Klemme,
 11 Kettering, Drake, Rekow, Tymeson, Finch, Roberts,
 12 Dolecheck, Hahn, Baudler, Weidman, Brauns, Shey,
 13 Huseman, Sievers, Hoffman, Jenkins, Boggess, and Elgin
 14 A Resolution honoring the University of Iowa Women's
 15 Basketball Team and Coach Lisa Bluder.
 16 *Whereas*, the citizens of Iowa are greatly pleased
 17 that the University of Iowa Hawkeyes Women's
 18 Basketball Team finished its season with an overall
 19 record of 21 wins and 10 losses, and captured its
 20 second Big Ten Tournament Championship title with a
 21 75-70 upset victory over No. 8 Purdue; and
 22 *Whereas*, the Iowa Women's Basketball Team finished
 23 the season ranked number 16 in the Associated Press
 24 Poll; and
 25 *Whereas*, the Iowa Women's Basketball Team received
 26 the number four seed in the Midwest Region of the
 27 National Collegiate Athletic Association (NCAA)
 28 Tournament, its thirteenth appearance in the NCAA, the
 29 greatest number of appearances of any university in
 30 the Big Ten; and

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1 *Whereas*, the Iowa women were successful in the NCAA
 2 first round, defeating the University of Oregon; and
 3 *Whereas*, the fans actively supported the Iowa
 4 Women's Basketball Team, with Iowa finishing the
 5 season ranked number 14 in the nation in attendance;

6 and

7 *Whereas*, the Hawkeyes played competitively, set new
8 and tied old school records, and individual players
9 received several athletic awards, including Lindsey
10 Meder, who was named the Big Ten Player of the Year by
11 the Women's Basketball News Service, and was named to
12 the First-Team All-Big Ten Tournament Team, finishing
13 the season ranked first in the Big Ten in free throw
14 percentage; Cara Consuegra, who was voted the 2001 Big
15 Ten Tournament Most Outstanding Player, named to the
16 Associated Press All-America Team as an Honorable
17 Mention, voted a First-Team All-Big Ten selection by
18 the coaches, named to the Women's Basketball Coaches
19 Association All-Star Challenge Team, and became Iowa's
20 all-time assists leader; and Randi Peterson, who was
21 selected by the media for a slot on the First-Team
22 All-Big Ten Tournament Team, voted to the All-Big Ten
23 Tournament Team, and finished the season ranked first
24 in the Big Ten in rebounding; and
25 *Whereas*, the Hawkeyes also earned respect for
26 academic excellence with a team cumulative grade point
27 average of 3.2, and individuals were recognized for
28 academic excellence by receiving academic awards, with
29 Lindsey Meder being the first-ever Iowa women's
30 basketball student-athlete named to the 2001 Verizon

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1 First-Team Academic All-American Women's Basketball
2 Team, and the 2001 First-Team Verizon All-District
3 Team; and Cara Consuegra was voted to the 2001 Verizon
4 Academic All-District Team, named to the Academic All-
5 Big Ten Team, and awarded a scholarship from the
6 Women's Basketball Coaches Association; and
7 *Whereas*, Head Coach Lisa Bluder was named the
8 Women's Basketball Coaches Association District 6
9 Coach of the Year, the College Coach of the Year by
10 the Women's Basketball News Service, and was voted the
11 Big Ten Coach of the Year, and, along with the
12 coaching staff, encouraged, directed, and inspired the
13 team to great success; *Now Therefore*,
14 *Be It Resolved By The House Of Representatives*,
15 That the House of Representatives congratulates the
16 University of Iowa Women's Basketball Team, Coach Lisa
17 Bluder, and the coaching staff, on their successful
18 season and thanks them for the honor and excitement
19 they brought to the State of Iowa.
20 *Be It Further Resolved*, That, upon adoption, the
21 Chief Clerk of the House of Representatives shall
22 prepare a copy of this Resolution for presentation to
23 Coach Lisa Bluder and the University of Iowa Women's
24 Basketball Team.

HR 34 filed April 9, 2001; House adopted April 12, 2001.

1 House Resolution 36
2 By Richardson and Smith
3 A Resolution honoring James "Jim" Freeman.
4 *Whereas*, Jim Freeman was a pioneer of American
5 Rock and Roll; and
6 *Whereas*, as a member of the Five Satins, Jim
7 Freeman recorded one of America's most beloved and
8 recognized "Doo Wop" ballads, "In the Still of the
9 Night"; and
10 *Whereas*, Jim Freeman contributed further to the
11 history of American music by writing such hits as "To
12 the Aisle" and "Wonderful Girl"; and
13 *Whereas*, Jim Freeman was inducted into the United
14 in Group Harmony Association Hall of Fame in 1995, and
15 received a Pioneer Award from the American Rhythm and
16 Blues Hall of Fame in 1998; and
17 *Whereas*, Jim Freeman has been a resident of the
18 state of Iowa since 1970, and has been an Iowa
19 business owner for two decades; and
20 *Whereas*, the year 2001 marks the 45th anniversary
21 of the release of the classic "In the Still of the
22 Night"; *Now Therefore*,
23 *Be It Resolved By The House Of Representatives*,
24 That Jim Freeman be recognized as a pioneer of rock
25 and roll music, whose contribution to the uniquely
26 American genre of music is appreciated not just by the
27 citizens of Iowa, but also by music fans all over the
28 world.
29 *Be It Further Resolved*, That, in celebration of the
30 45th anniversary of the release of one of America's

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1 most beloved and recognized "Doo Wop" ballads, "In the
2 Still of the Night," upon adoption, a copy of this
3 Resolution shall be prepared by the Chief Clerk of the
4 House of Representatives and presented to Jim
5 Freeman.

HR 36 filed April 10, 2001; House adopted May 4, 2001.

1 House Resolution 37
2 By Jenkins, Witt, Alons, Arnold, Atteberry, Barry,
3 Baudler, Bell, Boddicker, Boggess, Bradley, Brauns,
4 Broers, Brunkhorst, Carroll, Chiodo, Connors, De Boef,
5 Dix, Dolecheck, Dotzler, Drake, Eddie, Elgin, Falck,
6 Fallon, Finch, Ford, Frevert, Garman, Gipp,
7 Greimann, Hahn, Hansen, Hatch, Horbach, Houser,

8 Huseman, Huser, Jacobs, Johnson, Kettering, Klemme,
9 Kuhn, Larkin, Lensing, Mascher, May, Mertz, Metcalf,
10 Murphy, O'Brien, Osterhaus, Petersen, Quirk, Raecker,
11 Rants, Rayhons, Rekow, Richardson, Roberts, Scherrman,
12 Schrader, Seng, Shoultz, Siegrist, Sievers, Smith,
13 Stevens, D. Taylor, T. Taylor, Tremmel, Tymeson,
14 Tyrrell, Van Engelenhoven, Warnstadt, Weidman,
15 Winckler, and Wise

16 A Resolution congratulating the University of Northern
17 Iowa Panthers Women's Basketball Team.

18 *Whereas*, the University of Northern Iowa Panthers
19 Women's Basketball Team finished the season with a
20 record of 18 wins and 11 losses, finishing the season
21 with a winning record for the fourth consecutive
22 season; and

23 *Whereas*, the citizens of Iowa are greatly pleased
24 and justly proud that the University of Northern Iowa
25 Panthers Women's Basketball Team received its first-
26 ever postseason bid to play as the number three seed
27 in the Women's National Invitational Tournament; and
28 *Whereas*, the Panthers received athletic honors both
29 during the regular season and post-season, including
30 having two players named to the 2001 All-Missouri

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1 Valley Conference Women's Basketball Team, one player
2 to the All-Freshman Team, and one player to the All-
3 Defensive Team; and

4 *Whereas*, the Panthers also had three team members
5 named to the 2001 Missouri Valley Conference Scholar-
6 Athlete Team, and the team achieved an average
7 cumulative grade-point average (GPA) of 3.35,
8 including three members who achieved a perfect 4.0
9 GPA; and

10 *Whereas*, the University of Northern Iowa Women's
11 Basketball Team consistently thrilled spectators and
12 ranked third in the Missouri Valley Conference for
13 attendance, and broke a school single-season
14 attendance mark at home games; and

15 *Whereas*, Panthers Head Coach Tony DiCecco, in his
16 sixth year at the University of Northern Iowa, is the
17 winningest coach in the Panthers' 32 completed seasons
18 of women's basketball, and with the assistance of the
19 coaching staff, directed and inspired the Panthers
20 Women's Basketball Team to new levels of success; *Now*
21 *Therefore*,

22 *Be It Resolved By The House Of Representatives*,
23 That the House of Representatives congratulates the
24 University of Northern Iowa Panthers Women's
25 Basketball Team, Head Coach Tony DiCecco, and the
26 coaching staff on their successful season, thanks them

27 for the honor and excitement they brought to the State
28 of Iowa, and wishes them the very best in the future.
29 *Be It Further Resolved*, That, upon adoption, the
30 Chief Clerk of the House of Representatives shall

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1 prepare a copy of this Resolution for presentation to
2 Coach Tony DiCecco and the University of Northern Iowa
3 Panthers Women's Basketball Team.

HR 37 filed April 11, 2001; House adopted April 12, 2001.

1 House Resolution 38
2 By Larson
3 A Resolution designating April 14, 2001, as Pan
4 American Day, and the week of April 8 through 14,
5 2001, as Pan American Week.
6 *Whereas*, the Organization of American States,
7 formerly known as the American Republics of the Inter-
8 American System, will celebrate its one hundred
9 eleventh anniversary on April 14, 2001; and
10 *Whereas*, circumstances of culture, geography, and
11 history have allied the destinies of the United States
12 and neighboring republics as defenders of liberty
13 within the law; and
14 *Whereas*, for the common safety of the Inter-
15 American system, the United States of America has
16 supported the ideals of cooperation and solidarity
17 throughout the past century; and
18 *Whereas*, with the understanding of promoting
19 freedom and democracy for all, the United States
20 people and government have allied themselves with
21 their western hemispheric neighbors in the hope of
22 maintaining peace throughout the world; and
23 *Whereas*, the countries of North, Central, and South
24 America should honor the past and claim the future
25 together; *Now Therefore*,
26 *Be It Resolved By The House Of Representatives*,
27 That April 14, 2001, is designated Pan American Day,
28 and the week of April 8 through 14, 2001, is
29 designated Pan American Week.
30 *Be It Further Resolved*, That the House of

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1 Representatives encourages the citizens of Iowa to
2 recognize the importance of this day and week to
3 Inter-American friendship and the neighboring
4 republics' national welfare.

HR 38 filed April 18, 2001; House adopted April 19, 2001.

1 House Resolution 39
2 By Greimann, Bell, T. Taylor, Jenkins, Finch,
3 Boal, Jochum, D. Taylor, Gipp, Raecker, Winckler,
4 Atteberry, Osterhaus, Seng, Bukta, Mascher,
5 Petersen, Falck, and Hatch
6 A Resolution recognizing Iowa State University
7 graduates Marcus Fizer and Fred Hoiberg for serving as
8 "Literacy Champions".
9 Whereas, Fred Hoiberg was an outstanding basketball
10 player during his college career at Iowa State
11 University, and currently plays for the National
12 Basketball Association's Chicago Bulls; and
13 Whereas, Marcus Fizer was an outstanding basketball
14 player during his college career at Iowa State
15 University, and currently plays for the National
16 Basketball Association's Chicago Bulls; and
17 Whereas, as successful athletes with personable
18 demeanors, these men have inspired the admiration of
19 many young Iowans, serving as role models, and setting
20 examples by their conduct in both athletic endeavors
21 and in their personal lives; and
22 Whereas, both Fred Hoiberg and Marcus Fizer have
23 agreed to serve as "Literacy Champions," assisting in
24 the promotion of "Iowa Stories 2000"; and
25 Whereas, the former Iowa State University
26 basketball players will appear in a literacy poster
27 and take part in several special literacy events
28 across Iowa; and
29 Whereas, in promoting literacy, Fred Hoiberg and
30 Marcus Fizer continue to live up to the expectations

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1 of and set great examples for their young fans; Now
2 Therefore,
3 Be It Resolved By The House Of Representatives,
4 That Marcus Fizer and Fred Hoiberg are recognized and
5 congratulated on their participation as "Literacy
6 Champions" in the "Iowa Stories 2000" campaign, and
7 their commitment to the continuing improvement of the
8 young people of Iowa.

HR 39 filed April 23, 2001; House adopted April 24, 2001.

1 House Resolution 41
2 By Warnstadt, Rants, Hoffman, Klemme, Kettering,
3 Hoversten, and Huseman
4 A Resolution recognizing Don "Skip" Meisner upon his
5 retirement.

6 *Whereas*, Don "Skip" Meisner graduated from South
7 Sioux City High School and received his Bachelor of
8 Science Degree from Morningside College and his
9 Master's Degree from the University of South Dakota,
10 and graduated from the Northwestern University Traffic
11 Engineering Institute, and had training in
12 cryptography from the United States Army Signal Corps,
13 and in housing development finance from the national
14 Development Council; and
15 *Whereas*, Skip Meisner served his country in the
16 Armed Forces, then returned to the City of Sioux City
17 Traffic Engineering and Planning Departments; and
18 *Whereas*, Skip Meisner became the Executive Director
19 of the Siouxland Interstate Metropolitan Planning
20 Council (SIMPCO) in 1966, and has served in that
21 position for 36 years; and
22 *Whereas*, during his tenure as Executive Director of
23 SIMPCO, Skip has worked tirelessly to help the tri-
24 state region meet the area's needs relating to flood
25 control, housing, bridge construction, and education,
26 and has worked on aging issues and legislative issues;
27 and
28 *Whereas*, Skip Meisner also served on the Board of
29 Directors for the Sioux City Community School District
30 from 1978 to 1986, and chaired the Advisory Commission

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1 on Intergovernmental Relations from 1990 to 1995, and
2 served on the Iowa Blue Ribbon Transportation Task
3 Force from 1980 to 1982; and
4 *Whereas*, the communities and individuals who have
5 been impacted by Skip's vision, dedication, and
6 leadership are truly grateful and appreciative; and
7 *Whereas*, as Skip Meisner retires, it is fitting
8 that he be recognized for his many years of valuable
9 service; *Now Therefore*,
10 *Be It Resolved By The House Of Representatives*,
11 That the House of Representatives recognizes Don
12 "Skip" Meisner upon his retirement, and congratulates
13 him for a job well done.
14 *Be It Further Resolved*, That, upon adoption, the
15 Chief Clerk of the House of Representatives shall
16 prepare a copy of this Resolution for presentation to
17 Skip Meisner.

HR 41 filed April 24, 2001; House adopted April 26, 2001.

1 House Resolution 42
2 By T. Taylor
3 A Resolution urging the Iowa Department of Education's
4 program, the Regional Autism Services program, to continue

5 compiling and maintaining yearly records regarding
6 individuals with autism and related disorders.

7 *Whereas*, autism is a developmental disorder that
8 typically affects a person's ability to communicate,
9 form relationships with others, and respond
10 appropriately to the environment; and

11 *Whereas*, some people with autism are relatively
12 high-functioning, with communicative speech and
13 intelligence a strength for a small percentage; others
14 may be nonverbal, and have cognitive delays ranging
15 from mild to severe; all appear to have difficulties
16 with social interaction to some degree and often

17 exhibit a narrow repertoire of interests and
18 abilities, showing repetitive behaviors and rigid
19 patterns of thinking that interfere with learning; and

20 *Whereas*, the medical diagnosis of autism is made
21 when a specified number of characteristics listed in
22 the DSM-IV or ICD-9 diagnostic tools, are present, in
23 ranges perhaps similar to significantly below the
24 child's age, and diagnosis usually occurs between the
25 ages three and five; and

26 *Whereas*, there are other pervasive developmental
27 disabilities, including Rett's Disorder, Childhood
28 Disintegrative Disorder, Asperger's Disorder, and
29 Pervasive Developmental Disorder Not Otherwise
30 Specified, each category of symptoms creating an

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1 individualized set of social, learning, and behavioral
2 differences; and

3 *Whereas*, while there are no known specific causes
4 of these pervasive developmental disorders, some
5 research suggests that causes might include physical
6 problems affecting those parts of the brain that
7 process language and information received through the
8 senses, imbalances of certain chemicals in the brain,
9 and genetic factors; and

10 *Whereas*, autism may also result from a combination
11 of several causes, but factors in the psychological
12 environment of the child do not cause autism; and

13 *Whereas*, autism and associated disorders affect as
14 many as one in 500 individuals, according to the
15 United States Centers for Disease Control and
16 Prevention as of 1997; and

17 *Whereas*, autism is four times more prevalent in
18 boys than girls and knows no racial, ethnic, or social
19 boundaries, and family income, lifestyle, and
20 educational levels do not affect the chance of
21 autism's occurrence; and

22 *Whereas*, the autism prognosis is variable from
23 independent to various levels of supported living and

24 work, and may be compromised by associated conditions
25 including seizure disorder, mental retardation, Down's
26 Syndrome, or genetic disorders such as Fragile X
27 Syndrome, Landau-Kleffner Syndrome, William's
28 Syndrome, or Tourette's Syndrome; and
29 *Whereas*, caring for and educating children and
30 adults with autism and related disorders often require

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1 a considerable dedication of emotional and financial
2 resources by parents, caretakers, schools, community
3 providers, or community organizations; and
4 *Whereas*, the bipartisan Congressional Coalition for
5 Autism Research and Education (C.A.R.E.) has been
6 formed with the goal of increasing autism awareness,
7 educating lawmakers and policymakers, providing a
8 forum in which autism issues can be debated and
9 discussed, and expanding federal research into autism
10 spectrum disorders; and
11 *Whereas*, to ensure that planning for the welfare
12 and development of persons with autism and related
13 disorders is more meaningful, need exists for the
14 Regional Autism Services program, a program supported
15 by school laws of Iowa through the Iowa Department of
16 Education to continue to collect data on the estimated
17 overall number of individuals with autism spectrum
18 disorders in the educational arena, supported by
19 Medicare Part B and Part C services; *Now Therefore*,
20 *Be It Resolved By The House Of Representatives*,
21 That the members of Iowa's congressional delegation to
22 the United States House of Representatives are
23 encouraged to become a part of the Coalition for
24 Autism Research and Education.
25 *Be It Further Resolved*, That upon adoption, the
26 Chief Clerk of the House of Representatives shall send
27 a copy of this Resolution to Representatives Leonard
28 L. Boswell, Greg Ganske, Tom Latham, Jim Leach, and
29 Jim Nussle.

HR 42 filed April 25, 2001; House adopted May 8, 2001.

1 House Resolution 45
2 By Ford, Hansen, Metcalf, Myers, Cormack, Rants,
3 Chiodo, Siegrist, Finch, Hatch, Brunkhorst, Huser,
4 Bukta, and Greimann
5 A Resolution designating June 16, 2001, as Juneteenth
6 National Freedom Day.
7 *Whereas*, the third Saturday in June is celebrated
8 as National Freedom Day and is also known as
9 Emancipation Day; and
10 *Whereas*, Juneteenth National Freedom Day is the

11 oldest known African-American celebration of the end
12 of slavery in the United States and occurred on or
13 about June nineteenth; and
14 *Whereas*, Juneteenth National Freedom Day celebrates
15 the meaning and importance of the Emancipation
16 Proclamation, which ended slavery in the United
17 States; and
18 *Whereas*, spontaneous celebrations erupted
19 throughout the United States when African-Americans
20 learned that they were free; and
21 *Whereas*, all citizens of Iowa are encouraged to
22 observe the day in a manner that emphasizes the
23 meaning and importance of the Emancipation
24 Proclamation; *Now Therefore*,
25 *Be It Resolved By The House Of Representatives*,
26 That the third Saturday in June, June 16, 2001, is
27 designated Juneteenth National Freedom Day.
28 *Be It Further Resolved*, That the House of
29 Representatives encourages the citizens of Iowa to
30 recognize and celebrate the importance of this day to

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1 every person who cherishes liberty and equality for
2 all people.

HR 45 filed May 1, 2001; House adopted May 4, 2001.

1 House Resolution 46
2 By Committee on Administration and Rules
3 A Resolution relating to an annual budget for the
4 daily operations of the House of Representatives.
5 *Whereas*, the legislative authority of this state is
6 vested in the General Assembly consisting of the House
7 of Representatives and the Senate; and
8 *Whereas*, the House of Representatives necessarily
9 incurs substantial expenses for its daily operations;
10 and
11 *Whereas*, the House of Representatives is authorized
12 to expend funds from the state treasury necessary to
13 pay for its expenses and for expenses incurred jointly
14 by the House of Representatives and the Senate; and
15 *Whereas*, it is deemed advisable and proper for the
16 House of Representatives to make expenditures in
17 accordance with a budgetary plan; *Now Therefore*,
18 *Be It Resolved By The House Of Representatives*:
19 Section 1. Expenditures of the House of
20 Representatives payable pursuant to Iowa Code sections
21 2.10 through 2.14 for the regular legislative session
22 and the interim period during the fiscal year
23 beginning July 1, 2001, and ending June 30, 2002, are
24 budgeted to be as follows:

- 25 1. Session expenses, including members' annual
26 compensation and temporary staff compensation and
27 other current expenses in an amount not to exceed
28 \$5,545,300.
29 2. Interim expenses, including members' and staff
30 compensation and other current expenses in an amount

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- 1 not to exceed \$419,000.
2 3. Fixed expenses, including permanent employees'
3 compensation and equipment, in an amount not to exceed
4 \$2,375,000.
5 4. A special fund for renovation, restoration, and
6 equipment improvements in the House chamber and
7 adjacent areas to be used with the authorization of
8 the Committee on Administration and Rules, in an
9 amount not to exceed \$125,000.
10 5. A special fund for technology improvements and
11 equipment, in an amount not to exceed \$100,000.
12 Sec. 2. The Chief Clerk of the House of
13 Representatives shall immediately provide written
14 notice to the Speaker and Minority Leader of the House
15 of Representatives and to the Chair and Ranking Member
16 of the House Committee on Appropriations if actual
17 expenditures payable pursuant to Iowa Code sections
18 2.10 through 2.14 exceed the maximum amount allocated
19 to any category of the budget provided by section 1 of
20 this Resolution. The written notice shall specify the
21 amount of and reasons for any excess expenditure.
22 Sec. 3. The expenditures referred to in section 2
23 of this Resolution shall consist only of those sums
24 required for payment of the various expenses of the
25 General Assembly including items such as legislative
26 printing expenses, unpaid expenses incurred during the
27 interim between sessions of the General Assembly,
28 expenditures incurred pursuant to resolutions, and
29 expenses for purchases of legislative equipment and
30 supplies necessary to carry out the functions of the

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- 1 General Assembly. Joint expenditures or special
2 expenditures approved by the Committee on
3 Administration and Rules or the Legislative Council
4 are not included in the budget set forth in this
5 Resolution.

HR 46 filed May 1, 2001; House adopted May 8, 2001.

3 A Resolution designating October 15, 2001, as Pregnancy
4 and Infant Loss Remembrance Day.

5 *Whereas*, according to a 1996 study by the Centers
6 for Disease Control of the United States Department of
7 Health and Human Services, 16 percent of pregnancies
8 in the United States end in either a miscarriage or a
9 stillbirth, and over 26,000 live births end in infant
10 deaths at 11 months of age or younger; and

11 *Whereas*, the availability of information, support,
12 and coping skills is of the utmost importance to
13 families who are impacted by pregnancy and infant
14 loss; and

15 *Whereas*, a public that is informed and educated
16 about pregnancy and infant loss can better respond
17 with compassion to affected families; and

18 *Whereas*, professionals such as physicians, clergy,
19 emergency personnel, funeral directors, police
20 officers, public health nurses, and employers who come
21 in contact with individuals and families affected by
22 pregnancy and infant loss can better serve those
23 persons if awareness is increased and special training
24 is made available; and

25 *Whereas*, the designation of a Pregnancy and Infant
26 Loss Remembrance Day is appropriate to increase
27 awareness of these unique losses, and to remember
28 those lost, in order to heal and be comforted and have
29 hope for the future; *Now Therefore*,

30 *Be It Resolved By The House Of Representatives*,

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1 That the House of Representatives designate October
2 15, 2001, as Pregnancy and Infant Loss Remembrance
3 Day.

4 *Be It Further Resolved*, That, upon adoption, a copy
5 of this Resolution be sent to Robyn Bear of Pain,
6 Heartache, and Hope, Lisa Brown of WeHope (We Help
7 Other Parents Endure), Tammy Novak of Angel Babies
8 Forever Loved, and M. Christina Santos Cruse of
9 Remembering Carley.

HR 47 filed May 7, 2001; House adopted May 8, 2001.

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 2001 Regular Session of the Seventy-ninth General Assembly and which action was had subsequent to the date of final adjournment.

- H.F. 349 – Relating to the enterprise zone program and providing effective date and retroactive applicability date provisions. Approved 5-16-01.
- H.F. 413 – Making an appropriation and establishing a teacher compensation reform and student achievement savings account fund. Approved 5-23-01.
- H.F. 561 – Modifying prohibitions relating to the operation of an all-terrain vehicle or snowmobile. Vetoed 5-22-01. See Governor's Veto Message.
- H.F. 564 – Providing for the reversion of dividends and distributions by certain cooperative associations. Approved 5-16-01.
- H.F. 579 – Relating to the administration and management of the department of personnel and the state board of regents. Approved 5-18-01.
- H.F. 590 – Relating to the testing of individuals and the release of the results of tests for communicable and infectious diseases and for the human immunodeficiency virus and making penalties applicable. Approved 5-22-01.
- H.F. 598 – Establishing a child protection center grant program. Approved 5-31-01.
- H.F. 637 – Relating to the responsibilities and duties of the department of education, area education agencies, and the commission of libraries, including the renaming of the regional library system, the appointment of trustees for the library service area, and development of a biennial unified plan of service and service delivery in consultation with library service areas and area education agency media centers. Approved 5-22-01.
- H.F. 643 – Providing statutory revisions relating to the department of education, school districts, and the kindergarten through grade twelve educational program. Approved 5-22-01.
- H.F. 656 – Relating to the licensing and regulation of manufactured or mobile homes and providing coordinating amendments. Approved 5-21-01.

- H.F. 670 – Relating to practitioner preparation programs by providing for the establishment of nontraditional practitioner preparation and licensure and by providing for a study of practitioner preparation programs. Vetoed 5-22-01. See Governor's Veto Message.
- H.F. 687 – Relating to government accountability, by providing for strategic planning, performance measurement and reporting, performance audits, performance contracting, return on investment, and oversight, and providing for its implementation. Approved 6-1-01.
- H.F. 695 – Relating to the school-to-career program. Approved 5-31-01.
- H.F. 712 – Relating to the homestead tax credit and to the annual filing for the family farm tax credit, to the notification to the assessor of the change in ownership or the person actively engaged in farming the tract of agricultural land for which the family farm tax credit is allowed, providing a penalty, and including effective and applicability date provisions. Approved 5-21-01.
- H.F. 713 – Relating to the administration of county government by providing for the issuance of certain lease or lease-purchase contracts, the recording of certain property transfers, the striking of a requirement to record returns of marriage with real estate recordings, the imposition of a real estate installment contract fee, and changing the date for reporting and paying agricultural land tax credits and family farm tax credits. Approved 5-16-01.
- H.F. 714 – Relating to a community renewal initiative by establishing a community development program to provide tax credits for income tax, franchise tax, premiums tax, and moneys and credits tax for businesses contributing to community development projects to aid certain neighborhoods and communities or contributing to child care benefits for employees and including effective and applicability date provisions. Vetoed 5-31-01. See Governor's Veto Message.
- H.F. 718 – Appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, making related statutory changes, and providing effective dates. Approved 5-30-01 with the exception of the designated portion of Section 11, subsection 3, unnumbered paragraph 2; Section 14; Section 15. See Governor's Item Veto Message.
- H.F. 719 – Relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing an effective date. Approved 5-30-01 with the exception of Section 4, subsection 1; Section 5, subsection 1, paragraphs e, f, h, and i; the designated portion of Section 5, subsection 1, paragraph j; the designated portion of Section 5, subsection 2; the designated portion of Section 8; Section 9. See Governor's Item Veto Message.

- H.F. 720 – Relating to the taking of fish and game by increasing fees for nonresident hunting, fishing, fur harvesting, and related licenses, providing for additional licenses and fees, and providing effective and applicability dates. Approved 5-18-01.
- H.F. 723 – Exempting irrigation equipment from sales and use taxes, providing limited refunds, and including effective and retroactive applicability date provisions. Approved 5-18-01.
- H.F. 724 – Relating to the allocation of special fees collected from the sale of Iowa heritage license plates. Approved 5-16-01.
- H.F. 725 – Relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources, providing for fees, and providing an effective date. Approved 5-25-01 with the exception of Section 9, subsection 1, paragraph a; the designated portion of Section 9, subsection 2; Section 10. See Governor's Item Veto Message.
- H.F. 726 – 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 office of drug control policy, and the commission of veterans affairs, providing a criminal surcharge increase, and providing an effective date. Approved 5-24-01.
- H.F. 727 – Relating to mental health, mental retardation, and developmental disabilities service provisions, including county funding for such services expenditures and placements of persons with serious mental impairments and providing effective and retroactive applicability dates. Approved 5-21-01.
- H.F. 731 – Regarding certain changes relating to the utility replacement tax, and providing for the Act's applicability. Approved 5-16-01.
- H.F. 732 – Relating to appropriations for the department of human services and including other provisions and appropriations involving human services and health care, and providing effective dates. Approved 5-31-01 with the exception of Section 2, subsection 17; Section 2, subsection 18, first paragraph; Section 3, subsection 1(e)(2); Section 7, subsection 8; Section 7, subsection 16; Section 9, subsection 2; Section 9, subsection 4; Section 10, subsection 1; Section 13, subsection 1, the designated paragraph; Section 13, subsection 6; Section 14, subsection 18; Section 14, subsection 20; Section 20, subsection 3(c), unnumbered paragraph 2; Section 20, subsection 7; Section 21, subsection 8; the designated portion of Section 24, subsection 1(b); Section 52; Section 53, subsection 9; Section 27, subsection 2; Section 28, subsections 2, 3, and 5; Section 29, subsections 2, 3, and 4; Section 31, subsection 1(b)(2); Section 31, subsection 1(b)(4); Section 31, subsection 13; the designated portion of Section 51, subsection 1. See Governor's Item Veto Message.

- H.F. 736 – Relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state sales and use, real estate transfer, environmental protection charge on petroleum diminution, property, motor fuel, special fuel, and inheritance taxes, and including effective and applicability date provisions. Approved 5-18-01.
- H.F. 737 – Providing an Iowa individual income tax checkoff for deposit in the keep Iowa beautiful fund, making an appropriation, and providing a retroactive applicability date. Approved 5-22-01.
- H.F. 739 – Relating to the application of sales and services tax receipts by a political subdivision to the payment of principal and interest of certain bonds. Approved 5-18-01.
- H.F. 740 – Relating to the senior living program including provisions relating to and making appropriations from the senior living trust fund to the department of elder affairs and the department of human services. Approved 6-1-01 with the exception of Section 3, subsection 1; Section 4, subsection 3(b); the designated portion of Section 4, subsection 3(g); Section 6. See Governor's Item Veto Message.
- H.F. 742 – Relating to and making appropriations to state departments and agencies, including the department of corrections, the department of cultural affairs, the department of economic development, the department of general services, the Iowa state fair foundation, the legislative council, the department of natural resources, the department of public defense, the department of public safety, the state board of regents, the state department of transportation, the office of treasurer of state, and the department of agriculture and land stewardship, and to the Iowa resources enhancement and protection fund, making related statutory changes, providing for alternative and contingent appropriations, and providing effective dates. Approved 5-29-01 with the exception of Section 17; the designated portion of Section 25, subsection 3c; Section 25, subsection 8; Section 42. See Governor's Item Veto Message.
- H.F. 745 – Regulating foot and mouth disease and providing an effective date. Approved 6-1-01.
- H.F. 746 – Relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations. Approved 5-30-01 with the exception of the designated portion of Section 20, subsection 2; the designated portion of Section 20, subsection 3. See Governor's Item Veto Message.
- H.F. 755 – Relating to public expenditure and regulatory matters, making and reducing appropriations, and including effective date and retroactive

applicability provisions. Approved 5-22-01 with the exception of Section 7; Section 10; Section 11; Section 34; Section 39; Section 44; Section 42; Section 48; Section 58. See Governor's Item Veto Message.

- S.J.R. 7 – Authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation. Approved 5-18-01.
- S.J.R. 8 – Authorizing the temporary use and consumption of wine in the State Capitol at a dinner held in conjunction with a national educational program relating to food safety and genetic engineering organized by the State Legislative Leaders Foundation and Iowa State University. Approved 5-18-01.
- S.F. 81 – Relating to limitations on the disbursement of economic development financial assistance moneys by state agencies. Approved 5-22-01.
- S.F. 98 – Concerning unemployment compensation by relieving unemployment compensation charges for employees who become unemployed due to a presidentially declared disaster and providing effective and retroactive applicability dates. Approved 5-25-01.
- S.F. 140 – Updating the Iowa Code references to the Internal Revenue Code, increasing the minimum filing income requirement for dependents, increasing the estimated tax payment standard for assessing a penalty for corporations and financial institutions, and providing retroactive applicability dates and an effective date. Approved 5-16-01.
- S.F. 198 – Relating to family investment program requirements regarding the time period allowed for supported postsecondary education assistance and including an applicability provision. Approved 5-16-01.
- S.F. 203 – Relating to certain school finance provisions and providing an effective date. Approved 5-9-01.
- S.F. 211 – Relating to the powers and duties of the department of agriculture and land stewardship. Approved 5-16-01.
- S.F. 339 – Relating to scheduled fines for hunting and fishing violations. Approved 5-16-01.
- S.F. 346 – Relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for the creation of a new criminal offense with a correctional impact, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for inmate donations for victims' travel expenses, and for transcription and recording of testimony for certain investigations conducted by the department of corrections. Approved 5-16-01.
- S.F. 350 – Making transportation-related Code changes relating to temporary restricted permits and temporary entry and exit permits, commercial

vehicle certificates of title, flat registration fees for older vehicles, railroad crossings, the content of driver's licenses and nonoperator's identification cards, child restraint devices in motor vehicles, hours of service, unsatisfied judgments, and bulk liquid transport and providing an effective date. Approved 5-16-01.

- S.F. 393 - Relating to a petition to the court for a hearing on a criminal defendant's restitution plan. Approved 5-16-01.
- S.F. 407 - Relating to the regulatory authority and procedures of the department of natural resources by providing for the issuance of limited quota licenses and the issuance of licenses and permits by electronic means. Approved 5-16-01.
- S.F. 458 - Relating to children's program and juvenile court provisions involving the department of human services in regard to the foster home insurance fund, group child care providers, juvenile delinquency and child in need of assistance dispositions, psychiatric medical institutions for children, and termination of parental rights, and providing an effective date. Approved 5-16-01.
- S.F. 470 - Relating to the regulation of infectious and contagious diseases in animals, and providing for penalties. Approved 5-16-01.
- S.F. 476 - Relating to the establishment of a student achievement and teacher quality program and providing for contingent effectiveness. Approved 5-23-01.
- S.F. 480 - Directing the department of education to establish a task force to conduct a comprehensive review of the licensing of community college faculty. Approved 5-18-01.
- S.F. 486 - Relating to the assessment of a law enforcement initiative surcharge on certain criminal offenses. Approved 6-1-01.
- S.F. 499 - Making changes to and reorganizing scheduled fines. Approved 5-16-01.
- S.F. 515 - Providing for the crossing of railroad rights-of-way by public utilities, and providing applicability dates. Approved 5-16-01.
- S.F. 516 - Establishing a small business growth initiative by adjusting the allocation to Iowa of income earned by an S corporation for purposes of the state individual income tax and including an effective and applicability date provision. Vetoed 5-31-01. See Governor's Veto Message.
- S.F. 520 - Relating to the property tax exemption for methane gas and other gas conversion property and providing a retroactive applicability date and an effective date. Approved 5-16-01.

- S.F. 521 – Establishing a new economy employment initiative by providing for a partial deduction under the individual income tax for the capital gain from the sale or exchange of capital stock of a corporation which was acquired by an individual on account of employment with the corporation, limiting the fiscal impact of the partial deductions, and including an effective and retroactive applicability date provision. Vetoed 5-31-01. See Governor's Veto Message.
- S.F. 523 – Relating to the size of an estate that may be distributed by affidavit, making related inheritance tax changes, and providing for the Act's applicability. Approved 5-16-01.
- S.F. 524 – Providing assistance regarding the development of grapes and wine and providing for tax revenue and an appropriation. Approved 5-23-01.
- S.F. 525 – Appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated. Approved 5-24-01.
- S.F. 526 – Excluding certain business property from being considered abandoned property under the state's disposition of unclaimed property law. Approved 5-21-01.
- S.F. 527 – Relating to and making appropriations to the judicial branch. Approved 5-24-01.
- S.F. 528 – Relating to and making transportation and other infrastructure-related appropriations to the state department of transportation and the department of general services, including allocation and use of moneys from the general fund of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, and discontinuing driver's license renewal by mail. Approved 5-24-01.
- S.F. 530 – Relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date. Approved 5-30-01 with the exception of the designated portion of Section 6, subsection 7; the designated portion of Section 6, subsection 9; Sections 18, 19, and 20. See Governor's Item Veto Message.
- S.F. 531 – Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters. Approved 5-30-01 with the exception of Section 24, subsection 1, unnumbered paragraph 3. See Governor's Item Veto Message.
- S.F. 532 – Relating to matters related to the tobacco settlement including the tobacco settlement authority, the tobacco settlement trust fund, and the tobacco settlement endowment fund, and providing an effective date. Approved 5-29-01.

- S.F. 535 - 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. Approved 5-24-01 with the exception of Section 13; Section 14; Section 16. See Governor's Item Veto Message.
- S.F. 537 - Relating to and making appropriations from the tobacco settlement endowment fund and the healthy Iowans tobacco trust, establishing certain uses for the appropriations, and providing effective dates. Approved 5-29-01.
- S.F. 543 - Making changes to criminal sentences by permitting an aggravated misdemeanor charge for certain burglary in the third degree criminal offenses, by creating a sentence of a determinate term of confinement and an additional indeterminate term of years for certain class "D" felonies, by extending the length of time for reconsideration of certain felony sentences, and providing penalties. Approved 5-30-01.

GOVERNOR'S VETO MESSAGES

May 22, 2001

The Honorable Chester Culver
Secretary of State
State Capitol
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 561, an act modifying prohibitions relating to the operation of an all-terrain vehicle or snowmobile.

I am unable to approve House File 561. Maintaining safe and peaceful communities is an important part of my vision for making Iowa the best place to live, work, and raise a family. One of the goals of this administration to accomplish that vision has been to reduce preventable injuries and deaths. This bill goes against that goal by removing current safety requirements for the operation of all-terrain vehicles (ATV) and snowmobiles. Specifically, this bill removes from Iowa Code the requirement that a person shall not operate an all-terrain vehicle while carrying a passenger.

The Iowa Off Highway Vehicle Association, representing agricultural, recreational, and competitive riders from across the state, has shared its concern and opposition to removing the single rider requirement. I have also heard from local dealers and the Specialty Vehicle Institute of America (SVIA) about the danger in riding with passengers. The SVIA cited a Consumer Product Safety Commission study that found 38 percent of ATVs involved in accidents were carrying passengers.

ATVs are not designed for carrying passengers. Allowing this practice to begin in Iowa would undermine the warning labels on the vehicles and in the owners' manuals cautioning riders against this practice. More importantly, it would result in injury and death of some Iowans.

For the above reasons, I hereby respectfully disapprove House File 561.

Sincerely,
Thomas J. Vilsack
Governor

May 22, 2001

The Honorable Chester Culver
Secretary of State
State Capitol
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 670, an act relating to practitioner preparation programs by providing for the establishment of nontraditional practitioner preparation and licensure and by providing for a study of practitioner preparation programs.

I am unable to approve House File 670. This act is well intentioned, but careful review indicates that the system of alternative teacher licensure outlined in the bill will not ensure the quality preparation Iowans expect and is critical to having the best teachers in Iowa classrooms.

There is no question about the importance of well-prepared teachers in the classroom in order to have continuous improvement in student achievement. Iowa's future depends upon doing so. To this end, I have been clear in my communications with legislators that I believe a strong system of supervised field experience is critical to success of any alternative licensure plan. This legislation does not go far enough to insure that type of pre-service experience. I do not believe Iowans will want to run the risk of putting unprepared or under-prepared teachers in the classroom as contemplated by House File 670.

I have expressed for some time a willingness to work with the Department of Education, the Board of Educational Examiners, the education community, and other policymakers to make a thorough and thoughtful study of educator licensure issues and alternatives. I indicated repeatedly to lawmakers my preference to do so rather than for them to throw together a bill without the necessary input and information. This advice was not heeded, and this legislation which was passed is not in a form which I can approve for numerous reasons, including several unclear provisions which are open to questions of legislative intent.

Communications I have received on this legislation also indicate that many professionals – teacher preparation institution staff, the Board of Educational Examiners, the State Department of Education, and many other educators and administrators – have concerns about House File 670. It appears that a consensus exists to allow for further study of both pending rules and other research on this topic, rather than allow House File 670 to come law at this time. I agree with this view point.

Additionally, given the legislature's unwillingness to provide necessary resources for a number of education programs, and education agencies, this legislation would create an additional unfunded administrative burden on local schools and state agencies. I believe it is more important for Iowa educators in our schools to focus their efforts in the coming year on implementing teacher quality and student achievement initiatives rather than this legislation.

For all the reasons above, I hereby disapprove House File 670.

Sincerely,
Thomas J. Vilsack
Governor

May 31, 2001

The Honorable Chester Culver
Secretary of State
State Capitol
LOCAL

Dear Mr. Secretary:

I hereby transmit House File 714, an act relating to a community renewal initiative by establishing a community development program to provide tax credits for income tax, franchise tax, premiums tax, and moneys and credits tax for businesses contributing to community development projects to aid certain neighborhoods and communities or contributing to child care benefits for employees and including effective and applicability date provisions.

I am unable to approve House File 714. The philosophy of giving child care assistance to businesses instead of parents is flawed. We should be helping parents provide safe and secure care for their children and not give businesses a tax credit for this purpose. The decision to provide a child care facility as part of its employees benefit package should be made on the merits of providing what the business feels is appropriate benefits for its employees, not on the basis of a tax credit.

Because of the state's future financial uncertainty, approving this bill would not be responsible. It is important to remember that in fiscal year 2002, the Legislature chose to fund many on-going operating expenses with one-time revenues. Finding new revenue sources in fiscal year 2003 for these operating expenses will be difficult. Signing this bill would add to that difficulty.

For the above reasons, I hereby respectfully disapprove House File 714.

Sincerely,
Thomas J. Vilsack
Governor

May 31, 2001

The Honorable Chester Culver
Secretary of State
State Capitol
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 516, an act establishing a small business growth initiative by adjusting the allocation to Iowa of income earned by an S corporation for purposes of the state individual income tax and including an effective and applicability date provision.

I am unable to approve Senate File 516. In the past, I have supported changes in the method of taxation of S corporation income to shareholders to make it equitable to C corporations. S corporations have been a force in Iowa's economy by creating new

jobs and opportunities for people in Iowa. I supported Senate File 2449 during the 1996 session and House File 306 during the 1997 session, which extended to S corporation shareholders the same method of apportionment of income as afforded C corporations. Senate File 516 would complete the equity issue by allowing S corporation shareholders the one-hundred percent deduction for federal income taxes paid, the same as afforded C corporations.

While I support small business growth by adjusting taxes for S corporations to make them equitable with C corporations, we simply could not afford to do it this year. It is my hope the legislature will couple this initiative next year with my venture capital proposal that will expand economic opportunity in Iowa.

For the above reasons, I hereby respectfully disapprove Senate File 516.

Sincerely,
Thomas J. Vilsack
Governor

May 31, 2001

The Honorable Chester Culver
Secretary of State
State Capitol
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 521, an act establishing a new economy employment initiative by providing for a partial deduction under the individual income tax for the capital gain from the sale or exchange of capital stock of a corporation which was acquired by an individual on account of employment with the corporation, limiting the fiscal impact of the partial deductions, and including an effective and retroactive applicability date provision.

I am unable to approve Senate File 521. At the start of the legislative session, I identified the need to help attract venture capital for business start-ups in Iowa. My recommendations focused in the life sciences area, where I feel the best opportunities exist attracting venture capital. Unfortunately, the legislature felt that this was not a top priority for this session. Instead, they passed Senate File 521, which provides a tax advantage to individuals in dealing with capital gains on the sale of stock in corporations. While providing this advantage to help corporations hire and retain workers, my emphasis has been and will continue to be creating the appropriate atmosphere for which these businesses can be created. Creating venture capital for the state needs to be the first step.

Also, because of the state's future financial uncertainty, approving this bill would not be responsible. It is important to remember that in fiscal year 2002, the legislature chose to fund many on-going operating expenses with one-time revenues. Finding new revenue sources in fiscal year 2003 for these operating expenses will be difficult. Signing this bill would add to that difficulty.

For the above reasons, I hereby respectfully disapprove Senate File 521.

Sincerely,
Thomas J. Vilsack
Governor

GOVERNOR'S ITEM VETO MESSAGES

May 30, 2001

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit House File 718, an act appropriating funds to the department of economic development, certain board of regent institutions, the department of workforce development, and the public employment relations board, making statutory changes, and providing effective dates.

I am very disappointed with actions the legislature took concerning this bill. Funding for marketing Iowa's targeted industry clusters, promoting Iowa as a destination site for tourism, and helping communities develop local leadership, provide diversity training and promote local growth initiatives is reduced. The legislature also dealt a blow to rural Iowa by failing to fund digital divide issues. The New Economy is driven by information. Advanced telecommunications service is a requirement for all citizens and businesses if they are to be competitive in today's global economy.

The enforcement of safe working conditions for Iowa workers is negatively impacted. Individuals seeking adjudication of contested worker compensation cases will experience dramatic delays in receiving final decisions due to budget reductions contained in this bill. In addition, Iowans seeking work will now have to travel longer distances to receive job placement assistance due to the legislature's failure to address funding for rural workforce development offices.

It is therefore with great reluctance that I transmit House File 718 with the following exceptions, which I can not approve.

I am unable to approve the designated portion of Section 11, subsection 3, unnumbered paragraph 2. This prevents the department of workforce development from allocating additional penalty and interest revenues prior to January 30, 2002. In the past, the department has had the flexibility to identify projects or target areas that would receive funding and report these expenditures to the Legislature. I vetoed this language last year because it is unduly prescriptive, usurps normal executive branch functions, and could hamper administration of the funds. This language was not acceptable last year and it is not acceptable this year.

I am unable to approve Sections 14 and 15 in their entirety. These sections would appropriate and allocate Iowa Finance Authority resources to support housing programs operated by the Department of Economic Development. I agree that these housing programs should be funded. However, the direct appropriation of Iowa Finance Authority assets poses a significant financial risk. Moodys Rating Service has indicated that such actions will lead to a bond rating downgrade. A lower bond rating will increase borrowing costs resulting in increased costs for first time home buyers. It is more appropriate for the Authority to leverage their assets to address Iowa's housing needs as recommended by the housing task force.

For the above reasons, I hereby respectfully approve House File 718 with the exceptions noted above.

Sincerely,
Thomas J. Vilsack
Governor

May 30, 2001

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit House File 719, an act relating to state government technology and operations, by making and relating to appropriations to the Iowa Communications Network for the support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing an effective date.

House File 719 is a bill I approve reluctantly. My budget recommended significant investments in technology to enhance the efficiency and productivity of state government and provide faster, more responsive services to Iowa citizens. While I am pleased that the Legislature recognized the importance of a designated funding source for technology, I am disappointed that the amount the Legislature appropriated for technology is inadequate for providing Iowans with 21st century government. The Legislature chose to appropriate 26% fewer general fund dollars than I recommended for Information Technology Department and Iowa Communications Network operations. Where I recommended \$28,127,000 from the Infrastructure fund for technology projects and improvements, the Legislature appropriated only \$13,000,000.

Communications and information technology are essential for state government to provide fast, accurate, and responsive services to Iowa's citizens at a lower cost to the taxpayer. State government technology is like the wiring and the plumbing in our homes: we take it for granted until something goes wrong, yet it touches the lives of every Iowan in real and important ways. Every time a human service worker pulls up electronic records for a child abuse investigation, every time a law-enforcement officer or health care provider performs a background check, every time an Iowan applies for Medicaid, or receives child support, child care assistance, or other payments processed by the department of human services, every time a taxpayer's tax filing and refund are processed accurately and promptly, every time a viewer tunes in to an Iowa public television broadcast, Iowans are affected by the appropriations in this bill.

Through the appropriate use of lease-purchase financing, my budget would have completed needed upgrades to the Iowa Communications Network and Iowa Public Television broadcasting facilities, and would have installed the first components of an Enterprise Resource Planning system. My budget provided \$10 million for other technology projects to save taxpayer dollars and improve services for Iowa citizens.

I am disappointed that the Legislature provided no money for an enterprise resource planning system, which promises to save the taxpayers of Iowa over \$10 million of dollars a year through increased efficiency and productivity, better information, and lowered costs for purchasing. As a result of the Legislature's unwillingness to finance technology, their budget only provides enough dollars to upgrade transmission facilities at the three largest public television stations in the state, and only a third of the money to complete an upgrade of the Iowa Communications Network. This could potentially leave Iowans in outlying parts of the state without public television programs, if any of the other five public television stations lose their licenses because they cannot broadcast a digital signal by the FCC's October 2002 deadline. Spare parts are no longer manufactured for the older parts of the communications network, so failures could result in long interruptions of data and phone service to local offices that provide direct services to Iowa citizens, and interruption of video courses taken by students at K-12 schools and community colleges. We will spend money on repair of eight-year-old components that could have been spent on replacing them.

As passed by the Legislature, this bill would leave only \$1.2 million in the pooled technology fund to cover a number of important ongoing projects and projects with federal mandates. This entire amount is not enough to convert electronic Medicaid records to comply with the 1996 Federal Health Insurance Portability and Accountability Act (HIPAA) by October of 2002, and the State of Iowa could face penalties up to \$1.5 billion if we do not comply.

I am disappointed to see the bad budget practices in this bill. The bill allocates \$1,400,000 in one-time funding to pay for ongoing costs of ICN debt service.

House File 719 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 1, in its entirety. This item requires the Information Technology Department to notify the Department of Management prior to any fee increases. I have received assurances that the two departments will work cooperatively to examine any proposed fee or rate increases, without the necessity of this legislative mandate.

I am unable to approve the items designated as Section 5, subsection 1, paragraphs e, f, h, and i in their entirety. My budget recommendation was to pool funds for technology projects in order to get the most for our technology dollar. These items appropriate specific dollar amounts for four pooled technology projects: Enterprise Data-warehouse, Justice Data-warehouse, Department of Agriculture and Land Stewardship electronic licensing, and Workforce Development unemployment system. The projects named in these four items will be eligible for dollars from the larger pool that results from this item veto. The Information Technology Department can accomplish more with the same dollars by combining these with similar projects in other departments, and this frees up dollars for other projects such as HIPAA.

I am unable to approve the designated portion of Section 5, subsection 1, paragraph j. This item would prohibit the Information Technology Department from spending any pooled technology dollars on Asynchronous Transfer Mode network conversion for the Iowa Communications Network, an Enterprise Resource Planning system, or digital broadcasting facilities for Iowa Public Television. This item veto provides the

Information Technology Department with flexibility to pursue important projects which were recommended by the Information Technology Council, and which will provide important savings and benefits to Iowans.

I am unable to approve the designated portion of Section 5, subsection 2. This item exempts UNI from consulting with the Information Technology Department to make sure that purchases and contracts for 21st century learning infrastructure are compatible with other state agencies. The 21st century learning infrastructure project will develop a digital library of electronic curriculum that will be available to educators and libraries across the state. For this reason, it is appropriate to ensure that the technology we use will be compatible across state and local organizations, including the State and Regional Libraries.

I am unable to approve the designated portion of Section 8. This item would deposit into the pooled technology fund any fees that the Judicial branch collects for online information transactions. The proper place for fees collected from IowaAccess Internet sites is the IowaAccess fund.

I am unable to approve the item designated as Section 9, in its entirety. This item does not affect the level of funding for community college technology; it would establish in code that pooled technology funds may be used for the community college vocational-technical technology improvement program in future years. While I support improvement of community college technology and recommended funding it at a higher level, pooled technology is not the source of money I recommended for this program.

For the above reasons, I hereby respectfully approve House File 719 with the exceptions noted above.

Sincerely,
Thomas J. Vilsack
Governor

May 25, 2001

The Honorable Chester Culver
Secretary of State
State Capitol
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 725, an act relating to and making appropriations to the Iowa Department of Agriculture & Land Stewardship (DALS) and the Iowa Department of Natural Resources (DNR).

I reluctantly approve House File 725. This bill represents a 19 percent reduction in general fund appropriations to the DNR and DALS below their FY 01 appropriation. Furthermore, the DNR receives a disproportionate cut amounting to a budget reduction six times that of the DALS. The result will be direct impacts to the services that Iowans have come to expect from both departments in protecting and enhancing our state's natural resources and in ensuring a healthy and vibrant agriculture industry in Iowa.

The Legislature has chosen to underfund our state parks to the point where some Iowans will no longer be able to enjoy the outdoor recreation this year that our parks have provided in the past. The Legislature's attempt at using the camping fee increase to keep all state parks open is unrealistic considering the Parks Division will still encounter a net shortfall of approximately \$500,000 even with the increase. The Legislature has similarly chosen to underfund the Leopold Center for Sustainable Agriculture in this bill. The Leopold Center is recognized nationally for its role in providing farmers the tools necessary to implement farming practices aimed at conserving natural resources and reducing negative impacts on agriculture thereby avoiding the need for regulation while maintaining profitability. The Legislature's action will result in a decrease in sustainable alternatives to environmental regulation available to Iowa farmers.

In addition, the Legislature has chosen to underfund the Environmental Protection Division of the DNR. At the same time, House File 725 requires the department to approve, deny, or delay consideration of a permit application based only on the merits of the application and not on staff availability. The cut to this division combined with the permitting requirement will result in reductions in animal feeding operations inspections and a delay in the department's response to complaints. The impact will be that Iowans must put up with the smell and contamination of our rivers and lakes from livestock operations out of compliance for longer periods of time while the division staff is required by the Legislature to process paper.

I am greatly concerned about the number of bad budgeting practices the Legislature has included in House File 725. This bill includes the appropriation of \$913,606 in one-time funding sources to fund ongoing expenditures. For example, the Legislature appropriated \$250,000 from stormwater permit fees deposits to an ongoing water monitoring and well testing program. This is problematic in that Iowans rely on these ongoing water quality services that have only a single year's funding.

House File 725 is, therefore, approved on this date, with the following exceptions, which I hereby disapprove. I do not approve Section 9, subsection 1, paragraph a and the designated portions of Section 9, subsection 2. This item redirects \$100,000 from the groundwater protection fund to support the Leopold Center to the DALS for the operations of their pesticide program. These provisions take money from a program targeted at reducing the need for pesticides and transfers it to a program that provides training for pesticide applicators. While both are important programs to Iowa agriculture, research funding for one will reduce the demand for the other.

I do not approve Section 10. This item appropriates \$40,000 from the DNR forestry management and enhancement fund to the DALS to support the gypsy moth eradication program. This transfer of funds is not needed; however, the opportunity exists for the DNR to work cooperatively with the DALS on implementing this important program.

For the above reasons, I hereby respectfully approve House File 725 with the exceptions noted above.

Sincerely,
Thomas J. Vilsack
Governor

May 31, 2001

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit House File 732, an act relating to appropriations for the Department of Human Services and including other provisions and appropriations involving human services and health care, and providing effective dates.

The human services appropriations bill is a vitally important measure for literally hundreds of thousands of Iowans. For many of our neighbors, family members, and friends, it provides the services they most need to assist families, assure basic health care for children, nursing home care for senior citizens, treatment for those with mental illness, and assistance for those with mental retardation or developmental disabilities.

I am deeply saddened that House File 732 is the best that the legislature was willing to enact. In many ways, this bill is a cruel hoax on Iowans. The legislature purports to provide additional resources to help abused children, but the reality is that funding for child protection services is reduced. It allocates an additional 75 social workers to the department, giving the appearance that they were serious about addressing the need to have adequate staffing to protect children. However, the total number of staff allotted to the department to work on child protection and to provide services that help strengthen families has been reduced. They include language that appears to appropriate funds for a central intake center to receive child abuse reports. However, those funds are not available unless the legislature takes specific action in 2002. The reality is that the total state funding to assist children who are vulnerable to abuse has been reduced, not increased. In addition, funding for health care services for children and people with special needs has also been reduced and is not adequate to meet expected needs.

House File 732 provides general fund appropriations that are \$19.4 million below the revised level that I recommended and \$7.5 million below FY01 funding. These cuts will negatively impact the department's ability to carry out its duties in an effective manner. It also adds responsibilities to the department at the same time it cuts funding. Therefore, I am unable to approve House File 732 in its entirety.

House File 732 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 2, subsection 17 in its entirety. A new marriage initiative program is proposed with \$500,000 from the Temporary Assistance to Needy Families Block Grant. Funding currently available to the state for child care programs was reduced to begin this program. The need for child care is vitally important for many Iowans as it provides them the ability to remain employed and support their families. A waiting list currently exists for child care assistance and the demand for those services continues to grow. I am unable to justify beginning a new program when the state has a waiting list for people who need child

care assistance. I would also note that under the Accountable Government Act, state programs must set standards of accountability. This language does not indicate that such standards would be required, thus providing no clear means for Iowans to determine that this is a wise use of state resources. However, I am approving section 37 of this bill that establishes the Iowa Marriage Initiative Grant Fund. This fund will allow any federal funds specifically made available for this purpose could be used for that program.

I am unable to approve the item designated as Section 2, subsection 18, first paragraph. This language requires the department to report on how Federal Temporary Assistance to Needy Families complies with the four purposes outlined in federal law. The Legislature is required to appropriate TANF funds to meet these guidelines. Information is currently available on how it is spent and is available to the public without the need for an additional report.

I am unable to approve the item designated as Section 3, subsection 1(e)(2) in its entirety. This language leads to expectations that a system will be available for payment for child care services and health care services electronically. This appears to be an idea worth considering but the legislature did not provide resources to implement it.

I am unable to approve the item designated as Section 7, subsection 8 in its entirety. This language proposes that the department continue a case study for outcome based performance standards. This study has already been completed and delivered to the Legislature, thus this language is no longer needed.

I am unable to approve the item designated as Section 7, subsection 16 in its entirety. This language proposes that the drug utilization review commission review the use of non-sedating antihistamines. The drug utilization review commission has already reviewed these drugs and a further review would not be productive. This would require the department to take on additional work at a time when funding has been reduced.

I am unable to approve the item designated as Section 9, subsection 2 in its entirety. This language directs the department to provide a report on actual costs of providing coverage reported by each insurer participating in the HAWK-I program. This would require the department to take on additional work at a time when funding has been reduced.

I am unable to approve the item designated as Section 9, subsection 4 in its entirety. This language directs the department to seek a waiver to permit families eligible for Medicaid to participate in HAWK-I. This same language was included in previous legislation and the proposal was submitted to the federal government and rejected. Until such time as the federal statute changes, it would be pointless to continue to spend staff time with this directive.

I am unable to approve the item designated as Section 10, subsection 1 in its entirety. This subsection would require the department to seek input and recommendations from legislative members prior to entering into or extending a managed care contract for mental health or substance abuse services. The process for securing contracts provides that vendors will be evaluated on a specific set of criteria to assure fairness and eliminate potential conflicts of interest. The process includes a

period of securing comments without giving the appearance of conflict of interest. Therefore, this section is not necessary.

I am unable to approve the item designated as Section 13, subsection 1, the designated paragraph. This item requires the department to submit a plan for relocating males at the Toledo Juvenile Home to other facilities, thus making Toledo a female only institution. This language has been included in the appropriation bill for the past three years and the Legislature has failed to fund the proposal each of those years. My recommendation in a previous year had included funding for this change and the Legislature chose to use that funding for other programs. If the Legislature wants this change in services to take place, it needs to provide the funds to enable it to happen.

I am unable to approve the item designated as Section 13, subsection 1, the designated paragraph. This directs funding for two security guards and paving a parking lot at the state juvenile home in Toledo. Given the reduction in funding the legislature enacted in this bill, the state will benefit more from utilizing appropriations for services that directly affect Iowa children and families.

I am unable to approve the item designated as Section 13, subsection 6 in its entirety. This item requires the department to develop an additional reporting and tracking system for citations at institutions. This information is already available to the public, and in some instances can be accessed on the Department of Inspections and Appeals website.

I am unable to approve the item designated as Section 14, subsection 18 in its entirety. The rules related to social worker qualifications are already in process before the Human Services Council. The remainder of the items enumerated in this section require resources at a time when the department's resources have been severely reduced.

I am unable to approve the item designated as Section 14, subsection 20 in its entirety. This item allocates \$700,000 for day treatment and aftercare services for juvenile females. I am supportive of providing these services to both males and females. The department is already allocating funds to the local level for various programs, including day treatment and aftercare services. The department should continue to work with the local providers to determine the type of services that will best serve these young people.

I am unable to approve the item designated as Section 20, subsection 3(c), unnumbered paragraph 2 in its entirety. This directs funding for two security guards at the state mental health institute in Independence. Given the reduction in funding the legislature enacted in this bill, the state will benefit more from utilizing appropriations for services that directly affect Iowa children and families.

I am unable to approve the item designated as Section 20, subsection 7 in its entirety. This item requires the department to develop an additional reporting and tracking system for citations at institutions. This information is already available to the public, and in some instances can be accessed on the Department of Inspections and Appeals website.

I am unable to approve the item designated as Section 21, subsection 8 in its entirety. This item requires the department to develop an additional reporting and tracking system for citations at institutions. This information is already available to the public, and in some instances can be accessed on the Department of Inspections and Appeals website.

I am unable to approve the items designated as a portion of Section 24, subsection 1(b), Section 52 in its entirety and Section 53, subsection 9 in its entirety. These sections establish a process for a pilot project for decategorization of funding for adult mental health, mental retardation, and developmental disabilities services. While I support the interest of the four pilot counties in creating a better system and believe it may have merit, the department simply does not have the resources to staff this endeavor. It must put its resources where it will benefit all 99 counties.

I am unable to approve the item designated as Section 27, subsection 2 in its entirety. This language reduces the department's appropriation by \$2.5 million to eliminate their regional offices. Yet no reduction in the duties required by law of the department were made. All the duties that were being done must still be done with significantly fewer people to do them. Under this proposal, the duties currently being done by regional office staff must now be done at the local level. This not only sets up a potentially less efficient system, but it will also reduce the amount of time that local workers have to work with families and to protect children. I fully believe that state government as a whole must review the way it is organized to serve Iowans. That is why I have initiated a restructuring process with all state agencies. The language in this bill, however, does not allow for a restructuring that will promote the best results for Iowans.

I am unable to approve the items designated as Section 28, subsections 2, 3 and 5 in their entirety. This language directs the director to expand the community partnership approach to child protection services, and to work to secure additional federal funding. These activities are currently taking place, making this language unnecessary. The community partnership approach in child protection is being expanded in the more than 65 counties in Iowa.

I am unable to approve the item designated as Section 29, subsections 2, 3 and 4 in their entirety. These items require additional duties for the department relating to requirement for reports to the Legislature and negotiations with the state of Nebraska at a time when dollars and staffing have been severely reduced. Remaining resources should be directed towards providing services to needy Iowans.

I am unable to approve the item designated as Section 31, subsection 1(b)(2) in its entirety. This language requires the department to increase its efforts to collect pharmaceutical manufacturer rebates in order to meet the national average. Based upon industry data, the state is already collecting 99.1% of the national average. Thus, this language appears to be unnecessary and would require the department to take on additional work at a time when funding has been reduced.

I am unable to approve the item designated as Section 31, subsection 1(b)(4) in its entirety. This language attempts to encourage greater use of generic drugs by increasing the co-pay for brand name drugs. Based on claims paid for the previous six months, 54% of the prescriptions paid by the Medicaid program are for generic drugs, 41% are for brand name drugs for which there is no generic equivalent and 4.7% are for

brand name drugs where the prescribing authority has directed that they are medically necessary. **Bottom line - this proposal increases fees for Iowa seniors, children, and people with special needs who do not have other choices besides using a brand name drug.**

Another section of this bill proposes the implementation of a maximum allowable cost list for prescription drugs. While I am supportive of this effort, the time frame specified in the statute is very ambitious. I will direct the department to pursue implementation of this proposal as quickly as reasonably possible but would caution legislators about the viability of meeting the implementation date and anticipated savings expected from this proposal for fiscal year 2002.

I am unable to approve the item designated as Section 31, subsection 13 in its entirety. This item requires the department to conduct a study on pay disparity between state and private child welfare workers. This would require the department to take on additional work at a time when funding has been reduced.

I am unable to approve the designated portion of Section 51, subsection 1. This language is not necessary as I have already directed all departments to cease the purchase of non-essential equipment.

For the above reasons, I hereby respectfully approve House File 732 with the exceptions noted above.

Sincerely,
Thomas J. Vilsack
Governor

June 1, 2001

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit House File 740, an act relating to the senior living program including provisions relating to and making appropriations from the senior living trust fund to the department of elder affairs and the department of human services.

The senior living trust appropriations bill is an important measure for thousands of Iowans. It will allow many elderly Iowans and people with special needs to have access to options for care other than nursing homes. This bill provides funding for converting nursing facilities to assisted living programs and other alternatives for long-term care as well as providing funds for adult daycare programs.

I am pleased that the bill also provides funding to develop a dependent adult abuse program. All too often, we ignore the fact that abuse of vulnerable adults does occur. The program funded by this bill will increase Iowans' knowledge of the existence of adult dependent abuse and provide training and support to communities for improved detection of dependent adult abuse.

The bill also provides funding to increase pay for long-term care staff that take care of our elderly and disabled every day and it includes funding to pay for improvements to nursing home facilities that will improve the quality of life for its residents. There is also funding to support recruitment and training for certified nurse aides.

While supportive of many of the provisions in this bill, there are several provisions that will negatively impact the ability to effectively administer the trust and provide services in the most effective manner. Therefore, I am unable to approve House File 740 in its entirety.

House File 740 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 3, subsection 1 in its entirety. The proposed language would require the department to focus nursing facility conversion grant awards on renovation of existing facilities. The focus should be on providing the appropriate services for persons in need in the most cost effective manner, whether that be renovation of existing structures or new construction.

I am unable to approve the item designated as Section 4, subsection 3(b) in its entirety. The proposed language would require the state to continue to pay for empty nursing home beds at a time when funding for many services has been cut. This is not wise use of taxpayers' money.

I am unable to approve the designated portion of Section 4, subsection 3(g). This language is flawed, in that it allows a nursing home to receive an exception to the application of the geographic wage index based upon a reasonable demonstration of wages, location, or total cost. The word "or" should be "and". This technical error will be clarified by the department through the rulemaking process.

I am unable to approve the item designated as Section 6 in its entirety. This section changes the definition of the term "affordable". The application of this definition expands the scope of the population served by these funds and would, in effect, use dollars that were intended to benefit Medicaid eligible people to subsidize those not eligible for Medicaid. This does not seem justifiable at a time when resources are limited.

For the above reasons, I hereby respectfully approve House File 740 with the exceptions noted above.

Sincerely,
Thomas J. Vilsack
Governor

May 29, 2001

The Honorable Chester Culver
Secretary of State
State Capitol
LOCAL

Dear Mr. Secretary:

I hereby transmit House File 742, an act relating to and making appropriations to state departments and agencies, including the department of corrections, the department of cultural affairs, the department of economic development, the department of general services, the Iowa state fair foundation, the legislative council, the department of natural resources, the department of public defense, the department of public safety, the state board of regents, the state department of transportation, the office of treasurer of state, and the department of agriculture and land stewardship, and to the Iowa resources enhancement and protection fund, making related statutory changes, providing for alternative and contingent appropriations, and providing effective dates.

I am pleased that the General Assembly chose, for the most part, to follow the recommendations of the infrastructure advisory committee and the recommendations included in the five year capitol projects plan.

There are, however, instances in House File 742 where those recommendations were not followed, funding levels were less than recommended, or projects were not funded in priority order.

For these reasons, House File 742 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve section 17 in its entirety. This item would appropriate \$90,000 for a borrow pit recreation project in Grundy County. This was not recommended by the infrastructure advisory committee; given that there are other funding resources for recreational projects within this budget, these resources should be dedicated to higher ranking state projects.

I am unable to approve the designated portion of section 25, subsection 3c. This item appropriated \$400,000 for the construction of a pedestrian bridge over Court Avenue on the Capitol complex. Given that projects with higher priority were not appropriated at the recommended level, these resources can be more appropriately used on these priorities in the next budget year.

I am unable to approve section 25, subsection 8. This item appropriates \$250,000 for the site purchase and preparation for the construction of a new state patrol post in Mason City. While this project is included in the 5-year plan for capital projects, other higher priorities, including a utilities update to the Toledo juvenile facility, and unit renovations at the Anamosa reformatory.

I am unable to approve section 42 in its entirety. This language, added in the last hours of the legislative session, would create a variety of notice and bidding requirements for local projects that receive Vision Iowa funding. These requirements, because they are effective immediately, would jeopardize projects that have already received financial commitments. It would be unwise to delay projects, which could add to their cost, by imposing these last minute requirements upon them.

The bulk of the funds and the responsibility for the success of these projects rest with local officials and tax payers. I believe that they are in the best position to determine how projects will be bid and awarded.

For the above reasons, I hereby respectfully approve House File 742 with the exceptions noted above.

Sincerely,
Thomas J. Vilsack
Governor

May 30, 2001

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 746, an Act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

This bill is another example of the Legislature's short-sighted method of dealing with budget cuts for the coming fiscal year. While any successful business understands that you have to provide the resources necessary to maintain a capable workforce, the Legislature has reduced by over \$11 million the funding necessary to pay the increased costs of wages and benefits for all state employees.

For several years, the Legislative and Executive Branches have worked together to provide departments the resources necessary to pay for employee wage and health insurance increases. By doing so, departments do not have to reduce services to Iowans to pay personnel costs. This maintains a stable workforce and provides the opportunity to manage costs.

Unfortunately, the Legislature has intentionally underfunded these personnel costs, and the State will have no choice but to reduce services to cover these fixed costs. When the Department of Human Services does not have the resources to pay the increased costs of health insurance, there will be fewer case workers to protect children from abuse; when the Department of Revenue and Finance does not have the resources to pay these costs, there will be fewer workers to process tax refunds; when the Department of Natural Resources does not have the resources they need, there will be fewer park rangers and attendants to ensure the safety and upkeep of parks; when the Department of Transportation does not have the resources they need, there will be fewer snow plows clearing our roads; when the Board of Regents does not have the resources they need, there will be fewer class offerings at our State Universities.

This is, once again, an abdication of responsibility by the Legislature. It is the Legislature's responsibility to determine where budget cuts should be made and what services Iowans should be willing to do without because of those cuts. By arbitrarily cutting salary dollars, the burden falls on department heads and administrators to make those decisions. The people of Iowa deserve better from their elected Senators and Representatives.

While seriously underfunding these required appropriations, the Legislature continues its bad budget practice of providing one-time resources for on-going budget needs. The Legislature uses \$18 million in one-time funding to make up its \$79 million. Because salary adjustment dollars are allocated to departments as part of their base, this will increase the amount of new dollars that must be provided in next year's budget. Once again, the Legislature is simply putting off problems until next year – something they claim to have avoided by their actions.

For these reasons I reluctantly approve House File 746 on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of Section 20, subsection 2. The language places a cap on the amount of salary resources that will be dedicated to dealing with the terminal liability issue. While the Legislature has identified \$18 million for this purpose, the actual need will likely be around \$21 million. By not providing a mechanism to deal with the entire cost, state departments would have to come up with the balance of the needed funds. Given the sorry nature of the Legislative budgets for many departments, this is an unreasonable expectation.

I am unable to approve the designated portion of Section 20, subsection 3. This would require that any remaining balance in the terminal liability health insurance fund revert to the credit of the unassigned revenue fund administered by the Iowa comprehensive underground storage tank fund board.

The Terminal Liability Fund contains resources for a variety of sources, including the Road Use Tax Fund, grant moneys, and federal funds. It would be unconstitutional to transfer excess Road Use Tax Fund moneys to the underground storage tank fund. It would also subject the state to federal repayment with possible penalties and interest to transfer remaining federal funds to the underground storage tank fund.

For the above reasons, I hereby respectfully approve House File 746, with the exceptions noted above.

Sincerely,
Thomas J. Vilsack
Governor

May 22, 2001

The Honorable Chester Culver
Secretary of State
State Capitol
LOCAL

Dear Mr. Secretary:

I hereby transmit House File 755, an act relating to public expenditure and regulatory matters, making and reducing appropriations, and including effective date and retroactive applicability provisions.

I will, reluctantly, approve this legislation with the exceptions noted. I do so for two reasons. First, I have come to the conclusion that a significantly better bill is

unlikely to be approved by the legislature in the time remaining before fiscal year 2002 begins. Secondly, I believe that by careful use of the item veto, this bill can be somewhat improved through executive action.

House File 755 contains 82 distinct operations making numerous last-minute changes in laws and appropriations considered by the legislature in the closing hours of the 2001 regular session. The most important of these are sections making reductions to ongoing statutory appropriations, generally known as "standing appropriations." While much attention is focused on the legislative appropriations subcommittee process for state agency budgets, the fact remains that standing appropriations comprise nearly half of the state general fund budget.

The most critical standing appropriations - both for their financial size and their importance for state policy - are those that support local K-12 schools in our state. This includes the basic funding for local schools provided by the school aid formula, as well as other assistance, such as the class size reduction initiative for Iowa elementary schools, and educational excellence programs supporting local educators. These are critical to efforts to improve our local schools and re-shape our education system.

When declining revenues made it necessary for me to revise my fiscal year 2002 general fund budget, I made a conscious decision not to try to balance the budget on the backs of our local school children. Because the education standing appropriations make up forty percent of the state general fund budget, I determined that it was necessary to use a portion of the state's reserve funds to ensure that K-12 education had the funding necessary to maintain and build upon vital initiatives that help students learn.

Unfortunately, the legislature chose instead to make deeper cuts to balance the budget, and made significant reductions to support for public schools. At a time when we are embarking on an historic effort to re-shape our teacher compensation system to ensure student achievement and teacher quality enhancements, I believe it would be counterproductive to reduce other targeted resources for our local schools to the extent this legislation suggests. There are significant reductions in this bill, for example, in the standing appropriations made to Area Education Agencies, the School Technology program, Child Development grants, Accelerated Career Education credits, Educational Excellence programs, the Class Size reduction program, and Transportation for non-public students.

The fact remains that this legislature chose not to act on several of my recommendations that would have provided greater resources for our local schools. As a consequence, it is not possible to restore all of the unwise education cuts that the legislature approved. Consistent with my responsibility to balance the budget within the expenditure limit in state law, I will be able, at this time, to restore only some of the items that I would under other circumstances. In the future, I will continue to press the legislature to restore these education budgets to appropriate levels. In the meantime, I will exercise my item veto authority on House File 755 in the following areas.

I disapprove the item designated as section 7 in its entirety. This would reduce the standing appropriation for the early intervention block grant, popularly known as the class size reduction initiative, by \$10,000,000. This initiative to reduce class sizes and improve reading scores for students in grades K-3 has already demonstrated success

across Iowa. It makes no sense to embark on a new, promising initiative focused on student achievement while cutting an existing, promising initiative that helps students achieve and puts more skilled teachers in the classroom. This initiative deserves to be funded at the planned level in the coming year, and will be as a result of this action today.

I disapprove the item designated as section 10 in its entirety. This would reduce the standing appropriation for nonpublic school transportation by an estimated \$505,000. Besides providing necessary services for the efficient operation of schools in our state, this would require the department of education to prorate the amount of claims and would be a costly and time consuming exercise. This action is not necessary at this time.

I disapprove the item designated as Section 11 in its entirety. This would reduce by \$2,000,000 the amount appropriated for Phase III moneys under the Educational Excellence program. This initiative provides additional resources for teachers who add value to the regular school program and upgrade their skills. While a review of this program and how it may, over time, be refocused to better coordinate with other teacher quality initiatives may be of value, an arbitrary reduction at this time is not wise.

As I noted previously, it is not possible to restore all of the unwise cuts made by the legislature in the area of K-12 education. I have carefully considered the reductions in this bill for school technology, at-risk early childhood grants, and the AEAs, and found a good case could be made to restore each of them as well. In the final analysis, however, the legislature has chosen not to provide the resources necessary to support all of these initiatives.

I am unable to approve section 34 in its entirety. This section would require the Iowa Finance Authority to use its reserve funds to support mental illness special services. Moody's Rating Service has indicated that the use of reserve funds will adversely impact the Authority's bond rating. A reduced bond rating will result in increased borrowing costs which will increase costs to first time home buyers. It is more appropriate for the Authority to leverage these assets and address Iowa's housing needs through established housing assistance programs.

I am also unable to approve section 39 and section 44 of this bill. The effect of these two sections is to totally re-write state law regarding the allocation of resources for textbooks for students at Iowa's nonpublic schools. These changes were added to this bill late in the legislative session, and did not receive adequate discussion or analysis. I am concerned about the unintended consequences of these provisions. I do not believe legislators intended to reduce funding to large public, private, and parochial schools. I do not support that result. I am not persuaded that a compelling case has been made to totally change the law in this way.

Additionally, I am unable to approve section 42 and section 48 of this bill. The effect of these two sections is to amend the Code presuming passage of Senate File 514, the property tax limitation bill related to counties. This bill was not passed in the 2001 legislative session, therefore these provisions are not necessary.

I am also unable to approve section 58 of this bill. This section was designed to resolve a potential conflict between two other bills passed by the legislature. One of

those will not receive my approval, so no conflict will exist and this section of HF 755 is therefore unnecessary.

I hereby approve House File 755, with the exceptions noted.

Sincerely,
Thomas J. Vilsack
Governor

May 30, 2001

The Honorable Chester Culver
Secretary of State
State Capitol
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 530, an act relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date:

Senate File 530 is a bill I approve with great reluctance. Much of the progress made in the area of safe communities just last year has been eliminated. This will no doubt have a negative impact on the safety of the citizens of this state. The reductions of recently authorized narcotics agents, who along with other law enforcement personnel are on the front lines in this state fighting the battle of illegal drug markets, have been eliminated. Reductions in operational funding of criminal laboratory personnel as well as general criminal operations comes at a time when the processing of criminal evidence and turnaround time is a critical threshold. Delays and impacts will be felt throughout our criminal justice system. The magnitude of the reductions in the Iowa State Patrol will impact the safe travel and timely response to those in need while using our roads. This comes at a time when our roads are carrying the greatest volume of traffic ever!

Within the Department of Corrections budget, many efforts to reduce the demand for future prison growth, implemented during the previous legislative session have also been eliminated or greatly curtailed. The reduction of funding for new drug courts will continue the cycle of the nonviolent drug offenders. The previous legislative work of adding new Community Based Corrections client supervision personnel, whose funding was severely reduced in this bill, will not only impact the safety of citizens in this state, but these short sighted decisions, as implemented, will also over burden an already understaffed Community Based Corrections system. Community Based Corrections will be very hard pressed not to impact even further the growing prison population, which has in the month of May, hit the highest level of incarceration in Iowa history. These demands will test and stretch beyond the level of reasonableness our correctional institutions resources given the general fund reduction of over \$6.0 million in funding from the previous year.

Additionally, under-funding in the area of the Indigent Defense legal representation system is also a budget decision that will no-doubt need to be revisited during the next fiscal year. As quoted in the Des Moines Register editorial of 5/16/01 "The state public defenders' office, either with public defenders or private lawyers, must

provide legal representation to the poor. It makes no sense to reduce the Indigent Defense Fund to \$19.8 million from the \$21.2 million. The state will have to somehow come up with additional money needed." These are shortsighted decisions; the people of Iowa expect more of their public servants. The budget I recommended included sound budgeting practices. Investment decisions for future policy outcomes that would have this state preparing for tomorrow's challenges. We must be better prepared for the future, not just react to its problems.

Senate File 530 is therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of Section 6, subsection 7 and the designated portion of Section 6, subsection 9. Both of these items require the Department of Corrections to re-create requested data back to 1999. The ability to manually collect the required data, given the cut backs to the correctional system is very limited and would produce a report of marginal value. I have instructed the Department of Corrections to continue to make best efforts to respond to individual cases as needed.

I am unable to approve the items designated as Sections 18, 19, and 20 in their entirety. These sections involve the reimbursement of temporarily confining a person in a county facility for violations regarding OWI, prison work release, and parole. The proposed language, which intends to require the exclusion of administrative costs, would be a good start at addressing the specific costs to be included in the daily cost reimbursement. However, the proposed language is vague and the United States marshal's service cost sheet does not provide any definition of administrative support personnel costs. This provision may even markedly increase county confinement costs. The Department of Corrections has offered both a proposed bill and alternative clarifying language for consideration that involves paying a proportional share of daily direct security supervision costs. I have directed the Department of Corrections to negotiate further an acceptable daily reimbursement rate with each county.

For the above reasons, I hereby respectfully approve Senate File 530, with the exceptions noted above.

Sincerely,
Thomas J. Vilsack
Governor

May 30, 2001

The Honorable Chester Culver
Secretary of State
State Capitol
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 531, 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.

Basic to any successful organization are core functions that allow the organization to operate smoothly and efficiently. Iowa citizens expect their taxes to be accurately calculated and refunds issued in a timely fashion, businesses expect corporate filings and liens to be processed, visitors expect the Capitol and other state facilities to be safe and properly maintained, citizens expect that they can do business with their government in a way that is convenient to them, and taxpayers expect that their tax dollars are being used legally and properly.

These are all legitimate expectations, and I am troubled that the Legislature's intentional under funding of the core services of state government is threatening its ability to respond to its citizen customers. No successful business would cut budgets that support its core customers. That, however, will be the outcome from the unwise cuts contained in this budget bill.

There are many examples of the impact of this decision. For example, there will be fewer employees to process state income tax refunds and answer taxpayer's questions, fewer opportunities for departments to provide services on-line, less maintenance of state buildings and facilities, inability to timely maintain the statewide voter registration system increasing the risk for voter error and fraud, and slower processing of business filings potentially impacting the formation of new businesses in our State. These short sighted cuts produce long term impacts and inefficiencies.

I am even more troubled by the lack of sound financial practice contained within this bill. The Legislature did not provide the resources necessary to carry out even the most fundamental functions, and as a result, they have passed a budget riddled with bad budget practices. These unwise choices will cost the state more money in the future – rather than making cuts, the Legislature has only set the state up for greater expense next year and the following years.

For example, my budget provided \$1.8 million to clean up a federal claim against the State for overbilling of technology services that dates back to the Branstad administration. By not resolving this issue, we risk having additional penalties and interest charged to the state by the federal government. The Legislature provided no funds to fix this problem. My budget provided \$1.7 million to ensure adequate funding for worker's compensation claims, but the Legislature provided just \$500,000 for this; it is likely that this fund will literally run out of money as a result – meaning that the State cannot pay its legal obligations. Likewise, the Legislature under funded the appropriation to the Department of General Services to pay for contracted rental space – another case where the Legislature refuses to accept reality and make the funds available to pay the State's contractual obligations.

These budget gimmicks are nothing more than a charade that passes off the tough budget decisions to somebody else. The Legislature has claimed that its deeper budget cuts were necessary to "solve" the budget problems now, but in reality, the above listed "cuts" are illusory and simply pass on the problem – in some cases with additional costs as well.

For the above reasons I reluctantly approve Senate File 531 on this date with the following exception, which I hereby disapprove.

I am unable to approve Section 24, subsection 1, unnumbered paragraph 3 in its entirety.

This proposed language places the responsibility of paying county expenses in the budget of the Secretary of State without adding any additional funding. The Marshall county auditor's office chose to participate in the elections reform task force with the knowledge that the State would not be able to assume the costs of their participation. If the Legislature believed this to be a wise expenditure of funds they should have created a specific appropriation for this purpose rather than forcing the Secretary of State to direct limited funds away from other purposes such as statewide election activities.

For the above reason, I hereby respectfully approve Senate File 531 with the exception noted above.

Sincerely,
Thomas J. Vilsack
Governor

May 24, 2001

The Honorable Chester Culver
Secretary of State
State Capitol
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 535, 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.

While I will allow much of Senate File 535 to become law, I do so with many reservations. This bill as passed by the legislature does not fully meet the needs of the citizens of Iowa. Reductions in the College Student Aid Commission budget will impact approximately 7,000 students in all three sectors of higher education by either reducing the amount of the grants they receive or in the case of the Iowa Work Study Program, eliminating all state funding which assists 4,300 working students. The impact to the cultural community will be felt in many areas but the most significant will be in the reduced availability of grants to communities throughout Iowa. Several other education programs were either eliminated or drastically reduced. Tuition at the Community Colleges will increase and programs may be reduced as a result of the significant funding reductions. The Regents institutions will experience hiring stoppages, furloughs, layoffs, and possible program elimination's which will impact the quality of education offered at our state institutions of higher education.

If I had any assurance from legislative leaders that they would seriously address these matters in the upcoming special session, I would simply return the bill and ask it be improved substantially by the House and Senate. In the absence of such assurances, I will utilize my authority to the extent possible to minimize the problems that will be created by the bill as submitted. I do not have the flexibility within the expenditure limitation I must follow, however, to rectify many of the problems that will result from the education budget decisions taken by Republican legislators, however.

I will reluctantly sign this bill with the exceptions noted below.

I am unable to approve Section 13 in its entirety. This section requires the Community Colleges to obtain authorization from the State Board of Education prior to the sale of a radio broadcast license or station. Given the structure of local board control our Community Colleges successfully operate under, I have not been persuaded it is necessary to restrict their authority in this way at this time.

I do not approve Section 14 in its entirety.

Paragraph 1 of section 14 reduces funding for the Iowa Tuition Grant. The Iowa Tuition Grant provides need-based assistance to almost 15,000 Iowa families attending independent colleges and universities. The program gives working families the opportunity to attend Iowa's fine independent colleges and universities. The proposed reduction in this program below the current year level undermines that opportunity and breaks faith with working families who depend on these annual awards, and our local independent colleges, who help distribute this needed aid to students and families all across Iowa.

Paragraph 2 of section 14 reduces funding for the State of Iowa Scholarship. The State of Iowa Scholarship program encourages Iowa's best and brightest students to remain in the state to study at Iowa colleges and universities. We need to continue to reward their past performance and encourage them to study in Iowa, and not reduce this program.

Paragraph 3 of section 14 reduces funding for the Iowa Vocational-Technical Tuition Grant. The Iowa Vocational-Technical Tuition Grant program supports almost 6,000 Iowa students at community colleges who will help meet our state's need for highly skilled workers. It is important to keep faith with families who look to vocational education as a means to prosper in Iowa, rather than reduce their grants. This is especially important in light of other cuts in community college funding elsewhere in this bill.

I am unable to approve Section 16 in its entirety. This section requires the authorization of the executive council, prior to the sale of a radio broadcast license or station owned by an institution of higher learning. I believe the Board of Regents current governance system provides adequate oversight and stewardship of the Regent radio stations. The Board has a statewide plan and written operating procedures regarding its radio stations. It also receives biennial governance reports on the radio stations as well as requires a series of approvals for any changes in its radio stations. Therefore, I am unconvinced that additional approvals are warranted.

I hereby approve Senate File 535, with the exceptions noted.

Sincerely,
Thomas J. Vilsack
Governor

IN MEMORIAM**House**

A memorial adopted by the House of Representatives, 2001 Regular Session of the Seventy-ninth General Assembly, commemorating the life, character, and public service of the former members of the House of Representatives.

WAYNE J. FULLMERJanuary 2, 1916 – January 7, 2001
NORMAN JESSE November 9, 1937 – May 28, 2000
D. VINCENT MAYBERRY February 17, 1916 – October 2, 2000
HAROLD C. MCCORMICKOctober 8, 1910 – August 17, 2000

WAYNE JAY FULLMER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Wayne Jay Fullmer begs to submit the following Memorial:

Wayne Jay Fullmer was born on January 2, 1916, the son of Glenn and Leila Trotter Fullmer. He graduated from Newton Senior High School in 1935. He married Ruby M. Rhoades in 1938.

A democrat, Mr. Fullmer served in the 61st General Assembly from 1965-1966.

Mr. Fullmer was a lifelong resident of Newton. He was employed by Fuzzy's Service Station. Mr. Fullmer was a member of the First Lutheran Church and the Newton Planning and Zoning Commission. He was president of the Iowa Public Employee Association and National Motor Fuel Tax Conference and Mayor of Lambs Grove.

Mr. Fullmer died on January 7, 2001. Survivors include his wife, Ruby, a son Bruce K. Fullmer of Des Moines; three granddaughters; four great-grandchildren; a brother, Garold Fullmer of Newton; and several nieces and nephews.

Now Therefore, Be It Resolved By The House Of Representatives Of The Seventy-ninth General Assembly Of Iowa, That in the passing of the Honorable Wayne Jay Fullmer, 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 the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

PAUL BELL
DAVID SCHRADER
CARMINE BOAL

Committee

NORMAN JESSE

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Norman Jesse begs to submit the following Memorial:

Norman Jesse was born on November 9, 1937, in Des Moines, son of James and Helen G. Jesse. He graduated from Des Moines Technical High, Iowa State University, and Drake University Law School.

A democrat, Mr. Jesse served six terms in the Iowa House of Representatives from 1969-1980. He served as Speaker Pro Tempore, Assistant Minority Leader, and Chair of the Judiciary Committee that rewrote the State's Criminal Code and Juvenile Justice laws. He was Polk County's development manager and had served in other

county roles. He was a member of the American Bar Association, Iowa Civil Liberties Union, and the Polk County Mental Health Center Board. He was former assistant director of the Des Moines Pre-Trial Release Project and a partner in the Jesse, Johnston and Laterno Law Firm.

Mr. Jesse died May 28, 2000 at the age of 62. Survivors are his mother, Helen Jesse of Des Moines; and two brothers, Rollin of Des Moines and Glen of Mitchellville.

Now Therefore, Be It Resolved By The House Of Representatives Of The Seventy-ninth General Assembly Of Iowa, That in the passing of the Honorable Norman Jesse, 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 the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

GERI HUSER
JOHN CONNORS
LIBBY JACOBS

Committee

D. VINCENT MAYBERRY

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable D. Vincent Mayberry begs to submit the following Memorial:

D. Vincent Mayberry was born on February 17, 1916, in Atlantic, Iowa. He was the son of John and Blanch Mayberry. He married Betty on August 10, 1939 in Emmetsburg, Iowa.

A democrat, Mr. Mayberry served four terms in the Iowa House of Representatives from 1965-1972. In addition, he served in the Navy, worked for the U.S. Department of Justice, was a newspaper publisher, and owned The Chicken Shop in Fort Dodge.

Mr. Mayberry died on October 2, 2000 at Trinity Regional Hospital in Fort Dodge. Survivors include his wife, Betty; two daughters, Merilla Ann Will of Fort Dodge, and Gwendolyn Francisco of Seattle, Washington; three brothers, Elwood of Pocahontas, Daryl of Pineville, Louisiana, and C. Boyd of Kirksville, Missouri; two sisters, LaVonne Beeks of Kansas City, Missouri and Shirley Marsh of Holstein; and four grandchildren.

Now Therefore, Be It Resolved By The House Of Representatives Of The Seventy-ninth General Assembly Of Iowa, That in the passing of the Honorable D. Vincent Mayberry, 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 the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

MICHAEL CORMACK
RUSSELL EDDIE
DOLORES MERTZ

Committee

HAROLD C. MCCORMICK

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Harold C. McCormick begs to submit the following Memorial:

Harold C. McCormick was born on October 8, 1910, the son of Charles and Mary (Powers) McCormick. He attended St. Xavier School in Manchester and Columbia College (now Loras) in Dubuque. In 1940, he married Doris Marie Kehoe, who died in 1964. In 1967, he married Betty (Primus) O'Brien of Independence.

A democrat, Mr. McCormick served three terms in the Iowa House of Representatives, from 1969-1974. He became only the second Democrat ever elected from Delaware County to serve in the Iowa House. After serving in the legislature, he was appointed by Gov. Robert Ray to two terms on the Iowa Capitol Planning Commission. He also was appointed by the Iowa Legislative Council to serve on the Advisory Commission on Corrections Relief. In 1983, Gov. Terry Branstad appointed him to a Governor's Task Force on Drunk Driving. Branstad also appointed him to three four-year terms on the Iowa Board of Corrections.

Mr. McCormick served military service during WWII and served as director of USO clubs in Alabama, Florida, Mississippi and Texas. He returned to the family furniture business in Manchester and retired in 1974. While in Manchester he served two terms on the City Council, five years on the Planning and Zoning Commission and was a director of the Chamber of Commerce as well as president of the Manchester Lions Club. He also belonged to the Knights of Columbus, Delaware County Historical Society and Delaware County Fish and Game Society.

After moving to Dubuque in 1988, he served two years on a city long-range planning commission and was a member of the Morning Optimists. He was also a parishioner at St. Joseph the Worker Catholic Church and later at St. Raphael's Cathedral.

Mr. McCormick died on August 17, 2000. In addition to his wife Betty, he is survived by a daughter, Julie Salvesen of Hampton; a son, John McCormick of La Grange Park, Illinois; and three grandchildren.

Now Therefore, Be It Resolved By The House Of Representatives Of The Seventy-ninth General Assembly Of Iowa, That in the passing of the Honorable Harold C. McCormick, 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 the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

ANDRA ATTEBERRY
LANCE HORBACH
STEVE FALCK

Committee

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(Entries appearing in *italics* occurred during the 2001 Extraordinary Session of the Seventy-Ninth General Assembly convened on June 19, 2001 and adjourned on June 19, 2001)

(Entries appearing in Underline occurred during the 2001 Second Extraordinary Session of the Seventy-Ninth General Assembly convened on November 8, 2001 and adjourned on November 8, 2001)

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Rick Larkin—114

State-County Management Committee

Mark Smith—114

APPROPRIATIONS, COMMITTEE ON—

Amendments filed—1306, 1631

Amendment offered—1743

Appointed—24

Bills introduced—151, 481, 492, 814, 853, 973, 1230, 1231, 1268, 1274, 1301, 1605, 1624, 1637, 1769

Recommendations—157, 403, 475, 490, 787-788, 850, 971, 1249, 1271-1272, 1304-1305, 1420, 1478-1479, 1629-1630, 1645, 1772

Resolution offered—404

Subcommittee assignments—79, 97, 117, 256, 301, 342, 367, 368, 427, 446, 510, 541, 589, 672, 697, 711, 934, 970, 1057, 1164, 1271, 1419

Bills introduced—6, 17Recommendations—6-7, 19

APPROPRIATIONS SUBCOMMITTEES—

Appointments to—27-28

ARNOLD, RICHARD—Representative Appanoose-Clarke-Lucas-Wayne Counties

Amendments filed—592, 1145, 1717, 1774, 1855

Appointed to Prevention of Disabilities Policy Council—45

Bills introduced—86, 127, 433, 453, 479, 486, 593, 596, 597

Committee appointment—26

Explanation of vote—352, 670, 1642

Leave of absence—650

Resolutions offered—149, 272, 545, 1071, 1103, 1165, 1249

Subcommittee assignments—84, 154, 233, 400, 417, 483, 541, 883, 970

*Bill introduced—8*Resolution offered—6

ASSISTANT MAJORITY LEADERS—

Donna Barry—Representative **Harrison**-Pottawattamie Counties(See BARRY, DONNA—Representative **Harrison**-Pottawattamie Counties, Assistant Majority Leader)Danny Carroll—Representative Jasper-Mahaska-Marshall-**Poweshiek** Counties(See CARROLL, DANNY—Representative Jasper-Mahaska-Marshall-**Poweshiek** Counties, Assistant Majority Leader)Bill Dix—Representative **Butler**-Grundy Counties(See DIX, BILL—Representative **Butler**-Grundy Counties, Assistant Majority Leader)Libby Jacobs—Representative **Polk** County(See JACOBS, LIBBY—Representative **Polk** County, Assistant Majority Leader)Russell W. Teig—Representative Franklin-**Hamilton**-Hardin-Wright Counties(See TEIG, RUSSELL W.—Representative Franklin-**Hamilton**-Hardin-Wright Counties, Assistant Majority Leader)

ASSISTANT MINORITY LEADERS—

Polly Bukta—Representative **Clinton** County

(See BUKTA, POLLY—Representative **Clinton** County, Assistant Minority Leader)

Steve Falck—Representative **Buchanan-Fayette** Counties

(See FALCK, STEVE—Representative **Buchanan-Fayette** Counties, Assistant Minority Leader)

Geri D. Huser—Representative **Polk** County

(See HUSER, GERI D.—Representative **Polk** County, Assistant Minority Leader)

Pam Jochum—Representative **Dubuque** County

(See JOCHUM, PAM—Representative **Dubuque** County, Assistant Minority Leader)

Steve Warnstadt—Representative **Woodbury** County

(See WARNSTADT, STEVE—Representative **Woodbury** County, Assistant Minority Leader)

ATTEBERRY, ANDRA—Representative **Black Hawk-Buchanan-Delaware** Counties
Amendments filed—546, 592, 658, 660, 700, 852, 1058, 1306, 1421, 1480, 1645, 1854, 1855

Amendments offered—615, 616, 618, 1458, 1750

Amendment withdrawn—580

Bills introduced—86, 120, 126, 158, 214, 215, 241, 252, 253, 261, 265, 266, 296, 306, 308, 348, 358, 371, 470, 497, 498, 550, 562, 563, 633, 744

Committee appointments—24, 25, 67, 941

Resolutions offered—90, 149, 212, 491, 935, 1087, 1103, 1165, 1249, 1420

Subcommittee assignments—248, 446, 509, 510, 680, 711, 1712

Resolution offered—6

BARRY, DONNA—Representative **Harrison-Pottawattamie** Counties, Assistant Majority Leader

Amendments filed—405, 1058, 1646

Amendments offered—459, 1149

Bills introduced—86, 136, 252, 349, 407, 423, 433, 453, 479, 486, 594, 596, 597, 633, 686

Bills rereferred (as acting Speaker)—437

Committee appointments—24, 25, 26, 53

Leave of absence—526

Petition presented—973

Presided at sessions of the House—430, 901, 1252, 1857, 1863, 1889

Resolutions offered—149, 272, 491, 545, 1087, 1103, 1165, 1249

Subcommittee assignments—79, 153, 249, 256, 353, 427, 445, 446, 465, 482, 510, 541, 589, 625, 673, 680, 711, 856, 934, 1057

Bill introduced—8

Committee appointment—4

Resignation—3-4

BAUDLER, CLEL—Representative **Adair-Guthrie-Madison** Counties

Amendments filed—440, 684, 769, 789, 972, 1250, 1307, 1646

Amendments offered—801, 802, 830, 1218, 1316, 1502, 1572

Bills introduced—86, 136, 137, 265, 307, 406, 433, 452, 453, 479, 486, 594, 633

Committee appointments—24, 25, 26, 1407
 Leave of absence—1718
 Reports—1808-1810
 Resolutions offered—149, 272, 545, 1071, 1087, 1103, 1122, 1165, 1249
 Subcommittee assignments—97, 153, 270, 342, 353, 474, 482, 483, 510, 541, 557,
 624, 625, 626 736, 857, 933, 982, 1085, 1165, 1712

Bill introduced—8

Resolution offered—6

BELL, PAUL—Representative **Jasper** County

Amendments filed—516, 559, 652, 658, 660, 851, 852, 1307, 1421, 1480, 1681, 1683,
 1855

Amendments offered—1460, 1470, 1681, 1683

Appointed to the International Relations Advisory Council—114

Bills introduced—119, 158, 215, 241, 252, 261, 296, 308, 323, 358, 371, 469, 498, 518,
 519, 562

Committee appointments—24, 25, 26, 940

Leave of absence—774, 1555

Presented to the House wrestler Nick Ackerman—679

Presented to the House Anne Wignall, a student at Berg Middle School recognized
 for her volunteer service—980

Resolutions offered—149, 515, 676, 858, 884, 1103, 1165, 1249, 1420

Subcommittee assignments—248, 367, 474, 483, 541, 557, 624, 625, 1085

Resolution offered—6

BILLS—

(See also action on HOUSE JOINT RESOLUTIONS, HOUSE FILES, SENATE
 JOINT RESOLUTIONS and SENATE FILES in LEGISLATIVE INDEX
 VOLUME)

Approved by governor—299, 398, 425, 463, 565, 587, 688, 733, 847, 931, 968-969,
 1053, 1097, 1105 1245-1246, 1269, 1303, 1416, 1474, 1547, 1626-1627, 1710, 1771,
 1850, 1953

Approved, vetoed or item vetoed subsequent to adjournment—2513-2520

Consideration of—105, 137, 219, 223, 243, 297, 350, 359, 409, 413, 456, 459, 493,
 501, 520, 529, 551, 568, 578, 599, 636, 692, 704, 751, 774, 795, 821, 860, 889, 943,
 975, 989, 999, 1060, 1064, 1073, 1092, 1113, 1124, 1127, 1149, 1168, 1184, 1193,
 1210, 1256, 1275, 1279, 1291, 1312, 1432, 1436, 1482, 1494, 1555, 1607, 1634,
 1638, 1649, 1659, 1718, 1732, 1776, 1820, 1858, 1892, 1897, 1971

Deferred, retained on calendar—221, 577, 825, 879, 901, 951, 1063, 1125, 1193, 1209,
 1230, 1572, 1599, 1641, 1701, 1832, 1886

Final disposition of motion to reconsider—2014-2015

Introduction of—20-23, 53, 63-65, 67, 75-76, 80, 83, 86-88, 92-93, 105, 113, 119-120,
 126-127, 134-137, 137, 151-152, 158-160, 214-215, 221-222, 239-242, 242-243, 252-
 254, 261, 265-267, 274-276, 294-296, 306-308, 323-324, 348-349, 357-359, 369-371,
 406-408, 412-413, 421-424, 430-435, 442-443, 451-455, 468-472, 478-481, 485-487,
 492-493, 497-500, 517-519, 527, 547-548, 549-550, 560-564, 567, 593-596, 596-598,
 631-633, 634-635, 678-679, 685-687, 690-691, 701-703, 718-721, 730-732, 742-745,
 748-750, 770-773, 791-792, 814-816, 853-854, 860, 886, 973, 986-987, 1148, 1173-

1174, 1180-1181, 1182, 1230, 1231, 1254-1255, 1268, 1274, 1290, 1301, 1414, 1436,
1492, 1554, 1605, 1624-1625, 1632, 1637, 1641-1642, 1652, 1679, 1731, 1769-1770
Item veto messages—338-340, 722-723
Item veto messages after session—2526-2546
Passed on file—767, 879, 980, 1415, 1849
Placed on calendar—669
Placed on unfinished business calendar—1097, 1172-1173, 1599
Referred to committees—299, 364, 419, 694, 707, 767, 1126-1127, 2014-2015
Rereferred to committees—83, 110, 232, 299, 540, 845, 930, 968, 1126-1127, 2014-
2015
Resolutions adopted, not otherwise printed in journal—2472-2512
Resolution deferred, retained on calendar—322
Resolutions substituted—1167, 1253
Sent to governor—254, 352, 365, 444, 554, 623, 694-695, 846-847, 879, 931, 980,
1052-1053, 1175, 1181, 1188, 1245, 1303, 1310, 1415, 1473, 1546, 1602, 1643,
1710, 1952, 2017
Sent to secretary of state—1142, 1163
Substitutions—219, 324, 350, 537, 647, 693, 761, 777, 860, 929, 1114, 1115, 1117,
1140, 1156, 1169, 1171, 1197, 1203, 1212, 1265, 1433, 1599, 1655, 1726, 1728,
1740, 1926
Veto messages—267-268, 425-426, 1053-1055, 1627-1628, 1850-1853, 1954
Veto message after session—2521-2525
Withdrawn—231, 409, 539, 692, 762, 779, 865, 930, 988, 1115, 1116, 1118, 1141,
1161, 1170, 1172, 1202, 1209, 1215, 1290, 1440, 1601, 1656, 1728, 1731, 1742,
1950

Approved subsequent to adjournment—53-54
Consideration of—6, 9
Introduction of—6, 8
Sent to governor—51

Approved subsequent to adjournment—40-41
Consideration of—7
Introduction of—6, 17, 21
Sent to governor—36
Substituted—32
Withdrawn—33

BILLS SENT TO GOVERNOR—

(See **BILLS**, subheading, **Sent to Governor**)

BOAL, CARMINE—Representative Polk County

Amendments filed—477, 516, 566, 813, 839, 1058, 1604, 1646, 1716, 1774, 1879
Amendments offered—538, 605, 837, 839, 1389, 1879
Amendments withdrawn—604, 1879
Bills introduced—20, 21, 64, 65, 252, 261, 433, 453, 479, 486, 519, 563
Committee appointments—11, 25, 26, 940, 1636
Explanation of vote—1302, 1473
Leave of absence—1482
Reports—1705-1707
Resolutions offered—149, 272, 491, 545, 1071, 1087, 1103, 1122, 1249, 1420

Subcommittee assignments—97, 117, 465, 489, 556, 557, 626, 680, 710, 711, 735, 786, 883, 970, 981, 1068, 1549, 1603

Bill introduced—8

Resolution offered—6

BOARDS, COMMISSIONS, COMMITTEES AND/OR COUNCILS—

(See APPOINTMENTS and/or COMMUNICATIONS FROM, subheading Reports and/or INDIVIDUAL HEADINGS)

BODDICKER, DAN—Representative Cedar-Clinton-Jones Counties

Amendments filed—368, 559, 591, 622, 936, 1058, 1071, 1198, 1481, 1513, 1646, 1716

Amendments offered—414, 601, 1513

Amendment withdrawn—1513

Appointed to the Child Support Advisory Committee—44

Bills introduced—75, 421, 424, 432, 433, 443, 452, 453, 479, 486, 497, 593

Committee appointments—25, 26, 1624

Leave of absence—406, 951

Resolutions offered—117, 149, 272, 515, 545, 1071, 1103, 1122, 1165, 1249, 1479

Subcommittee assignments—97, 98, 116, 124, 147, 153, 233, 262, 301, 399, 400, 446, 465, 483, 510, 541, 557, 625, 671, 710, 735, 736, 857, 883, 934, 982, 1068

Bill introduced—8

Resolution offered—6

BOGGESE, EFFIE LEE—Representative Adams-Page-Taylor Counties

Amendments filed—1178, 1190, 1291, 1292, 1294

Amendments offered—1210, 1291, 1292, 1294

Amendment withdrawn—1293

Bills introduced—86, 136, 408, 433, 479, 486, 596, 597

Committee appointments—24, 25

Resolutions offered—149, 491, 545, 1071, 1087, 1103, 1122, 1165, 1249

Subcommittee assignments—248, 489, 624, 672, 711, 970, 1712

Bill introduced—8

Resolution offered—6

BRADLEY, CLYDE—Representative Clinton-Scott Counties

Amendments filed—1604, 1888

Amendment offered—1128

Bills introduced—137, 221, 307, 358, 406, 433, 468, 479, 486, 500, 518, 549, 560, 635, 678

Committee appointments—25, 26

Resolutions offered—149, 272, 545, 1103, 1165, 1249

Subcommittee assignments—116, 117, 146, 255, 256, 301, 342, 400, 427, 709, 710, 856, 933, 970, 1099, 1105

Bill introduced—8
Leave of absence—6

Amendments filed—22, 24
Amendment offered—24
Resolution offered—6

BRAUNS, BARRY—Representative Johnson-Louisa-Muscatine Counties

Amendments filed—491, 574, 575, 591, 1123, 1596, 1774
Amendment offered—575
Bills introduced—64, 86, 134, 159, 307, 349, 433, 453, 459, 479, 486, 500, 518, 593
Committee appointment—26
Explanation of vote—472
Presented to the House the Honorable Bill Trent, former member of the House—
1259
Requested to be added as a sponsor of House File 324, H-1157—587
Resolutions offered—149, 273, 515, 545, 1071, 1103, 1122, 1165, 1249, 1631
Subcommittee assignments—146, 367, 474, 672, 681, 857, 933, 970

Bill introduced—8

Resolution offered—6

BROERS, ROGER—Representative Cerro Gordo County

Amendments filed—629, 689, 1058, 1145, 1646, 1715
Amendment offered—1816
Bills introduced—20, 21, 241, 295, 308, 433, 453, 479, 486, 594
Committee appointments—25, 1624
Resolutions offered—149, 272, 545, 1071, 1103, 1122, 1165, 1249, 1887
Subcommittee assignments—97, 153, 482, 483, 510, 625, 672, 710, 856, 933, 970,
982, 1057, 1099

Bill introduced—8

Resolution offered—6

BRUNKHORST, BOB—Representative Black Hawk-Bremer Counties

Amendments filed—592, 789, 885, 935, 972, 1145, 1480, 1607, 1646, 1715, 1716,
1774, 1856, 1888, 1983
Amendments offered—961, 1140, 1400, 1535, 1542, 1607, 1885, 1983
Amendment withdrawn—1818
Bills introduced—22, 23, 65, 76, 134, 136, 266, 275, 308, 358, 424, 433, 453, 479, 486,
721, 854
Committee appointments—24, 25, 1636
Explanation of vote—1710
Leave of absence—1462
Reports—1705-1707
Resolutions offered—149, 272, 545, 1071, 1103, 1122, 1165, 1249, 1714, 1887
Subcommittee assignments—79, 97, 117, 256, 342, 353, 367, 368, 400, 427, 445, 446,
509, 510, 557, 672, 697, 710, 736, 812, 970, 1057, 1271, 1419

Amendments filed—8, 11
Amendments offered—8, 11
Amendment withdrawn—15
Resolution offered—6

BUDGET MESSAGE—

(See STATE OF THE STATE and BUDGET MESSAGE)

BUKTA, POLLY—Representative **Clinton** County, Assistant Minority Leader
 Amendments filed—655, 658, 660, 729, 851, 852, 984, 1179, 1190, 1233, 1421, 1480,
 1717, 1846, 1855, 1856
 Amendments offered—776, 992, 1233, 1390
 Appointed to the Child Support Advisory Committee—114
 Bills introduced—119, 120, 126, 151, 159, 221, 240, 241, 242, 243, 252, 253, 261, 265,
 266, 296, 306, 358, 423, 454, 469, 470, 480, 497, 498, 499, 500, 518, 550, 562
 Committee appointments—24, 25, 26, 68
 Explanation of vote—1626
 Leave of absence—1569
 Presented to the House Julie Nixon Eisenhower, daughter of former President
 Richard M. Nixon—349
 Presented to the House the Honorable LaMetta Wynn, Mayor of Clinton, Iowa—540
 Resolutions offered—90, 491, 515, 935, 1071, 1087, 1103, 1122, 1249, 1420, 1714
 Subcommittee assignments—129, 154, 417, 883, 970, 1068, 1176

Resolution offered—6

CARROL, DANNY—Representative Jasper-Mahaska-Marshall-**Poweshiek** Counties,
 Assistant Majority Leader
 Amendments filed—305, 324, 368, 812, 852, 1306, 1421, 1480, 1481, 1553, 1587,
 1646, 1716, 1774, 1838, 1888, 1906, 1929, 1932
 Amendments offered—324, 397, 826, 869, 1426, 1574, 1575, 1576, 1588, 1838, 1906,
 1909, 1929, 1932
 Amendments withdrawn—870, 1593
 Bills introduced—22, 127, 370, 421, 422, 433, 453, 479, 486, 594, 596
 Bills referred and rereferred to committee (as acting Speaker)—1126-1127
 Committee appointments—24, 25, 26
 Elected Temporary Speaker—2
 Explanation of vote—115, 968, 980, 1849
 Leave of absence—67, 105
 Presentation of visitors (as acting Speaker)—1067-1068, 1602
 Presented to the House the Honorable Bob Krause, former member of the House—
 140
 Presided at sessions of the House—1, 138, 254, 306, 492, 601, 902, 909, 1066, 1112,
 1125, 1232, 1282, 1390, 1442, 1486, 1503, 1596, 1607, 1751, 1776
 Resolutions offered—15, 16, 149, 545, 1071, 1103, 1165, 1479
 Rulings made (as acting Speaker)—142, 1392, 1489, 1504, 1755
 Subcommittee assignments—97, 111, 234, 248, 465, 474, 489, 510, 541, 672, 711,
 735, 736, 812, 1176

Bill introduced—8

Committee appointments—6

Resolution offered—6

CERTIFICATES OF ELECTION—

Of Representatives—2-5

CERTIFICATES OF RECOGNITION—

50-52, 77-79, 83-84, 95-97, 110-111, 115, 120-121, 123-124, 128-129, 146, 153, 210-211, 216, 232-233, 247-248, 255, 262, 268-269, 300, 340-342, 353, 365-367, 398-399, 416-417, 426-427, 444-445, 463-465, 473-474, 488, 509, 555-556, 587-589, 623-624, 670-671, 680, 695-697, 707-709, 723-725, 734, 767-768, 785-786, 811, 848-849, 880-883, 932-933, 969-970, 981, 1055-1057, 1068, 1083-1084, 1098-1099, 1119-1120, 1142-1144, 1163-1164, 1176, 1189, 1247-1249, 1270, 1417-1419, 1475-1478, 1548-1549, 1602-1603, 1628-1629, 1644, 1711-1712, 1772, 1853-1854, 1887, 1955-1957, 2011-2012, 2018-2030

CHAPLAINS—

Committee on, appointed—16

Resolution relating to:

House Resolution 2—16 adopted

CHIEF CLERK OF THE HOUSE, Margaret A. Thomson

Administered oath of office to temporary Speaker—2

Communications received and on file—45-50, 77-79, 88-90, 93-95, 110, 122, 127-128, 153, 160-210, 210, 232, 254-255, 268, 299-300, 352, 365, 437-438, 444, 472-473, 482, 508-509, 587, 670, 695, 785, 848, 931, 1055, 1098, 1119, 1161-1163, 1189, 1548, 1643, 1853, 2018

Elected acting Chief Clerk—1

Elected permanent Chief Clerk—11

Reports:

Certificates of recognition—50-52, 77-79, 83-84, 95-97, 110-111, 115, 120-121, 123-124, 128-129, 146, 153, 210-211, 216, 232-233, 247-248, 255, 262, 268-269, 300, 340-342, 353, 365-367, 398-399, 416-417, 426-427, 444-445, 463-465, 473-474, 488, 509, 555-556, 587-589, 670-671, 680, 695-697, 707-709, 723-725, 734, 767-768, 785-786, 811, 848-849, 880-883, 932-933, 969-970, 981, 1055-1057, 1068, 1083-1084, 1098-1099, 1119-1120, 1142-1144, 1163-1164, 1176, 1189, 1247-1249, 1270, 1417-1419, 1475-1478, 1548-1549, 1602-1603, 1628-1629, 1644, 1711-1712, 1772, 1853-1854, 1887, 1955-1957, 2011-2012

Committee recommendations—85, 111-112, 133, 149, 156-157, 237-238, 259-260, 264, 271-272, 294, 346-347, 355-356, 403-404, 419-420, 428-429, 438-439, 448-450, 466, 475-476, 489-490, 513-515, 543-544, 551, 558, 565-566, 590-591, 628-629, 675-676, 682-684, 688-689, 699-700, 713-716, 727-729, 737-741, 745-747, 768-769, 787-788, 850, 884, 934-935, 971-972, 982-984, 1069-1071, 1085-1087, 1099-1102, 1106-1107, 1120-1122, 1144, 1165, 1177-1178, 1181, 1249, 1271-1273, 1304-1306, 1420, 1478-1479, 1551-1552, 1603, 1629-1631, 1645, 1713-1714, 1772, 1943, 1971, 1974-1975, 1976

Conference committee report filed—1626, 1704

Enrolled bills—254, 352, 364-365, 443-444, 554, 623, 694-695, 846-847, 879, 931, 980, 1052-1053, 1142, 1163, 1175, 1181, 1188, 1245, 1303, 1310, 1415, 1473, 1546, 1602, 1643, 1710, 1849, 1952, 2017

Resolution relating to:

House Resolution 1—15 adopted

Took oath of office—1

Administered oath of office—4

Communication received and on file—3, 5

Reports:

Committee recommendations—6, 8-9

Enrolled bills—51

Administered oath of office—5

Communication Received and on file—1-2, 3-4, 5

Reports:

Committee recommendations—6-7, 16, 19, 22, 24

Enrolled bills—36

CHIEF JUSTICE OF THE SUPREME COURT, The Honorable Louis A. Lavorato
(See SUPREME COURT OF IOWA)

CHIODO, FRANK J.—Representative **Polk** County

Amendments filed—516, 559, 658, 660, 741, 789, 851, 852, 1027, 1029, 1033, 1047,
1421, 1480, 1523, 1553, 1597, 1604, 1646, 1715, 1775, 1855

Amendments offered—1029, 1033

Amendments withdrawn—1026, 1033, 1036

Bills introduced— 87, 119, 151, 214, 215, 221, 241, 242, 252, 261, 265, 323, 453, 480,
498, 500, 720

Committee appointments—25, 26

Explanation of vote—1302

Leave of absence—975

Resolutions offered—515, 684, 1103, 1165, 1249, 1714

Subcommittee assignments—116, 129, 147, 154, 234, 255, 367, 510, 625, 709, 710,
856, 933, 1105, 1304

Amendment filed—28

Amendment offered—28

Resolution offered—6

CITIZENS' AIDE/OMBUDSMAN—

Communications from—46

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—161-210

Claims filed & disapproved—88-90

Communications from State Appeal Board—88-90

Communications from Department of Management—94-95, 110

COHOON, DENNIS M.—Representative **Des Moines** County

Amendments filed—658, 660, 852, 1166, 1190, 1191, 1421, 1480, 1596, 1846, 1855

Amendments offered—1487, 1596
Amendments withdrawn—1486, 1491
Bills introduced—119, 120, 151, 158, 214, 215, 221, 240, 241, 242, 252, 265, 266, 296,
323, 358, 371, 469, 471, 497, 498, 500, 547, 563, 730, 731, 744
Committee appointments—25, 26
Resolutions offered—90, 515, 935, 1071, 1103, 1122, 1249
Subcommittee assignments—111, 248, 262, 269, 445, 556, 625, 933, 970

Resolution offered—6

COLLEGE STUDENT AID COMMISSION—

Communication from—2018

COMMERCE-REGULATION, COMMITTEE ON—

Amendments filed—1087, 1103, 1107, 1108, 1604
Amendments offered—1159, 1186, 1321, 1814
Appointed—24-25
Bills introduced—348, 412, 413, 423, 443, 478, 485, 500, 567, 685, 687, 720, 814
Recommendations—346, 403, 439, 448, 475-476, 513, 628-629, 689, 713, 737, 982-
983, 1085-1086, 1100, 1106, 1603
Subcommittee assignments—153, 154, 256, 257, 400, 541, 709, 933, 982, 1057, 1068,
1105, 1304

COMMISSIONS, COMMITTEES, BOARDS AND/OR COUNCILS—

(See APPOINTMENTS and/or COMMUNICATIONS, sub-heading Reports and/or
INDIVIDUAL HEADINGS)

COMMITTEE ASSIGNMENTS—

(See HOUSE COMMITTEE ASSIGNMENTS)

COMMITTEE OF THE WHOLE—

Subcommittee assignments—293, 1105, 1644, 1712

COMMITTEE RECOMMENDATIONS—

Administration and Rules—259, 264, 1713, 1975, 1976
Agriculture—272, 355, 513, 543-544, 628, 682, 713, 727, 1069-1070, 1120, 1713
Appropriations—157, 403, 475, 490, 787-788, 850, 971, 1249, 1271-1272, 1304-1305,
1420, 1478-1479, 1629-1630, 1645, 1772
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Reports called up:

Senate File 203—1704

Senate File 346—1808

Reports Adopted:

Senate File 203—1707

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CONGRESS AND/OR PRESIDENT OF THE UNITED STATES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES)

CONNORS, JOHN H.—Representative **Polk** County

Amendments filed—213, 516, 559, 658, 660, 852, 1421, 1480, 1553, 1714, 1717, 1774, 1855, 1888

Amendments offered—244, 1927

Amendments withdrawn—638, 1909

Appointed to the Commission on Interstate Cooperation—114

Appointed to the Public Retirement Systems Committee—114

Appointed to the Legislative Council—144

Bills introduced—65, 119, 240, 241, 253, 266, 296, 306, 358, 423, 470, 480, 497, 498, 499, 500, 518, 562, 635

Committee appointments—26, 941

Leave of absence—134, 1748

Presented to the House the Honorable Bob Anderson, former Lieutenant Governor—777, 1656

Representative Connors and his wife Marge played, before the House, the song “I Don’t Want to Walk Without You” in honor of their 56th wedding anniversary—1091

Resolutions offered—90, 149, 515, 935, 1071, 1103, 1165, 1249

Subcommittee assignments—116, 129, 154, 541, 672, 933

Bill introduced—8

Amendment filed—22

Resolution offered—6

CORMACK, MIKE—Representative **Webster** County

Amendments filed—559, 885, 936, 1103, 1466, 1553, 1715, 1716

Amendment offered—765

Amendment withdrawn—1722

Bills introduced—21, 22, 23, 86, 87, 88, 113, 120, 159, 214, 265, 308, 424, 433, 453, 596, 854, 1642

Committee appointments—16, 25, 26, 27, 941, 1624

Resolutions offered—272, 1071, 1103, 1122, 1714

Subcommittee assignments—116, 129, 147, 154, 257, 427, 625, 726, 736

Bill introduced—8

Amendments filed—8, 11

Resolution offered—6

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Appointed—2

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Adoption—5

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DE BOEF, BETTY—Representative Keokuk-**Mahaska**-Wapello-Washington Counties

Amendments filed—1166, 1200, 1646, 1756

Amendments offered—1199, 1200, 1439

Amendment withdrawn—1200

Bills introduced—20, 21, 86, 136, 407, 453, 479, 486, 594

Committee appointments—24, 25, 53

Resolutions offered—149, 272, 491, 545, 1071, 1087, 1103, 1122, 1165, 1249

Subcommittee assignments—111, 301, 399, 400, 427, 626, 711, 1712

Bill introduced—8

Resolution offered—6

DIX, BILL—Representative **Butler**-Grundy Counties, Assistant Majority Leader

Amendment filed—1888

Amendment withdrawn—1940

Bills deferred, retained on calendar (as acting Speaker)—901, 1193

Bills introduced—20, 241, 253, 266, 433, 434, 453, 479, 596

Bill placed on calendar (as acting Speaker)—767

Bill rereferred to committee (as acting Speaker)—767, 845, 968

Committee appointments—24, 25, 26

Explanation of vote—930

Leave of absence—774

Presentation of visitors (as acting Speaker)—847-848, 1270

Presided at sessions of the House—106, 134, 322, 607, 620, 754, 807, 835, 894, 953, 965, 1048, 1171, 1193, 1263, 1436, 1458, 1493, 1563, 1574, 1682, 1718, 1846, 1885, 1896, 1898

Resolutions offered—149, 272, 545, 858, 1071, 1103, 1122, 1165, 1249, 1479

Rulings made (as acting Speaker)—897, 1720

Subcommittee assignments—79, 154, 249, 256, 400, 541, 556, 710, 711, 933, 1068, 1105

Bill introduced—8

Resolution offered—6

DOLECHECK, CECIL—Representative Decatur-**Ringgold**-Taylor-Union Counties

Amendments filed—491, 1480, 1604, 1888, 1898

Amendments offered—504, 1736, 1743, 1898

Bills introduced—86, 253, 275, 370, 407, 433, 453, 479, 486, 562, 594, 596, 597

Committee appointments—24, 25, 26

Presided at sessions of the House—119

Resolutions offered—149, 272, 545, 1071, 1103, 1122, 1165, 1249

Subcommittee assignments—84, 256, 269, 342, 446, 541, 589, 671

*Bill introduced—8*Resolution offered—6**DOTZLER, BILL**—Representative **Black Hawk** County

Amendments filed—98, 212, 515, 516, 546, 592, 655, 658, 660, 852, 885, 935, 1166,

1190, 1191, 1293, 1296, 1297, 1299, 1421, 1480, 1854, 1855, 1856

Amendments offered—106, 243, 1206, 1207, 1293, 1297, 1299

Amendments withdrawn—106, 614, 1216

Bills introduced—119, 136, 151, 158, 215, 221, 240, 241, 242, 243, 252, 253, 261, 265,

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Committee appointments—25, 26

Resolutions offered—90, 150, 212, 467, 491, 515, 747, 935, 1071, 1103, 1122, 1165, 1249

Subcommittee assignments—84, 248, 400, 510, 541, 672, 726

*Amendment filed—9*Resolution offered—6**DRAKE, JACK**—Representative Audubon-**Pottawattamie**-Shelby Counties

Amendments filed—789, 1480, 1481, 1676, 1717, 1888

Amendments offered—1494, 1496, 1676

Bills introduced—20, 21, 86, 119, 308, 407, 408, 433, 442, 453, 479, 486, 597, 633, 686

Committee appointments—2, 24, 25, 26

Explanation of vote—507, 846, 1473, 1951

Leave of absence—568, 795, 988

Resolutions offered—150, 545, 1071, 1103, 1122, 1165, 1249, 1479

Subcommittee assignments—146, 301, 400, 446, 556, 589, 672, 711, 934

*Bill introduced—8**Resolution offered—52*Resolution offered—6**ECONOMIC DEVELOPMENT, COMMITTEE ON—**

Amendment filed—1104

Amendment offered—1315

Appointed—25

Bills introduced—357, 359, 455, 478, 720, 853

Recommendations—346, 439, 476, 713-714, 737-738, 983, 1100

Subcommittee assignments—248, 427, 509, 510, 624, 625, 672, 726, 736

EDDIE, RUSSELL J.—Representative **Buena Vista**-**Clay**-**Pocahontas** Counties
Amendments filed—789, 1715

Appointed to Commission on Interstate Cooperation—44

Bills introduced—86, 126, 241, 308, 433, 453, 479, 486, 596, 633

Committee appointments—25, 26, 941

Leave of absence—692

Resolutions offered—150, 272, 545, 1071, 1103, 1122, 1165, 1249

Subcommittee assignments—84, 116, 129, 262, 399, 400, 417, 474, 483, 556, 671,
883, 933, 982, 1068

Bill introduced—8

Resolution offered—6

EDUCATION, COMMITTEE ON—

Amendments filed—935, 936, 1071, 1103, 1104, 1123

Amendments offered—1389, 1535, 1816

Appointed—25

Bills introduced—135, 261, 294, 431, 455, 479, 548, 686, 743, 745, 772, 791

Recommendations—133, 294, 429, 448-449, 476, 513, 544, 629, 683, 714, 728, 745-
746, 934-935, 1070, 1100, 1121

Subcommittee assignments—79, 129, 248, 259, 269, 474, 556, 557, 626, 671, 812,
849, 883, 970, 1068

EICHHORN, GEORGE—Representative **Boone**-**Calhoun**-**Hamilton**-**Webster** Counties

Amendments filed—790, 885, 1123, 1307, 1604, 1631, 1646, 1740, 1741, 1774

Amendments offered—865, 958, 959, 1740, 1794, 1820

Amendment withdrawn—1156

Bills introduced—86, 120, 158, 240, 241, 433, 453, 479, 596, 598, 690

Committee appointments—25, 26, 69, 1407

Presented to the House students from various high schools around Iowa and also
Lydmila P. Pravikova from the Chernigiv Region of the Ukraine—1494

Reports—1626, 1808-1810

Resolutions offered—150, 545, 1071, 1103, 1122, 1249

Subcommittee assignments—97, 116, 129, 147, 233, 234, 269, 301, 446, 465, 482,
483, 489, 624, 625, 626, 671, 673, 681, 786, 856, 857, 934, 982, 1549

Bill introduced—8

Resolution offered—6

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ELGIN, JEFF—Representative **Linn** County

Amendments filed—629, 630, 769

Amendment offered—862

Bills introduced—20, 21, 433, 479, 486

Committee appointments—25, 26

Presented to the House the Honorable Rosemary Thomson, former member of the House—309
 Resolutions offered—150, 272, 545, 1071, 1103, 1122, 1165, 1249
 Subcommittee assignments—116, 146, 353, 509, 540, 856, 933, 1165

Resolution offered—52

Resolution offered—6

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Amendment filed—1103
 Amendment offered—1128
 Appointed—25
 Bills introduced—412, 701, 743, 770, 772, 815
 Recommendations—419, 683, 699, 714, 746, 850, 1100-1101
 Subcommittee assignments—146, 154, 301, 353, 400, 427, 446, 509, 556, 625, 849, 970, 1068

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House File 301—Representative Metcalf—846
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FALCK, STEVE—Representative Buchanan-Fayette Counties, Assistant Minority Leader

Amendments filed—559, 658, 660, 741, 789, 851, 852, 1191, 1250, 1273, 1421, 1480, 1553, 1767, 1982
 Amendments offered—1767, 1776, 1982
 Amendments withdrawn—907, 1284, 1776, 1791
 Bills introduced—119, 120, 126, 151, 158, 214, 215, 241, 242, 252, 253, 265, 266, 323, 358, 452, 454, 470, 471, 497, 498, 519, 562, 744
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 Explanation of vote—1105
 Leave of absence—943, 1092, 1112, 1126, 1820, 1896
 Presided at sessions of the House—742
 Resolutions offered—90, 150, 212, 515, 1071, 1103, 1122, 1165, 1249, 1420, 1479
 Subcommittee assignments—79, 116, 256, 367, 427, 446, 510, 541, 697, 710, 856, 933, 1068

Resolution offered—6

FALLON, ED—Representative Polk County

Amendments filed—125, 660, 852, 885, 936, 1064, 1646, 1647, 1715, 1716, 1773, 1774, 1855, 1856, 1888, 1972
 Amendments offered—141, 907, 1064, 1869, 1972
 Amendment withdrawn—141
 Bills introduced—105, 119, 158, 215, 241, 242, 243, 261, 266, 296, 306, 323, 371, 421, 431, 470, 480, 489, 498, 631, 632, 633, 743, 744, 770, 1642
 Committee appointments—24, 26, 27, 2031
 Leave of absence—1605
 Resolutions offered—150, 1071, 1103, 1122, 1165, 1249
 Subcommittee assignments—427, 474, 626, 681, 786, 787, 1712

Amendment filed—9

Amendment filed—8

FEDERAL AGENCIES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS and/or FEDERAL AGENCIES)

FINAL DISPOSITION OF MOTIONS TO RECONSIDER—2014

FINCH, BARBARA—Representative Story County

Amendments filed—1631, 1646, 1756, 1879
 Amendment offered—1755
 Amendments withdrawn—1756, 1759
 Bills introduced—21, 86, 252, 433, 453, 479, 486, 594, 597
 Committee appointments—11, 25, 27, 1078
 Leave of absence—306
 Resolutions offered—150, 272, 545, 1071, 1087, 1103, 1122, 1165, 1249, 1420, 1714
 Subcommittee assignments—66, 116, 129, 154, 269, 353, 556, 812, 849, 883, 970, 1068

Bill introduced—8

Resolution offered—6

FOEGE, RO—Representative Johnson-Linn Counties

Amendments filed—516, 559, 591, 592, 655, 658, 660, 852, 885, 955, 984, 995, 1058,
1144, 1145, 1166, 1200, 1421, 1480, 1481, 1509, 1510, 1518, 1522, 1523, 1646,
1760, 1854, 1855
Amendments offered—614, 955, 995, 1158, 1510, 1522, 1744, 1865, 1866
Amendments withdrawn—898, 1532, 1760
Bills introduced—151, 158, 214, 215, 239, 241, 243, 252, 261, 265, 266, 295, 296, 323,
358, 369, 422, 431, 454, 469, 470, 480, 497, 498, 518, 519, 547, 562, 563, 744, 1652
Committee appointment—25
Leave of absence—1677
Presided at sessions of the House—1105
Resolutions offered—90, 112, 149, 347, 515, 858, 1071, 1103, 1122, 1249
Subcommittee assignments—116, 117, 400, 445, 465, 474, 626, 710, 736, 1068

Amendment filed—9

Resolution offered—6

FORD, WAYNE—Representative Polk County

Amendments filed—98, 516, 546, 654, 658, 660, 852, 1307, 1421, 1467, 1480, 1604,
1774, 1855, 1981
Amendments offered—654, 1462, 1466, 1502, 1893, 1894, 1981
Bills introduced—119, 241, 252, 265, 266, 295, 306, 358, 421, 431, 433, 470, 497, 498,
547, 560, 561, 562, 563, 597, 719, 720, 731, 742, 743
Committee appointments—25, 26
Explanation of vote—1118
Leave of absence—293, 975
Presented to the House Lisa Stone, coach of the Drake Women's Basketball Team
and the team—1210
Resolutions offered—150, 515, 1071, 1103, 1165, 1178, 1249, 1479, 1714, 1887
Subcommittee assignments—510, 541, 625, 711, 736

Resolution offered—6

FREVERT, MARCELLA R.—Representative Clay-Kossuth-Palo Alto Counties

Amendments filed—658, 660, 789, 852, 1071, 1179, 1191, 1421, 1480, 1715, 1716,
1774, 1855
Amendments offered—1439, 1503, 1752
Appointed to the Administrative Rules Review Committee—113
Bills introduced—86, 119, 158, 240, 241, 242, 243, 252, 261, 296, 306, 323, 358, 370,
371, 423, 433, 480, 481, 498, 518, 550, 596, 597, 633, 744, 791, 860, 1642
Committee appointments—24, 26
Explanation of vote—2010
Presented to the House Katie Riley, Miss Shamrock—732
Resolutions offered—150, 491, 515, 857, 935, 1087, 1103, 1165, 1249
Subcommittee assignments—269, 270, 465, 672, 735, 786, 970, 1057, 1085, 1549,
1712

Amendments filed—9, 52

Resolution offered—6

GARMAN, TERESA—Representative Marshall-Story Counties

Amendments filed—1646, 1715, 1716, 1756, 1774, 1907, 1928

Amendments offered—1907, 1928

Amendment withdrawn—1907

Appointed to Energy Fund Disbursement Council—45

Bills introduced—20, 22, 64, 87, 453, 486, 742

Committee appointments—26, 27

Explanation of vote—398, 437, 463

Leave of absence—348, 406, 1455, 1482

Resolutions offered—150, 272, 491, 545, 858, 1071, 1087, 1103, 1122, 1165, 1249

Seconded the nomination of the Honorable Steven E. Sukup for Speaker Pro Tempore—13

Subcommittee assignments—111, 117, 147, 154, 301, 417, 427, 445, 465, 483, 510, 856, 883, 1085

Bill introduced—8

Amendment filed—22

Amendment offered—22

Resolution offered—6

GENERAL ASSEMBLY—HOUSE—

(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 1—condition for the Governor Thomas J. Vilsack to deliver his state of the budget message – 11, 12 adopted & msgd. – S.J. – 52, 54 adopted & msgd. – H.J. 63

House Concurrent Resolution 2—condition for Chief Justice Louis A. Lavorato to deliver his judicial branch message – 12 adopted & msgd. – S.J. – 53, 54 adopted & msgd. – H.J. 63

House Concurrent Resolution 3—supporting admission of Baltic States of Estonia, Latvia and Lithuania to North Atlantic Treaty Organization (NATO) – H.J. 52, adopted 99 – S.J. – 116 (Companion to SCR 1)

House Concurrent Resolution 5—promoting National Heat Failure Awareness Week—117

House Concurrent Resolution 7—joint Rules of the 79th G.A.—272, 322, 324. (SCR 6 substituted)

House Concurrent Resolution 10—restricting expenditure of moneys from general fund of state for out-of-state travel by members and employees of G.A.—404, 2015

House Concurrent Resolution 12—support lifting nonmilitary sanctions against Iraq—420

House Concurrent Resolution 16—designate the month of March as Colorectal Cancer Awareness Month—466, 467

- House Concurrent Resolution 17—designating March 2001 as Iowa Women's History Month—477, 554 adopted & msgd. — S.J. — 483, 484 adopted & msgd. — H.J. — 564
- House Concurrent Resolution 30—designating April 12, 2001 as Osteoporosis Awareness Day—1087, 1167 (SCR 23 substituted), 1174
- House Concurrent Resolution 32—marking the completion of the exterior restoration of the Iowa State Capitol—1249, 1250, (SCR 24 substituted) 1253
- House Concurrent Resolution 39—adjournment sine die—2010 adopted & msgd. — S.J. — 1598, 1599 (substituted for SCR 39), 1599 adopted, 1600 msgd. — H.J. — 2013
- House Resolution 1—appointment of secretaries, clerks and pages—15 adopted
- House Resolution 2—appointment of prayer committee—16 adopted
- House Resolution 5—requesting Speaker of the House to appoint a committee on veterans affairs—90
- House Resolution 9—relating to the House code of ethics—251, 289 adopted
- House Resolution 10—rules governing lobbyists—251, 293 adopted
- House Resolution 11—relating to permanent rules of the House for the 79th G.A.—272, 305, 368, 397, 398 adopted
- House Resolution 12—recognize February 6 as “Ronald Reagan Day”—273, 297 adopted
- House Resolution 15—designate Grout Museum as repository of artifacts for Sullivan Brothers—467, 501 adopted
- House Resolution 17—designating March 6, 2001, as Breast Cancer Awareness and Lymphedema D-Day—491, 599 adopted
- House Resolution 19—declaring March 6, 2001, as Marriage Day—545, 608 adopted
- House Resolution 23—urging that attention be focused on potential shortage of qualified nurses—820
- House Resolution 38—designating April 14, 2001, as Pan American Day and the week of April 8-14, 2001 as Pan American Week—1273
- House Resolution 40—urging establishment of a State Task Force on Employment of Iowans with Disabilities—1479
- House Resolution 45—designating June 16, 2001, as Juneteenth National Freedom Day—1714, 1862 adopted
- House Resolution 46—relating to an annual budget for the daily operations of the House of Representatives—1714, 1969 adopted
- House Resolution 47—designating October 15, 2001, as Pregnancy and Infant Loss Remembrance Day—1957, 1959 adopted

House Concurrent Resolution 41—adjournment sine die (Extraordinary Session)—52
Senate Concurrent Resolution 32—sine die (Extraordinary Session)—1640, 1642, 1643 adopted & msgd. — H.J. 31, 50, 51 adopted & msgd. — S.J. — 1648

House Concurrent Resolution 42—adjournment sine die (2nd Extraordinary Session)—34 adopted & msgd. — S.J. 2584 adopted

GIFTS—

(See AWARDS AND GIFTS)

GIPP, CHUCK—Representative Allamakee-Winneshiek Counties
 Amendments filed—812, 813, 936, 1250, 1253, 1480, 1481, 1646, 1677, 1856
 Amendments offered—602, 844, 975, 1596, 1675, 1870
 Amendments withdrawn—1220, 1596, 1677
 Appointed to the Legislative Council—144

Bills introduced—21, 65, 87, 126, 135, 242, 252, 407, 433, 453, 479, 486, 493, 594, 635
 Committee appointments—8, 24, 25, 26
 Leave of absence—988
 Nominated the Honorable Brent Siegrist for Speaker of the House—6-7
 Presentation of visitors (as acting Speaker)—1097-1098, 1304
 Presented to the House the Honorable Arthur Ollie, former member of the House—828
 Presided at sessions of the House—503, 596, 653, 657, 822, 853, 866, 1025, 1063, 1097, 1180, 1299, 1308, 1423, 1437, 1683, 1776, 1819, 1821
 Resolutions offered—150, 272, 545, 1071, 1103, 1122, 1165, 1249, 1420
 Rulings made (as acting Speaker)—831, 872, 1045, 1792
 Subcommittee assignments—116, 129, 147, 257, 367, 427, 446, 465, 540, 625, 725, 849, 856, 857, 883, 970, 1068, 1099

Bill introduced—8
Resolution offered—52

Amendment filed—31
Amendment offered—31
Resolution offered—6

GOVERNOR VILSACK, THOMAS J.—

Addressed joint convention—55-62
 Bills signed by—299, 398, 437, 463, 565, 587, 688, 733, 847, 931, 968-969, 1053, 1097, 1105, 1245-1246, 1269, 1303, 1416, 1474, 1547, 1626-1627, 1710-1711, 1771, 1850, 1953
 Closing message—2031-2032
 Committee to notify and escort—11
 Communication from—255
 Delivered the condition of the State and Budget Message—55-62
 Item veto messages—338-340, 722-723
 Item veto messages after session—2526-2546
 Resolution relating to the condition of the State Message and Budget Message,
 House Concurrent Resolution 1—12 adopted & msgd. – S.J. – 52, 54 adopted & msgd. – H.J. 63
 Resolutions relating to:
 House Concurrent Resolution 1—designating a joint convention for Governor Thomas Vilsack to deliver his state of the budget message—11, 12 adopted & msgd. – S.J. – 52, 54 adopted & msgd. – H.J. 63
 House Concurrent Resolution 4—urging the Governor to appoint a commission to develop design proposals for the US Mint's 50 state quarters program—112 (Companion to SCR 3)
 House Concurrent Resolution 16—requesting the Governor annually designate the month of March as Colorectal Cancer Awareness Month—466, 467
 House Concurrent Resolution 17—designating March 2001 as Iowa Women's History Month—477, 554 adopted & msgd. – S.J. – 483, 484 adopted & msgd. – 564
 House Concurrent Resolution 23—streamline licensing process for immigrants to the United States—729
 House Concurrent Resolution 30—designating April 12, 2001, as Osteoporosis Awareness Day—1087, 1167 (SCR 23 substituted), 1174

House Resolution 29—proclaim the month of May as Military Appreciation Month—935
 House Resolution 38—designating April 14, 2001 as Pan American Day and the week of April 8-14, 2001 as Pan American Week—1273
 House Resolution 45—designating June 16, 2001 as Juneteenth National Freedom Day—1714, 1862 adopted
 House Resolution 47—designating October 15, 2001, as Pregnancy and Infant Loss Remembrance Day—1957, 1959 adopted
 Veto messages—267-268, 425-426, 1053-1055, 1627-1628, 1850-1853, 1954
 Veto message after session—2521-2525

Communication from—1-2

Bills signed by—40-41

Communication from—1-3

GREIMANN, JANE—Representative **Story** County

Amendments filed—546, 655, 658, 660, 789, 813, 852, 1179, 1190, 1421, 1422, 1480, 1481, 1717, 1846, 1855, 1856, 1876, 1935, 1941

Amendments offered—1390, 1941

Amendments withdrawn—1509, 1935

Bills introduced—105, 126, 151, 158, 215, 221, 240, 241, 242, 243, 252, 253, 261, 265, 266, 276, 295, 296, 306, 323, 358, 371, 423, 431, 454, 470, 472, 480, 497, 498, 500, 518, 547, 550, 562, 563, 635, 686, 703, 744, 1642

Committee appointments—25, 26

Presented to the House Fred Hoiberg and Marcus Fizer, Iowa State University graduates and former basketball players—1423

Resolutions offered—90, 150, 212, 491, 935, 1071, 1087, 1103, 1122, 1165, 1249, 1420, 1714

Subcommittee assignments—154, 353, 671

Amendment filed—9

Resolution offered—6

GRUNDBERG, BETTY—Representative **Polk** County

Amendments filed—477, 559, 591, 592, 612, 622, 789, 790, 813, 984, 1057, 1436, 1481, 1553, 1604, 1647, 1841, 1856, 1879, 1888, 1906, 1929

Amendments offered—529, 807, 841, 994, 1594, 1841, 1873

Amendments withdrawn—807, 1436, 1726

Appointed to the Legislative Council—144

Bills introduced—63, 86, 92, 119, 127, 134, 151, 159, 242, 252, 253, 276, 348, 406, 421, 433, 468, 469, 479, 486, 497, 518, 561, 563, 564, 594, 597, 678

Committee appointments—25, 26, 1636

Leave of absence—1112, 1126, 1147, 1168, 1183, 1193, 1255, 1275

Presented to the House Dr. Nancy Coover Andreasen—298

Presided at sessions of the House—560

Reports—1705-1707

Resolutions offered—149, 491, 545, 1071, 1087, 1103, 1122, 1631

Seconded the nomination of the Honorable Brent Siegrist for Speaker of the House—7-8

Subcommittee assignments—84, 98, 116-117, 256, 353, 446, 465, 474, 482, 510, 725

Resolution offered—6**HAHN, JAMES F.—Representative Muscatine-Scott Counties**

Amendments filed—789, 1604, 1646

Bills introduced—20, 21, 64, 134, 275, 307, 323, 433, 479, 486, 597

Committee appointments—25, 26

Resolutions offered—150, 545, 1071, 1103, 1122, 1165, 1249, 1552

Subcommittee assignments—671, 672, 681

*Bill introduced—8*Resolution offered—6**HANSEN, BRAD L.—Representative Pottawattamie County**

Amendments filed—789, 790, 885, 1145, 1306, 1532, 1717, 1758, 1775

Amendments offered—1532, 1814

Amendments withdrawn—951, 1050, 1758

Bills introduced—20, 21, 240, 252, 296, 407, 430, 433, 479, 486, 597

Committee appointments—24, 25, 26

Explanation of vote—694, 767, 968, 1952

Leave of absence—526, 692

Presided at sessions of the House—497, 989, 1183, 1460, 1468, 1532, 1729, 1792

Resolutions offered—150, 272, 466, 491, 545, 1071, 1103, 1122, 1165, 1714

Ruling made (as acting Speaker)—1807

Subcommittee assignments—153, 256, 257, 446, 474, 541, 671, 672, 684, 709, 710, 786, 812, 849, 970, 1105, 1304

*Bill introduced—8**Resolution offered—52*Amendment filed—19Amendment offered—19Amendment withdrawn—19Resolution offered—6**HATCH, JACK—Representative Polk County**

Amendments filed—157, 467, 546, 559, 574, 592, 660, 790, 813, 851, 852, 984, 1273, 1421, 1467, 1480, 1518, 1646, 1855, 1856, 1875

Amendments offered—569, 574, 577, 617, 619, 878, 1010, 1034, 1040, 1467, 1518

Amendments withdrawn—569, 1040, 1879

Bills introduced—119, 214, 215, 221, 240, 241, 242, 243, 252, 253, 261, 265, 266, 296, 306, 308, 323, 358, 371, 421, 442, 454, 470, 487, 497, 498, 499, 500, 518, 527, 547, 550, 562, 563, 632, 744, 1642

Committee appointments—2, 24, 25

Leave of absence—975

Resolutions offered—212, 515, 1071, 1103, 1122, 1165, 1249, 1420, 1714

Subcommittee assignments—427, 625, 697, 711, 934, 970

*Amendment filed—9**Leave of absence—6*

Amendments filed—7, 8

Amendment offered—7

Resolution offered—6

HEATON, DAVID E.—Representative Des Moines-Henry-Washington Counties

Amendments filed—592, 902, 1145, 1166, 1200, 1421, 1480, 1481, 1511, 1513, 1514, 1516, 1517, 1518, 1523, 1527, 1532, 1544, 1638, 1646, 1714, 1775, 1875

Amendments offered—902, 1198, 1508, 1511, 1513, 1514, 1516, 1517, 1518, 1520, 1523, 1527, 1638, 1825, 1837, 1875

Amendments withdrawn—903, 1513, 1523, 1544

Bills introduced—135, 253, 275, 407, 421, 433, 453, 469, 470, 471, 479, 480, 486, 492, 597, 702

Committee appointments—24, 26, 68

Explanation of vote—879, 1269, 1546, 1770

Leave of absence—859

Presided at sessions of the House—685

Resolutions offered—150, 272, 466, 515, 545, 1071, 1103, 1122, 1249, 1957

Subcommittee assignments—79, 111, 301, 342, 367, 445, 446, 509, 510, 541, 697, 970, 1164, 1419

Bill introduced—8

Resolution offered—52

Amendment offered—19

Resolution offered—6

HOFFMAN, CLARENCE—Representative Crawford-Monona-Woodbury Counties

Amendments filed—789, 1191, 1216, 1250, 1251, 1646, 1775

Amendments offered—1315, 1321, 1381, 1382

Bills introduced—20, 21, 86, 158, 241, 308, 407, 421, 423, 433, 453, 479, 486, 594, 596, 597, 633, 703

Committee appointments—25, 26

Explanation of vote—507, 1175, 1546

Leave of absence—105, 1424, 1857

Presented to the House Jacklyn Murray, a student from West Monona Community

High School recognized for her volunteer service—979

Resolutions offered—150, 272, 491, 545, 676, 1071, 1103, 1122, 1249, 1479

Subcommittee assignments—84, 248, 256, 300, 400, 510, 672, 673, 710, 735, 736, 786, 933, 982, 1057, 1099, 1105, 1304

Bill introduced—8

Resolution offered—6

HORBACH, LANCE—Representative Benton-Black Hawk-Tama Counties

Amendments filed—1284, 1646, 1864, 1888

Amendments offered—1284, 1864

Appointed to Indigent Defense Advisory Council—45

Bills introduced—20, 21, 253, 276, 308, 433, 453, 479, 486, 493, 567, 596

Committee appointments—24, 25, 26, 67, 941

Nominated the Honorable Steven E. Sukup for Speaker Pro Tempore—12

Resolutions offered—150, 272, 491, 515, 545, 1103, 1165, 1249, 1479

Subcommittee assignments—84, 248, 367, 400, 541, 625, 672, 725, 1099

Bill introduced—8

Resolution offered—6

HOUSE COMMITTEE ASSIGNMENTS—28

HOUSE CONCURRED—

House File 1, H-1029—230
House File 73, H-1553—1409
House File 180, H-1583—1428
House File 229, H-1575—1410
House File 271, H-1624—1408
House File 292, H-1362—1195
House File 324, H-1380—1134
House File 349, H-1935—1812
House File 352, H-1113—1264
House File 356, H-1478, as amended—1216
House File 458, H-1481—1202
House File 502, H-1689—1621
House File 560, H-1449—1262
House File 561, H-1480—1564
House File 564, H-1652—1619
House File 567, H-1453—1138
House File 579, H-1811A—1893
House File 579, H-1811B—1894
House File 581, H-1482—1266
House File 590, H-1574, as amended—1427
House File 598, H-1578—1424
House File 637, H-1984—1949
House File 656, H-1716—1622
House File 670, H-1937, as amended—1847
House File 674, H-1592—1412
House File 680, H-1653—1562
House File 687, H-2028—1947
House File 694, H-1560—1430
House File 695, H-1958—1840
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House File 714, H-1994—1860
House File 718, H-1714—1658
House File 719, H-1810, as amended—1768
House File 726, H-1763, as amended—1703
House File 732, H-1855, as amended—1839
House File 740, H-1979—1823
House File 742, H-2047—2008
House File 745, H-1996—1890
House File 746, H-2040—1967
House File 755, H-2039—1963
Senate File 350, H-1733—1617
Senate File 458, H-1754—1697
Senate File 532, H-1800—1698

Senate File 537, H-2027—1945

House File 577, H-2053—49

House File 696, H-2052—30

House File 698, H-2051A—24

House File 698, H-2051B—24

HOUSE INSISTS—

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Senate File 466—1623

HOUSE RECEDES—

Senate File 470—1737-1738

HOUSE REFUSED TO CONCUR—

Senate File 203, H-1745—1616

HOUSER, HUBERT—Representative Fremont-Mills-Pottawattamie Counties

Amendments filed—592, 851, 885, 1057, 1058, 1145, 1481, 1518, 1523, 1646, 1717, 1774

Amendments offered—943, 1523, 1721

Amendments withdrawn—1523

Bills introduced—21, 86, 241, 431, 469, 596, 597, 632

Committee appointments—24, 26

Presented to the House Francis Lajba of SCOLA, Wayne Bryant retired

Pottawattamie County Supervisor and Chen Lixia Associate Professor of the Education Ministry of the Peoples Republic of China—989

Resolutions offered—150, 272, 404, 545, 1103, 1165, 1249, 1631, 1957

Subcommittee assignments—116, 146, 249, 427, 474, 489, 672, 681, 735, 786, 787, 812, 849, 1164, 1549, 1603, 1712

Resignation—3

HOVERSTEN, GREG—Representative Woodbury County

Amendments filed—592, 885, 1058, 1071, 1145, 1256, 1517, 1646

Amendments offered—898, 1073, 1124

Amendment withdrawn—1256

Bills introduced—160, 252, 370, 433, 453, 470, 479, 486, 498, 518

Committee appointments—25, 26, 55

Leave of absence—105, 1748, 1776, 1857

Resolutions offered—150, 212, 272, 491, 545, 1071, 1103, 1249, 1479

Subcommittee assignments—98, 116, 234, 248, 417, 427, 465, 510, 557, 672, 711, 726, 735, 786, 883, 982, 1068, 1549

Bill introduced—8

Leave of absence—6

Resolution offered—6

HUMAN RESOURCES, COMMITTEE ON—

Amendments filed—467, 1104, 1107, 1123

Amendments offered—1124, 1400

Appointed—25

Bills introduced—274, 275, 434, 527, 547, 595, 633, 635, 685, 702, 703, 719, 749, 750, 792, 814, 815

Recommendations—429, 466, 513-514, 558, 590, 629, 675, 699-700, 715, 728, 738, 983, 1101, 1106, 1121

Subcommittee assignments—84, 97, 98, 111, 116-117, 234, 248, 260, 262, 353, 399, 417, 427, 445, 446, 465, 510, 557, 672, 680, 710, 711, 735, 736, 883, 982, 1068

HUSEMAN, DANIEL A.—Representative Buena Vista-Cherokee-O'Brien-Plymouth Counties

Amendments filed—789, 1888

Bills introduced—86, 136, 158, 241, 275, 308, 433, 479, 486, 596, 597

Committee appointments—24, 25, 26, 27

Resolutions offered—150, 272, 545, 1071, 1103, 1122, 1165, 1249, 1479

Subcommittee assignments—248, 400, 427, 626, 709, 1712

Bill introduced—8

Resolution offered—6

HUSER, GERI D.—Representative Polk County, Assistant Minority Leader

Amendments filed—467, 516, 559, 566, 574, 658, 660, 813, 852, 972, 1123, 1191, 1421, 1480, 1553, 1587, 1604, 1855, 1876

Amendments offered—570, 574, 579, 604, 1134, 1876

Amendment withdrawn—1037

Bills introduced—87, 136, 158, 215, 221, 239, 241, 242, 252, 261, 265, 266, 267, 323, 358, 421, 423, 454, 486, 489, 499, 518, 635

Committee appointments—8, 11, 24, 26, 27, 941

Explanation of vote—707, 846, 1473

Leave of absence—492, 889, 999, 1555

Resolutions offered—150, 684, 1071, 1087, 1103, 1122, 1165, 1249, 1631, 1714

Special presentation to House pages—552

Subcommittee assignments—154, 262, 400, 556, 672, 710, 970, 1549

Resolution offered—6

INTERIM APPOINTMENTS—

Child Support Advisory Committee:

Dan Boddicker—44

Commission of Elder Affairs:

David Johnson—44

Commission on Interstate Cooperation:

Russell Eddie—45

Russell Teig—45

Dick Weidman—45

Communications Review Committee:

James Van Engelenhoven—45

Criminal and Juvenile Justice Planning Advisory Council:

Pat Shey—45

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Teresa Garman—45

Indigent Defense Advisory Council:

Lance Horbach—45

Prevention of Disabilities Policy Council:

Richard Arnold—45

INTERIM COMMITTEES—

(See also LEGISLATIVE COUNCIL and/or STUDY COMMITTEES)

Resolutions relating to:

House Concurrent Resolution 15—requesting legislative council establish a road use tax fund formula interim study committee—450, 491, 2015

House Concurrent Resolution 26—review current issued and criminal penalties related to persons under legal age who purchase, possess, and consume alcohol—789

House Concurrent Resolution 29—authorize the personal privacy issues study committee to continue deliberations during the 2001 interim—1087

House Concurrent Resolution 31—review penalties and sentencing practices for criminal offenses related to cocaine, derivatives of cocaine, and substances containing a cocaine base such as crack cocaine—1178

House Concurrent Resolution 33—review state policies relating to substance abuse prevention and treatment—1479

House Concurrent Resolution 37—study of issues related to accountability and fraud in contracts or agreements between private contactors and state of Iowa—1887

Senate Concurrent Resolution 22—personal privacy issues study committee to continue deliberations during the 2001 legislative interim—956, 1509, 1510 adopted, 1511 msd. – H.J. – 1858, 1887

INTERIM COMMUNICATION—

Representative Hubert Houser—3

Interim Communication—

Representative Donna Berry—3-4

JACOBS, LIBBY—Representative Polk County, Assistant Majority Leader

Amendments filed—516, 813, 851, 885, 936, 1123, 1604

Amendments offered—534, 900, 909, 912, 949, 1186, 1224, 1232

Appointed to the Legislative Council—144

Bills introduced—65, 87, 135, 215, 252, 432, 433, 469, 479, 486, 518, 598

Committee appointments—2, 24, 26, 941, 2031

Explanation of vote—707

Presented to the House winners of the “Write Women Back Into History” essay contest—553

Resolutions offered—150, 477, 491, 515, 545, 684, 1071, 1087, 1103, 1122, 1165, 1249

Subcommittee assignments—79, 116, 124, 147, 233, 234, 256, 301, 446, 465, 541, 671, 697, 933, 934, 970, 982, 1057, 1105, 1176, 1271

Bill introduced—8

Resolution offered—6

JENKINS, WILLARD—Representative Black Hawk County

Amendments filed—467, 477, 515, 789, 790, 813, 851, 885, 936, 987, 1029, 1047, 1284, 1285, 1306, 1717, 1766, 1767, 1775, 1856, 1888

Amendments offered—530, 532, 533, 946, 1025, 1027, 1029, 1037, 1038, 1039, 1285, 1765, 1766, 1767
Amendments withdrawn—530, 1027, 1033, 1047, 1634, 1766
Appointed to the Workforce Development Board—77
Bills introduced—64, 76, 105, 261, 267, 358, 433, 452, 469, 479, 486, 493, 518, 560, 721
Committee appointments—24, 25
Presented to the House Liliana Derban, an expert of the Defense, Public Order and National Security Committee of the Romanian House of Deputies—267
Presented to the House a delegation of legislators from Saskatchewan, Canada—409
Presented to the House Jae IL Kim, Deputy Chairman of Public Relations Committee of the ruling Millennium Democratic Party of Seoul, South Korea—692
Presented to the House the Honorable John Dennehy, T.D. member of the Irish Parliament—733
Presented to the House Dr. Robert Koob, President and faculty and staff from the University of Northern Iowa—750
Presented to the House Tony DiCecco, coach of the University of Northern Iowa Women's Basketball Team and the team—1174
Presented to the House Major General Gennady Ivanovich Bakharev, head of the Ministry of Emergency Management for the Rostov Region, Russia—1969
Resolutions offered—150, 272, 467, 491, 545, 747, 1071, 1103, 1122, 1165, 1249, 1420
Subcommittee assignments—248, 400, 509, 510, 541, 625, 709, 726, 933, 1105

Bill introduced—8

Resolution offered—52

Resolution offered—6

JOCHUM, PAM—Representative **Dubuque** County, Assistant Minority Leader

Amendments filed—566, 655, 658, 660, 689, 813, 851, 852, 1129, 1130, 1181, 1191, 1306, 1421, 1479, 1480, 1645, 1715, 1855, 1856

Amendments offered—604, 896, 903, 907, 953, 1129, 1221, 1230, 1522, 1525, 1722, 1749

Amendments withdrawn—907, 1234, 1727

Appointed to the Legislative Council—144

Bills introduced—120, 126, 158, 214, 215, 240, 241, 242, 243, 252, 253, 261, 265, 266, 296, 323, 349, 358, 423, 430, 451, 454, 470, 480, 497, 500, 550, 562, 564, 744, 749, 1182, 1642

Committee appointments—2, 24, 25, 26

Leave of absence—1889, 1959

Resolutions offered—90, 149, 150, 466, 515, 1071, 1087, 1103, 1122, 1249, 1420, 1479

Subcommittee assignments—97, 116, 124, 147, 153, 233, 301, 446, 465, 482, 541, 625, 671, 735, 786, 812, 849, 856, 883, 933, 934, 982, 1057, 1304

Amendment filed—9

Bill introduced—8

Resolution offered—6

JOHNSON, DAVID—Representative Lyon-O'Brien-Osceola-Sioux Counties

Amendments filed—592, 769, 789, 851, 885, 935, 1145, 1509, 1523, 1646, 1715, 1716, 1775, 1888

Amendments offered—775, 951, 1483, 1509
 Amendments withdrawn—951, 1523
 Appointed to the Commission of Elder Affairs—44
 Bills introduced—76, 86, 136, 158, 159, 241, 295, 308, 407, 433, 453, 479, 486, 597, 598, 633
 Committee appointments—24, 25, 26
 Explanation of vote—1952
 Resolutions offered—150, 272, 545, 1071, 1087, 1103, 1122, 1165, 1249
 Subcommittee assignments—146, 153, 154, 233, 256, 301, 400, 489, 509, 557, 709, 883, 933, 970, 981, 1057, 1105, 1712

Bill introduced—8

Resolution offered—6

JOINT CONVENTIONS—

Condition of the Judicial Department Message—68-75

Condition of the State and Budget Message—54-62

Resolutions relating to:

House Concurrent Resolution 1, condition of the state and budget message—12
 adopted & msgd. — S.J. — 52, 54 adopted & msgd. — H.J. 63

House Concurrent Resolution 2, condition of the judicial branch message—12
 adopted & msgd. — S.J. — 53 adopted & msgd. — H.J. 63

To honor Pioneer Lawmakers—1079-1083

JOINT RULES—

Resolutions relating to:

House Concurrent Resolution 7—272, 322, 324 (SCR 6 substituted)

Senate Concurrent Resolution 6—177, 182, 221, 242, 243 adopted & msgd. — H.J.—
 817, 851

JONES, GERALD D.—Representative Fremont-Mills-Pottawattamie Counties

Bill introduced—8

Took oath of office—4

Resolution offered—6

JUDICIARY, COMMITTEE ON—

Amendments filed—347, 1087, 1123

Amendments offered—410, 1218, 1572

Appointed—25

Bills introduced—151, 274, 295, 323, 349, 357, 370, 413, 423, 451, 455, 470, 485, 517, 548, 595, 596, 597, 634, 702, 721, 731, 748, 749, 750, 792

Recommendations—149, 264, 346-347, 355, 404, 449, 476, 514, 551, 565-566, 590, 629, 700, 715, 739, 1070, 1086, 1101, 1107, 1121, 1144, 1943

Subcommittee assignments—97, 153, 353, 482, 483, 510, 557, 624, 625, 626, 673, 681, 710, 725, 735, 736, 856, 857, 933, 982, 1057, 1069, 1099, 1165, 1854

KETTERING, STEVE—Representative Ida-Sac-Woodbury Counties

Amendments filed—559, 789, 1166, 1480, 1715, 1775, 1888

Amendments offered—637, 1049, 1312

Bills introduced—20, 21, 86, 158, 159, 241, 253, 295, 308, 407, 433, 479, 486, 492, 596, 597, 633

Committee appointment—25

Explanation of vote—508, 623, 1770

Resolutions offered—150, 272, 545, 1071, 1103, 1122, 1165, 1249, 1479

Subcommittee assignments—97, 400, 482, 509, 510, 557, 624, 625, 681, 735, 1099, 1105

Bill introduced—8

Resolution offered—6

KLEMMER, RALPH—Representative **Plymouth-Woodbury Counties**

Amendments filed—677, 754, 789, 1480, 1646, 1715, 1717

Amendments offered—1500, 1732, 1734

Bills introduced—20, 21, 86, 127, 134, 136, 433, 453, 479, 486, 492, 596, 597, 633

Committee appointments—24, 26

Resolutions offered—150, 545, 1071, 1103, 1122, 1165, 1249, 1479

Subcommittee assignments—111, 146, 154, 233, 417, 446, 483, 673, 1069, 1712

Bill introduced—8

Resolution offered—6

KREIMAN, KEITH A.—Representative **Appanoose-Davis-Monroe-Van Buren Counties**

Amendments filed—125, 157, 220, 273, 347, 356, 363, 405, 467, 515, 545, 559, 580,

582, 591, 629, 660, 665, 769, 789, 851, 852, 1057, 1058, 1071, 1104, 1145, 1273,

1307, 1421, 1480, 1587, 1594, 1715, 1716, 1717, 1734, 1774, 1855, 1876

Amendments offered—141, 220, 360, 362, 363, 521, 582, 779, 872, 1113, 1197, 1239,

1387, 1404, 1587, 1719, 1734, 1878

Amendments withdrawn—361, 506, 520, 580, 665, 1594, 1722, 1726, 1729, 1734, 1735

Bills introduced—86, 87, 151, 221, 240, 241, 252, 253, 266, 306, 358, 407, 421, 423,

434, 435, 452, 454, 470, 480, 497, 518, 519, 561, 562, 594, 633, 719, 744, 1642

Committee appointments—24, 25, 26, 1407

Leave of absence—406

Reports—1808-1810

Resolutions offered—515, 1071, 1103, 1122, 1249

Seconded the nomination of the Honorable Steven E. Sukup for Speaker Pro Tempore—13

Subcommittee assignments—97, 111, 153, 234, 262, 399, 465, 482, 483, 489, 510, 557, 624, 626, 673, 681, 710, 725, 735, 736, 857, 982, 1068, 1069, 1099, 1165, 1712, 1854

Explanation of vote—35

Leave of absence—24

Resolution offered—6

KUHN, MARK—Representative **Floyd-Mitchell Counties**

Amendments filed—516, 546, 660, 769, 852, 1294, 1421, 1452, 1480, 1715, 1855

Amendments offered—795, 1757

Amendment withdrawn—1294

Bills introduced—86, 119, 151, 158, 215, 240, 241, 242, 243, 252, 253, 261, 265, 266, 296, 306, 323, 358, 371, 421, 423, 431, 486, 497, 500, 518, 562, 594, 597, 633, 744, 1436
Committee appointments—24, 26
Explanation of vote—1415, 1770
Leave of absence—1311, 1632
Resolutions offered—90, 150, 212, 515, 935, 1071, 1103, 1122, 1165, 1249
Subcommittee assignments—116, 146, 249, 270, 474, 672, 673, 681, 786, 812, 849, 1549, 1712

Amendments filed—9, 52
Committee appointment—4

Resolution offered—6

LABOR & INDUSTRIAL RELATIONS, COMMITTEE ON—

Appointed—26
Bills introduced—137, 468, 743
Recommendations—149, 449-450, 728, 935, 1101-1102
Subcommittee assignments—84, 256, 300, 400, 446, 541, 672, 673, 725, 970, 1099

LARKIN, RICK—Representative Des Moines-Lee Counties

Amendments filed—429, 652, 658, 660, 852, 1421, 1480, 1597, 1679, 1855
Amendments offered—652, 1679
Appointed to the Public Retirement Systems Committee—114
Bills introduced—53, 119, 151, 158, 214, 215, 221, 241, 242, 252, 261, 266, 296, 323, 371, 423, 431, 469, 497, 498, 499, 500, 517, 518, 547, 562, 720
Committee appointments—26
Leave of absence—1, 1857
Resolutions offered—150, 212, 515, 1071, 1103, 1122, 1165, 1249
Subcommittee assignments—111, 116, 146, 233, 446, 510, 540, 625, 725, 735, 786, 812, 933, 970, 981, 1099, 1603

Resolution offered—6

LARSON, CHARLES W., JR. (Chuck)—Representative Linn County

Amendments filed—467, 515, 1604, 1645, 1646, 1726, 1888
Amendments offered—1610, 1725, 1726
Bills introduced—87, 307, 433, 435, 453, 854
Committee appointments—13, 25, 26, 1407
Explanation of vote—247
Leave of absence—526
Presented to the House Gordon Kellenberger, an Iowa artist—122
Presented to the House artist David Garrison—859
Presided at sessions of the House—158, 1570, 1896
Reports—1808-1810
Resolutions offered—150, 272, 515, 545, 884, 1103, 1273
Subcommittee assignments—262, 734, 735, 812, 1068, 1164, 1478, 1854

Bill introduced—8
Resolution offered—52

Resolution offered—6

LEAVE OF ABSENCE—1, 67, 104, 126, 134, 293, 306, 348, 406, 421, 459, 492, 497, 517, 526, 534, 568, 599, 636, 650, 692, 748, 758, 774, 795, 821, 823, 835, 859, 889, 891, 920, 943, 951, 974-975, 988, 999, 1092, 1112, 1126, 1147, 1168, 1183, 1193, 1233, 1255, 1275, 1295, 1311, 1424, 1455, 1462, 1482, 1534, 1555, 1569, 1574, 1605, 1610, 1613, 1632, 1637, 1677, 1718, 1721, 1727, 1748, 1776, 1793, 1820, 1857, 1873, 1889, 1893, 1896, 1898, 1959

5-6

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LEGISLATIVE COUNCIL—

Appointments to—144

Resolutions relating to:

House Concurrent Resolution 6—149

House Concurrent Resolution 11—404

House Concurrent Resolution 15—450, 491, 2015

House Concurrent Resolution 20—591

House Concurrent Resolution 21—684

House Concurrent Resolution 22—717

House Concurrent Resolution 24—769, 1071, 1073 adopted, 1075 msgd. – S.J. – 973, 981, 1000, 1093

House Concurrent Resolution 25—789

House Concurrent Resolution 29—1087

House Concurrent Resolution 33—1479

House Concurrent Resolution 37—1887

House Concurrent Resolution 38—1957

LEGISLATIVE COUNCIL COMMITTEES—

Appointments to—144-145

LEGISLATIVE EMPLOYEES—

(See OFFICERS AND EMPLOYEES)

LENSING, VICKI—Representative **Johnson** County

Amendments filed—559, 591, 655, 658, 660, 852, 984, 985, 1103, 1179, 1250, 1273, 1421, 1480, 1597, 1846, 1855, 1935

Amendments offered—613, 989, 1486, 1935

Amendments withdrawn—1486

Bills introduced—119, 151, 214, 221, 241, 242, 252, 253, 265, 266, 295, 296, 306, 323, 358, 369, 371, 423, 431, 442, 470, 498, 500, 518, 547, 562, 563, 744, 1642

Committee appointments—25

Leave of absence—105

Resolutions offered—90, 112, 149, 347, 1071, 1087, 1103, 1122, 1165, 1249

Subcommittee assignments—79, 146, 400, 509, 624, 625, 671, 736, 849, 1068

Amendment filed—9

Resolution offered—6

LOBBYISTS—

(See **ETHICS, COMMITTEE ON**)

LOCAL GOVERNMENT, COMMITTEE ON—

Amendment filed—1087

Appointed—26

Bills introduced—432, 470, 547, 631, 701, 745, 750, 770, 771, 772, 792

Recommendations—419, 450, 514, 591, 629, 675, 716, 740, 747, 983, 1086, 1102

Subcommittee assignments—116, 154, 249, 399, 400, 417, 427, 474, 489, 541, 556,
672, 681, 787, 849, 883, 982, 1085MAJORITY LEADER, Christopher C. Rants—Representative **Woodbury** County(See **RANTS, CHRISTOPHER C.**—Representative **Woodbury** County, Majority
Leader)

MANAGEMENT, DEPARTMENT OF—

Communications from—94-95, 110, 232

MANTERNACH, GENE—Representative **Jones-Linn** Counties

Amendments filed—1646, 1888

Bills introduced—86, 433, 453, 479, 486

Committee appointments—11, 24, 25, 26

Presented to the House the Honorable Jerry Welter, former member of the House
and his wife Ruth—1253

Resolutions offered—111, 150, 272, 545, 1103

Subcommittee assignments—154, 438, 489, 540, 557, 672, 970, 1712

*Bill introduced—8*Resolution offered—6MASCHER, MARY—Representative **Johnson** CountyAmendments filed—98, 107, 108, 157, 516, 559, 591, 592, 655, 658, 660, 769, 813,
851, 852, 903, 984, 1145, 1179, 1181, 1190, 1191, 1232, 1233, 1234, 1242, 1306,
1421, 1480, 1597, 1646, 1647, 1715, 1747, 1754, 1846, 1854, 1855, 1856, 1933,
1936, 1937, 1939, 1940Amendments offered—105, 106, 107, 108, 610, 611, 613, 614, 617, 620, 655, 876, 903,
906, 963, 964, 990, 992, 1232, 1233, 1238, 1242, 1389, 1391, 1392, 1394, 1395,
1744, 1747, 1754, 1868, 1933, 1936, 1937, 1939, 1940

Amendments withdrawn—107, 1234, 1265

Bills introduced—105, 119, 151, 158, 214, 215, 240, 241, 242, 243, 252, 253, 265, 274,
295, 296, 306, 323, 358, 369, 422, 423, 431, 434, 454, 470, 480, 497, 498, 500, 518,
547, 561, 562, 563, 595, 632, 635, 703, 731, 744, 770, 771

Committee appointments—24, 25, 27, 1636

Leave of absence—835

Petition presented—986

Presented to the House winners of the "Write Women Back Into History" essay
contest—553

Reports—1705-1707

Resolutions offered—112, 149, 347, 477, 491, 515, 717, 1071, 1087, 1103, 1122, 1165,
1249, 1420

Subcommittee assignments—342, 589, 812

Amendment filed—9

Bill introduced—8

Resolution offered—6

MAY, DENNIS—Representative Cerro Gordo-Mitchell-Worth Counties

Amendments filed—658, 660, 852, 1421, 1422, 1479, 1480, 1481, 1646, 1855

Amendment offered—1497

Amendment withdrawn—1498

Appointed to the Advisory Committee to the Center for Rural Health and Primary—
114

Bills introduced—86, 119, 126, 135, 136, 158, 215, 241, 243, 252, 261, 265, 296, 308,
323, 358, 371, 422, 498, 499, 500, 562, 594, 597, 633, 744

Committee appointments—24, 26

Resolutions offered—150, 935, 1071, 1103, 1122, 1165, 1249, 1631

Subcommittee assignments—154, 445, 489, 515, 541, 970, 1712

Resolution offered—6

MEMORIALS—

Committees appointed—940, 941

In Memoriam List—1089-1090

Joint Memorial Service—1088-1090

Resolutions relating to:

House Concurrent Resolution 13, a concurrent resolution relating to a biennial
memorial session—440, 940 adopted, 942 msgd. — S.J. — 893, 940, 941 adopted &
msgd. — H.J. — 1052

MERTZ, DOLORES M.—Representative Humboldt-Kossuth Counties

Amendments filed—157, 658, 660, 789, 851, 852, 1294, 1422, 1479, 1480, 1597, 1646,
1717, 1756, 1855, 1872

Amendments offered—224, 1499, 1872

Appointed to the Commission on Interstate Cooperation—114

Appointed to the Legislative Council—144

Appointed to the Iowa Public Employees' Retirement System—767

Bills introduced—76, 86, 119, 126, 134, 136, 151, 158, 221, 241, 243, 252, 265, 266,
296, 358, 371, 431, 433, 453, 470, 479, 486, 497, 498, 499, 518, 547, 550, 562, 563,
596, 597, 633, 634, 635, 744

Committee appointments—13, 24, 941

Explanation of vote—364, 1710

Leave of absence—348, 1574

Resolutions offered—150, 212, 491, 515, 935, 1071, 1087, 1103, 1122, 1165, 1249

Subcommittee assignments—79, 97, 146, 301, 342, 368, 540, 626, 1712

Bill introduced—8

Resolution offered—6

MESSAGES—

(See also COMMUNICATIONS)

From Senate—63, 105, 152, 160, 221, 308-309, 408, 424-425, 435-436, 456, 481-482, 519-520, 527-528, 564-565, 622, 636, 669, 679, 687-688, 732, 773-774, 782-783, 792-793, 805-806, 816-817, 854-855, 871, 873-874, 886-887, 892-893, 895, 921-922, 927-928, 937-938, 973-974, 978, 997-998, 1051-1052, 1072, 1077, 1109-1111, 1112-1113, 1125-1126, 1127, 1141-1142, 1147-1148, 1182-1183, 1183-1184, 1188, 1192, 1196, 1214-1215, 1231, 1236, 1252, 1255, 1274-1275, 1286-1287, 1291, 1301-1302, 1308-1309, 1311-1312, 1399, 1423, 1432, 1442-1443, 1472, 1482, 1506, 1533-1534, 1566-1567, 1605-1606, 1632-1633, 1637, 1642, 1648-1649, 1653, 1685-1686, 1696, 1730, 1761, 1813-1814, 1822, 1848-1849, 1857-1858, 1896-1897, 1942-1943, 1969, 1970-1971, 1985-1986, 2013-2014

From Governor—267-268, 338-340, 425-426, 722-723, 1053-1055, 1627-1628, 1850-1851, 1852-1853, 1954, 2031-2032

Immediate messages—12, 109, 144, 226, 231, 247, 254, 298, 338, 350, 352, 361, 362, 364, 410, 412, 414, 416, 458, 460, 461, 462, 494, 496, 503, 507, 526, 534, 539, 554, 586, 606, 610, 622, 639, 694, 706, 722, 754, 758, 761, 765, 766, 779, 783, 785, 807, 811, 825, 830, 835, 841, 845, 866, 871, 876, 892, 895, 922, 930, 942, 948, 953, 957, 965, 967, 978, 1051, 1067, 1075, 1077, 1097, 1117, 1118, 1141, 1161, 1172, 1188, 1231, 1235, 1244, 1254, 1259, 1263, 1267, 1269, 1279, 1287, 1290, 1301, 1317, 1384, 1399, 1407, 1413, 1414, 1429, 1435, 1442, 1457, 1472, 1492, 1494, 1506, 1533, 1545, 1568, 1571, 1574, 1607, 1610, 1614, 1620, 1624, 1638, 1653, 1656, 1657, 1679, 1696, 1704, 1708-1709, 1725, 1728, 1731, 1736, 1742, 1769, 1811, 1819, 1821, 1825, 1827, 1840, 1841, 1848, 1861, 1884, 1895, 1909, 1943, 1946, 1951, 1964, 1968, 1970, 1974, 1986, 1987, 2009, 2010

Item veto messages—338-340, 722-723

Item veto message after session—2526-2546

Senate messages considered—152, 262, 408, 436-437, 472, 487-488, 528, 548-549, 568, 622-623, 636, 679, 688, 691, 793-795, 817-821, 855-856, 860, 887-889, 893-894, 901, 938-939, 942, 978-979, 998, 1059-1060, 1063, 1078, 1113, 1124, 1209, 1244, 1255, 1291, 1302, 1309, 1312, 1415, 1457, 1545, 1607, 1625-1626, 1633, 1731, 1819, 1832

Veto messages—267-268, 425-426, 1053-1055, 1627-1628, 1850-1851, 1852-1853, 1954

Veto message after session—2521-2525

From Governor—1-2

From Senate—3, 16-17, 25, 31, 51

Immediate messages—7, 17, 25, 31, 50

From Governor—1-3

From Senate—3, 30-31, 34-35

Immediate messages—16, 19, 21, 23, 30, 34

METCALF, JANET—Representative Polk County

Amendments filed—591, 592, 972, 1190, 1273, 1284, 1285, 1604, 1646

Amendments offered—612, 614, 615, 1159, 1234

Amendments withdrawn—1284, 1285, 1486

Appointed to the Investment Board, Iowa Public Employees' Retirement System—83

Bills introduced—252, 433, 479, 486, 518

Committee appointments—2, 25, 26, 2031

Leave of absence—748, 846

Presented to the House Theresa Uchtyl, Miss Iowa—633

Presided at sessions of the House—986, 1808

Resolutions offered—150, 272, 467, 491, 515, 545, 1071, 1087, 1103, 1122, 1165, 1249, 1714

Subcommittee assignments—129, 248, 255, 256, 257, 300, 624, 625, 710, 725, 1057, 1068, 1099, 1105

Bill introduced—8

Resolution offered—52

Resolution offered—6

MILEAGE, COMMITTEE ON—

Appointments to—16

Report—80-82

Report adopted—82

MILLAGE, DAVID A.—Representative **Scott** County

Amendments filed—150, 227, 630, 790, 851, 936, 1123, 1481, 1715, 1716, 1717, 1774, 1854, 1856, 1882

Amendments offered—227, 639, 704, 1093, 1094, 1765, 1788, 1864, 1867, 1871, 1881, 1882

Amendments withdrawn—704, 1597, 1788, 1791, 1882

Appointed to the Legislative Council—144

Bills introduced—65, 80, 86, 295, 308, 453, 486

Committee appointments—24, 25, 26

Explanation of vote—1142, 1601

Leave of absence—1534, 1555

Resolutions offered—150, 1103, 1249

Subcommittee assignments—97, 116, 117, 256, 342, 400, 427, 446, 482, 541, 545, 625, 626, 681, 710, 725, 856, 857, 970

Bill introduced—8

Resolution offered—52

Resolution offered—6

MINORITY LEADER, Richard E. Myers—Representative **Johnson** County

(See MYERS, RICHARD E.—Representative **Johnson** County, Minority Leader)

MOTION TO DEFER—

House File 714—1724

House File 746—1788

Lost:

House File 714—1724

House File 746—1788

MOTIONS TO RECONSIDER—

Filed:

House File 271—1472

House File 272—540

House File 718—1709

House File 723—1709

House File 737—1642

House File 743—1709
 Senate Concurrent Resolution 5—338
 Senate File 141—1245
 Senate File 211—1472
 Senate File 267—670
 Senate File 527—1601
 Senate File 528—1601
 Senate File 530—1709
 Senate File 531—1601
 Senate File 532—1709
 Senate File 535—1770

Lost:

House File 718—2014
 House File 737—1951
 House File 743—2014

Prevailed:

House File 271—1598
 House File 272—608
 Senate File 531—1978

Motions to reconsider (filed from the floor):

House File 742, H-1804—1677

Lost (filed from the floor):

House File 742, H-1804—1677

Unanimous Consent:

Senate File 531, H-1677—1978

Withdrawn:

House File 723—1848
 Senate Concurrent Resolution 5—350
 Senate File 141—1314
 Senate File 211—1816
 Senate File 267—692
 Senate File 527—2009
 Senate File 528—1656
 Senate File 530—2009
 Senate File 532—1769
 Senate File 535—1819

Final disposition of motions to reconsider—2014

MURPHY, PATRICK J.—Representative **Dubuque County**

Amendments filed—157, 467, 515, 516, 545, 559, 655, 660, 851, 852, 885, 1421, 1422, 1480, 1553, 1647, 1773

Amendments offered—578, 660, 891, 1556

Amendments withdrawn—225, 1522

Appointed to the Legislative Council—144

Bills introduced—53, 120, 151, 158, 215, 241, 242, 243, 252, 253, 295, 306, 323, 358, 423, 431, 454, 497, 498, 499, 547, 548, 562, 563, 564, 597, 743, 744

Committee appointments—24, 25, 26, 1624

Leave of absence—1727, 1793, 1889, 1959

Requested to be added as a sponsor of House Resolution 17—507

Requested to be added as a sponsor of House File 308—586

Resolutions offered—90, 150, 305, 466, 515, 935, 1103, 1165, 1250, 1887

Subcommittee assignments—117, 256, 446, 465, 510, 541, 557, 711, 970, 1057

Amendment filed—9

Resolution offered—6

MYERS, RICHARD E.—Representative **Johnson** County, Minority Leader

Amendments filed—157, 655, 658, 660, 852, 936, 1422, 1480, 1715

Amendment offered—658

Amendments withdrawn—925, 926, 1758

Appointed to Legislative Council—144

Bills introduced—105, 119, 151, 221, 241, 369, 423, 454, 469, 480, 497, 499, 500, 550,
744, 821, 1679, 1770

Committee appointments—24, 2031

Leave of absence—534

Presented to the House the Honorable Leonard Boswell, United States
Congressman—43

Presented to the House the Honorable Ron Kinzer, former member of the House—
599

Presented to the House the Honorable Michael Moreland, former member of the
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Presented to the House Christine Grant, former Women's Athletic Director at the
University of Iowa—1255

Presided at sessions of the House—86, 478

Remarks by—16-18, 1986-1987

Resolutions offered—11, 12, 18, 90, 112, 149, 212, 347, 440, 515, 747, 935, 1071,
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Amendment offered—1316

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Subcommittee assignments—248, 474, 541, 589, 671, 672, 709, 1085

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Raised—142, 585, 1024, 1046, 1067, 1469, 1526, 1788, 1881

O'BRIEN, MICHAEL J.—Representative Boone-Greene Counties

Amendments filed—515, 516, 658, 660, 851, 852, 1422, 1480, 1553, 1646, 1715, 1774, 1855, 1856

Amendment offered—905

Bills introduced—86, 119, 127, 136, 151, 158, 214, 241, 252, 261, 265, 266, 296, 308, 323, 358, 370, 453, 486, 497, 498, 499, 744, 771, 791

Explanation of vote—364, 1302, 1771, 1849, 2010

Committee appointments—25, 26

Resolutions offered—90, 150, 515, 1071, 1103, 1122, 1165, 1250

Subcommittee assignments—116, 146, 147, 510, 671, 726, 935

Bill introduced—8

Amendment filed—22

Resolution offered—6

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OSTERHAUS, ROBERT J.—Representative Dubuque-Jackson Counties

Amendments filed—118, 515, 559, 650, 658, 660, 729, 789, 812, 813, 852, 1421, 1422, 1480, 1512, 1513, 1514, 1518, 1597, 1631, 1646, 1716, 1717, 1855

Amendments offered—650, 823, 1036, 1037, 1047, 1049, 1512, 1514, 1641, 1687, 1693,

Amendments withdrawn—1037, 1076

Bills introduced—23, 113, 119, 126, 158, 214, 215, 241, 242, 243, 252, 253, 265, 266, 295, 306, 323, 431, 442, 453, 454, 470, 497, 498, 562, 563, 564, 597, 731, 744
Committee appointments—24, 26
Leave of absence—1295
Resolutions offered—90, 150, 515, 1071, 1087, 1103, 1122, 1165, 1250, 1420
Subcommittee assignments—66, 84, 153, 154, 257, 483, 709, 710, 735, 786, 812, 1057, 1105

Amendment filed—9

Resolution offered—6

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(See ADMINISTRATION AND RULES, COMMITTEE ON)

PETERSEN, JANET—Representative Polk County

Amendments filed—559, 591, 592, 658, 660, 852, 984, 1123, 1145, 1296, 1422, 1479, 1480, 1604, 1647, 1774, 1846, 1855, 1856, 1876
Amendments offered—615, 1296, 1506
Amendments withdrawn—621, 1171, 1506, 1876
Bills introduced—119, 151, 158, 214, 221, 241, 252, 265, 266, 296, 306, 323, 358, 470, 497, 498, 500, 550, 562, 563, 598, 743
Committee appointments—25, 26
Leave of absence—988
Resolutions offered—212, 491, 717, 1071, 1087, 1103, 1122, 1165, 1250, 1420
Subcommittee assignments—129, 256, 399, 489, 671, 672, 710, 787, 849, 933, 1105

Bill introduced—8

Amendment filed—8

Resolution offered—6

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Filed—53, 261, 369, 718, 937, 973, 986

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Resolution relating to House Concurrent Resolution 14, a concurrent resolution relating to Pioneer Lawmakers—440, 940 adopted, 942 msgd. — S.J. — 893, 940, 941 adopted & msgd. — H.J. — 1052

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- House Concurrent Resolution 18—urging Congress to support the Railroad Retirement and Survivors Improvement Act—515
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- House Concurrent Resolution 28—urging Congress, U.S. Dept. of Ag. to provide increased federal moneys for purposes of supporting enhanced surveillance expenses as part of a pseudorabies eradication program—935
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QUIRK, BRIAN—Representative Chickasaw-Howard-Winneshiek Counties

Amendments filed—545, 660, 789, 852, 1071, 1191, 1422, 1479, 1480, 1597, 1646, 1675, 1855

Amendment offered—1675

Bills introduced—126, 151, 158, 221, 241, 261, 265, 266, 296, 307, 358, 371, 407, 423, 442, 453, 470, 480, 497, 500, 518, 562, 744

Committee appointments—25, 26, 53, 1078

Resolutions offered—90, 150, 212, 515, 789, 1071, 1103, 1122, 1165

Subcommittee assignments—84, 154, 248, 256, 400, 438, 680, 709, 933, 981, 1105

Resolution offered—6

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RAECKER, J. SCOTT—Representative Dallas-Polk Counties

Amendments filed—789, 1057, 1284, 1466, 1480, 1646, 1715, 1716, 1773, 1774, 1881, 1888, 1978

Amendments offered—410, 803, 1555, 1978

Amendments withdrawn—1284, 1881, 1885

Bills introduced—20, 21, 252, 253, 421, 433, 453, 479, 486, 854

Committee appointments—24, 25, 26

Explanation of vote—508, 1245, 1415, 1602

Leave of absence—1233

Presented to the House Lisa Bluder, coach of the University of Iowa Women's Basketball Team and the team—1175

Presented to the House the Honorable Steve Churchill, former member of the House—1302

Resolutions offered—150, 272, 467, 545, 684, 1071, 1103, 1122, 1165, 1250, 1420, 1479

Subcommittee assignments—79, 97, 154, 256, 353, 400, 446, 483, 510, 673, 681, 697, 709, 735, 736, 933, 970, 1105

*Bill introduced—8*Resolution offered—6

RANTS, CHRISTOPHER C.—Representative Woodbury County, Majority Leader

Amendment filed—218

Appointed to the Legislative Council—144

Bills introduced—21, 295, 357, 433, 453, 493, 518, 1624, 1632, 1679, 1770

Committee appointments—24

Motion to immediately message House Files 582 and 670—1067

Presented to the House the Honorable Steve Saland, a state senator from New York and president of the N.C.S. L.—1091

Remarks by—19-20, 1988-1990

Resolutions offered—18, 150, 272, 440, 491, 545, 884, 1103, 1165, 1249, 1479, 1714, 2010

Special presentation to House pages—552, 1872

*Bill introduced—8**Resolution offered—52*Resolution offered—6

RAYHONS, HENRY—Representative Hancock-Winnebago-Wright Counties

Amendments filed—677, 936, 1480, 1646, 1647

Amendment offered—954

Amendment withdrawn—1654

Bills introduced—20, 21, 86, 92, 134, 136, 371, 422, 423, 433, 453, 478, 479, 486, 563, 596, 731

Committee appointments—24, 26

Presented to the House Denise Johnson, Iowa Mother of the Year for 2001—943

Resolutions offered—150, 515, 545, 1071, 1103, 1122, 1165, 1249

Subcommittee assignments—146, 154, 438, 445, 489, 626, 671, 933, 970, 1712

Bill introduced—8

Resolution offered—6

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REKOW, LEIGH—Representative Allamakee-Clayton-Fayette Counties

Amendments filed—1306, 1646

Amendments offered—1384, 1386

Bills introduced—21, 86, 407, 433, 453, 479, 486

Committee appointments—24, 26

Resolutions offered—150, 272, 545, 1071, 1103, 1122, 1165, 1250

Subcommittee assignments—84, 154, 248, 262, 270, 342, 446, 465, 483, 510, 540, 589, 680, 883, 1085, 1712,

Bill introduced—8

Resolution offered—6

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House Concurrent Resolution 13—440

House Concurrent Resolution 14—440

House Concurrent Resolution 15—450

House Concurrent Resolution 16—466

House Concurrent Resolution 17—477

House Concurrent Resolution 18—515

House Concurrent Resolution 19—545
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Placed on calendar:

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House Resolution 10—251
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Filed:

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Laid over under Rule 25:

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Senate Concurrent Resolution 32—50

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Amendments filed—467, 515, 741, 762, 852, 1058, 1071, 1295, 1310, 1421, 1422,

1480, 1645, 1646, 1715, 1716, 1756, 1854, 1855

Amendment offered—1295

Amendments withdrawn—1076, 1654

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719, 720, 744, 1436, 1642

Committee appointments—25, 26

Leave of absence—599, 636

Resolutions offered—90, 150, 212, 491, 515, 545, 850, 935, 1071, 1087, 1103, 1122,
1250, 1479Subcommittee assignments—116, 147, 233, 248, 301, 353, 417, 446, 465, 474, 510,
680, 710, 856, 883, 934, 982, 1085*Bill introduced—8*Resolution offered—6**RICHARDSON, STEVE—Representative Warren County**Amendments filed—118, 440, 516, 648, 658, 660, 789, 790, 851, 852, 984, 1191, 1422,
1480, 1597, 1683, 1684, 1715, 1716, 1774, 1854, 1855

Amendments offered—648, 958, 959, 1062, 1065, 1454, 1504, 1683, 1684, 1794

Amendments withdrawn—141, 959, 1726

Bills introduced—119, 126, 135, 136, 158, 214, 215, 240, 241, 243, 265, 266, 323, 358,
370, 421, 423, 434, 453, 454, 470, 517, 519, 686

Committee appointments—26, 27

Explanation of vote—1602, 1849, 1952

Leave of absence—1898

Presented to the House wrestler Nick Ackerman—679

Resolutions offered—90, 112, 150, 212, 676, 935, 1071, 1103, 1122, 1144, 1165, 1250,
1714

Subcommittee assignments—116, 249, 270, 400, 427, 556, 589, 735, 786, 1478, 1549

*Amendment filed—9*Amendments filed—7, 8Amendment withdrawn—7Resolution offered—6

ROBERTS, ROD—Representative Carroll-Greene Counties

Amendments filed—1058, 1646

Bills introduced—86, 120, 136, 241, 433, 453, 479, 486, 550, 596

Committee appointments—25, 67, 1078

Presented to the House Christina Santos Cruz—1959

Resolutions offered—85, 150, 272, 491, 545, 858, 1071, 1103, 1122, 1165, 1250, 1957

Subcommittee assignments—129, 248, 353, 417, 556, 625, 672, 710, 970

*Bill introduced—8*Resolution offered—6**RULES INVOKED—**

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House File 577, H-1275—1046

House File 577, H-1285—1024

House File 577, H-1358—1009

House File 714, H-1875—1720

House File 725, H-1617—1503

House File 726, H-1657B—1469

House File 732, H-1672—1526

House File 740—1638

House File 755, H-2008—1881

Senate File 535, H-1896—1755

Lost:

House File 1, H-1020—142

House File 103, H-1031—246

House File 324, H-1073—585

House File 577, H-1275—1046

House File 577, H-1285—1024

House File 577, H-1358—1010
 House File 714, H-1875—1721
 House File 725, H-1617—1503
 House File 726, H-1657B—1469
 House File 732, H-1672—1527
 Senate File 535, H-1896—1755

Prevailed:

House File 740—1638
 House File 755, H-2008—1881

Rule 31.8 (first reading, commitment and amendment):

House Concurrent Resolution 7, H-1040—324
 House File 341, H-1204—612
 House File 598, H-1363—955

House File 759, H-2056—8

House File 759, H-2057—10

Lost:

House File 759, H-2056—8

House File 759, H-2057—11

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House File 191—297

Senate File 258—551

Rule 34 (debate and special order calendars):

1/29/01 Daily Debate Calendar applicable for 1/30/01—215

Rule 57 (committee notice and agenda):

Administration and Rules committee meeting—24, 1970

Commerce and Regulation committee meeting—63

Ways and Means committee meeting—63

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Judiciary committee meeting—549, 1895

Environmental Protection—767

Rule 68 (order of consideration of amendments):

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House File 757—8

House File 758—6

Rule 57 (committee notice and agenda):

State Government committee meeting—5

Ways and Means committee meeting—8

House File 759—7

House File 760—17

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House File 762—24

House File 763—19

House File 764—22

Rule 57 (committee notice and agenda):

Appropriations committee meeting—4

State Government committee meeting—4

RULES—UNDER PROVISIONS OF & PURSUANT TO—

Pursuant to Rule 31.7 (commitment of bills):

House File 95—419

House File 468—714

Senate File 394—1106

Senate File 428—1121

Senate File 486—1107

Senate File 494—1120

Senate File 499—1144

Pursuant to Rule 73.7 (reconsideration):

House File 718—2014

House File 743—2014

Rule 45 (status of bills following first regular session):

2014-2015

Rule 55 (minority recommendation):

House File 304—741

House Study Bill 142—746

SCHERRMAN, PAUL—Representative Delaware-Dubuque Counties

Amendments filed—516, 658, 660, 852, 1191, 1422, 1480, 1645, 1855

Amendments offered—1758, 1867

Appointed to the Administrative Rules Review Committee—767

Bills introduced—86, 93, 120, 126, 221, 240, 241, 242, 243, 253, 306, 358, 432, 443, 470, 480, 498, 500, 518, 564, 597, 633, 702, 744

Committee appointments—24, 26, 27

Resolutions offered—150, 491, 515, 935, 1103, 1165, 1250

Subcommittee assignments—146, 301, 483, 509, 672, 709, 883, 1712

Resolution offered—6

SCHRADER, DAVID—Representative Marion-Warren Counties

Amendments filed—545, 658, 660, 741, 812, 852, 936, 1123, 1191, 1422, 1715, 1716, 1747, 1855

Amendments offered—999, 1024, 1026, 1048, 1128, 1747

Bills introduced—158, 159, 214, 215, 239, 243, 252, 265, 266, 306, 323, 358, 453, 454, 481, 499, 597, 633

Committee appointments—24, 25, 940

Leave of absence—859, 1424, 1482, 1574, 1637, 1857

Requested ruling on whether H-1358 germane—1009

Resolutions offered—112, 150, 1103, 1165, 1250, 1479

Subcommittee assignments—154, 256, 301, 400, 427, 709, 710, 933, 1105, 1712

Bill introduced—8

Amendment filed—8

Amendment offered—8

Resolution offered—6

SEATS—

Assignments of seats in press gallery—76-77, 109-110

Assignments of, to members—43-44

Special order—43

SECRETARY OF STATE, Chester J. Culver

Certificate of election—2-5

Communications from—2-5

Resolutions sent to—1142, 1163

*Certificate of election—4**Communication from—4*Certificate of election—5Communication from—5**SENG, JOE—Representative Scott County**Amendments filed—157, 356, 658, 660, 851, 852, 1386, 1421, 1422, 1480, 1597, 1646,
1715, 1855

Amendments offered—359, 1461, 1825

Amendment withdrawn—1386

Bills introduced—126, 242, 266, 371, 431, 453, 470, 498, 550, 594, 744, 816

Committee appointments—24, 25

Resolutions offered—90, 150, 515, 935, 1103, 1165, 1250, 1420

Subcommittee assignments—256, 257, 400, 446, 510, 1105

Resolution offered—6**SEVENTY-NINTH GENERAL ASSEMBLY—**

(See GENERAL ASSEMBLY—HOUSE)

SHEY, PATRICK—Representative Linn County

Amendments filed—213, 273

Amendment withdrawn—351

Appointed to Criminal and Juvenile Justice Planning Advisory Council—45

Bills introduced—20, 21, 348, 433, 453, 479, 486, 595

Committee appointments—25, 26, 69

Explanation of vote—508, 623, 694, 1083, 1710, 1952

Leave of absence—492

Resolutions offered—150, 545, 1071, 1103, 1122, 1250

Subcommittee assignments—66, 97, 153, 154, 256, 257, 269, 270, 482, 483, 489, 510,
625, 626, 709, 710, 725, 735, 786, 812, 856, 857, 933, 981, 982, 1069, 1105, 1164,
1478, 1549, 1854*Bill introduced—8*Resolution offered—6**SHOULTZ, DON—Representative Black Hawk County**Amendments filed—118, 125, 347, 545, 580, 655, 658, 660, 666, 741, 813, 852, 1198,
1421, 1422, 1454, 1479, 1480, 1481

Amendments offered—138, 359, 666, 1198, 1443, 1454, 1455, 1458, 1599

Amendments withdrawn—141, 143, 580, 1455

Bills introduced—87, 135, 158, 215, 241, 266, 306, 323, 431, 470, 480, 500, 518, 550,
561, 731, 744, 791

Committee appointments—25, 26

Leave of absence—758, 1632, 1721, 1893

Resolutions offered—467, 515, 729, 747, 858, 1103, 1165, 1250

Subcommittee assignments—66, 116, 269, 270, 353, 427, 482, 510, 709, 734, 735, 786, 812, 849, 857, 981, 1164

Amendment filed—9

Amendment offered—9

Amendment filed—8

Resolution offered—6

SIEGRIST, BRENT—Representative **Pottawattamie** County, Speaker of the House
(See **SPEAKER OF THE HOUSE**—Brent Siegrist, Representative
Pottawattamie County)

SIEVERS, BRYAN—Representative **Scott** County

Amendments filed—1436, 1466, 1646, 1715, 1716, 1888

Amendments offered—1436, 1466

Amendment withdrawn—1436

Bills introduced—86, 241, 252, 433, 453, 479, 594, 597

Committee appointments—25, 26, 68

Explanation of vote—508, 846

Leave of absence—421, 497

Resolutions offered—150, 491, 545, 1071, 1103, 1122, 1165, 1250

Subcommittee assignments—66, 116, 146, 248, 249, 272, 399, 400, 427, 474, 486, 541, 556, 625, 671, 672, 681, 710, 734, 735, 786, 787, 812, 849, 970, 981, 1057, 1068, 1304, 1549

Bill introduced—8

Resolution offered—52

Resolution offered—6

SMITH, MARK—Representative **Marshall** County

Amendments filed—516, 559, 591, 658, 660, 700, 812, 851, 852, 972, 1058, 1145, 1166, 1251, 1421, 1422, 1480, 1481, 1646, 1703, 1855

Amendments offered—617, 1156, 1226, 1464, 1687

Amendments withdrawn—1156, 1234, 1491, 1527, 1703

Appointed to the State-County Management Committee—114

Bills introduced—119, 120, 126, 214, 215, 221, 241, 242, 243, 261, 266, 295, 308, 323, 358, 371, 431, 454, 470, 497, 498, 499, 550, 562, 744, 1642

Committee appointments—24, 25, 26, 1624

Leave of absence—1610

Presented to the House Dr. Nancy Coover Andreasen—298

Presented to the House Jimmy Freeman—1858

Resolutions offered—90, 149, 151, 212, 491, 515, 858, 935, 1071, 1103, 1122, 1144, 1165, 1250

Subcommittee assignments—97, 256, 342, 367, 427, 446, 672, 697, 883, 982, 1164

Resolution offered—6

SPEAKER OF THE HOUSE—Brent Siegrist, Representative **Pottawattamie** County

- Addressed the House—9-11
- Appointed to the Legislative Council—144
- Bills deferred, retained on calendar—1209, 1230
- Bills introduced—433, 486
- Bills passed on file—767, 879, 1415, 1849
- Bill placed on calendar—669
- Bills referred and rereferred to committees—83, 110, 232, 299, 364, 694, 707, 930, 2014-2015
- Bills signed by—254, 352, 365, 444, 554, 623, 695, 847, 879, 931, 981, 1052-1053, 1142, 1163, 1175, 1181, 1188, 1245, 1303, 1310, 1415, 1473, 1546, 1602, 1643, 1710, 1849, 1952, 2017
- Committees appointed by—11, 13, 16, 24
- Committee appointments—24
- Elected—8
- Final adjournment—2032
- Leave of absence—526, 823, 1482
- Petition filed—53, 937
- Presentation of visitors—65-66, 152, 299, 463, 554-555, 811, 880, 931, 969, 1083, 1176, 1246-1247, 1416-1417, 1474, 1547, 1643, 1772, 1886, 1955, 2011
- Presented to the House the Honorable Don Hanson, former member of the House—138
- Presented to the House the Honorable Dan Petersen, former member of the House—803
- Presented to the House the Honorable Joe Ertl, former member of the House—1124
- Presided at sessions of the House—24, 54, 63, 67, 75, 80, 83, 92, 99, 104, 108, 113, 122, 126, 137, 151, 219, 220, 224, 227, 261, 265, 274, 293, 359, 369, 406, 442, 451, 458, 468, 485, 517, 549, 567, 568, 593, 610, 620, 631, 634, 639, 665, 678, 690, 701, 718, 730, 748, 780, 791, 795, 807, 814, 821, 859, 876, 889, 924, 937, 942, 963, 988, 998, 1023, 1059, 1063, 1072, 1077, 1078, 1083, 1091, 1109, 1124, 1127, 1147, 1148, 1167, 1168, 1173, 1182, 1192, 1203, 1209, 1236, 1254, 1274, 1290, 1311, 1394, 1465, 1468, 1482, 1494, 1506, 1518, 1532, 1554, 1555, 1605, 1614, 1632, 1641, 1648, 1657, 1659, 1687, 1722, 1728, 1742, 1755, 1757, 1847, 1871, 1885, 1898, 1907, 1928, 1941, 1959, 1970, 1971, 1973, 1985
- Remarks by—9-11, 1990-1992
- Resolutions offered—11, 12, 18, 150, 272, 440, 515, 545, 747, 1103, 1165, 1249, 1714
- Resolutions relating to:
 - House Concurrent Resolution 1—joint convention for Governor Thomas Vilsack to deliver his state of the budget message – 11, 12 adopted & msgd. – S.J. – 52, 54 adopted & msgd. – H.J. 63
 - House Concurrent Resolution 2—Chief Justice Louis A. Lavorato to deliver his condition of the judicial branch message – 12 adopted & msgd. – S.J. – 53, 54 adopted & msgd. – H.J. 63
- Rulings made—230, 612, 1023, 1024, 1238, 1397, 1468, 1503, 1526, 1878, 1881, 1937
- Special presentation to House Pages—552, 1872
- Standing committees appointed—24-27
- Took oath of office—9

Bills signed by—51

Final Adjournment, 2001 Extraordinary Session of the Seventy-Ninth General Assembly—52

Presentation of visitors—51

Presided at session of the House—1, 5, 8, 9, 16, 31

Resolution offered—52

Rulings made—15

Bills signed by—36

Final adjournment, 2001 Second Extraordinary Session of the Seventy-Ninth General Assembly—36

Presided at sessions of the House—1, 4, 24

Resolution offered—6, 34

Rulings made—8, 10

SPEAKER PRO TEMPORE, Steven E. Sukup—Representative Franklin-Hardin Counties

(See SUKUP, STEVEN E.—Representative Franklin-Hardin Counties, Speaker Pro Tempore)

SPECIAL COMMITTEES—

(See COMMITTEES, SPECIAL)

SPECIAL ORDER—

Assignments of seats—15, 43

SPECIAL PRESENTATION—

Representative Myers presented to the House the Honorable Leonard Boswell, United States Congressman—43

Representative Larson presented to the House Iowa artist Gordon Kellenberger—122

Speaker of the House, Brent Siegrist, presented to the House the Honorable Don Hanson, former member of the House—138

Representative Carroll presented to the House the Honorable Bob Krause, former member of the House—140

Representative Jenkins presented to the House Liliana Serban, an expert of the Defense, Public Order and National Security Committee of the Romanian House of Deputies—267

Representatives Grundberg and Smith presented to the House Dr. Nancy Coover Andreassen—298

Representative Elgin presented to the House the Honorable Rosemary Thomson, former member of the House—309

Representative Bukta presented to the House Julie Nixon Eisenhower, daughter of former President Richard M. Nixon—349

Representative Jenkins presented to the House a delegation from Saskatchewan, Canada—409

Representative Bukta presented to the House the Honorable LaMetta Wynn, Mayor of Clinton, Iowa—540

Representative Witt presented to the House Peace Corps volunteers—549

Special presentation to House pages—552, 1872

Representatives Jacobs and Mascher presented to the House winners of the "Write Women Back Into History" essay contest—553

Representative Myers presented to the House the Honorable Ron Kinzer, former member of the House—599

Representative Metcalf presented to the House Theresa Uchytel, 2001 Miss Iowa—633

- Representatives Richardson and Bell presented to the House wrestler Nick Ackerman—679
- Representative Jenkins presented to the House Jae IL Kim, Deputy Chairman of Public Relations Committee of the ruling Millennium Democratic Party of Seoul, South Korea—692
- Jose Wilson sang before the House, accompanied by Representative Fallon, before session—701
- 2001 Irish Dancers performed for the House before session—732
- Representative Frevert presented to the House Katie Riley, Miss Shamrock—732
- Representatives Frevert & Jenkins presented to the House the Honorable John Dennehy, T.D. member of the Irish Parliament—733
- Representatives Jenkins & Witt presented to the House Dr. Robert Koob, President and students and faculty from the University of Northern Iowa—750
- University Concert Chorale from University of Northern Iowa sang for the House—750
- Representative Connors presented to the House the Honorable Bob Anderson, former Lieutenant Governor—777, 1656
- Speaker Siegrist presented to the House the Honorable Dan Petersen, former member of the House—803
- Representative Gipp presented to the House the Honorable Arthur Ollie, former member of the House—828
- Representative Larson presented to the House artist David Garrison—859
- Representative Witt presented to the House Whitney Bauer and Bryan Slauson, students from Southeast Polk High School, who sang "Unforgettable" to Jean and Kermit Tannatt in celebration of their 50th wedding anniversary—859
- Representative Rayhons presented to the House Denise Johnson, Iowa Mother of the Year for 2001—943
- Representative Hoffman presented to the House Jacklyn Murray, a student from West Monona Community High School recognized for her volunteer service—979
- Representative Bell presented to the House Anne Wignall, a student from Berg Middle School recognized for her volunteer service—980
- Representative Houser presented to the House Francis Lajba of CEO of SCOLA, Wayne Bryant retired Pottawattamie County Supervisor and Chen Lixia Associate Professor of the Education Ministry of the People's Republic of China—989
- Members of the Okoboji High School Jazz band performed for the House prior to session—1072
- Representative Van Engelenhoven presented to the House Randa Van Rheenen, Queen of the 2001 Pella Tulip Festival and her court—1073
- Curtis Carroll played the violin for the House before session—1091
- Representative Rants presented to the House the Honorable Steve Saland, State Senator from New York and President of the N.C.S.L.—1091
- 2001 Memorial Choir performed before the House—1091
- The Honorable John Connors and his wife Marge, played the song "I Don't Want to Walk Without You" in honor of their 56th wedding anniversary—1091
- Representative Alons presented to the House the Men's and Women's Basketball Teams of Northwestern College of Orange City—1111
- Speaker Siegrist presented to the House the Honorable Joe Ertl, former member of the House—1124
- Representative Myers presented to the House the Honorable Michael Moreland, former member of the House—1167

- Representative Jenkins presented to the House Tony DiCecco, coach of the University of Northern Iowa Women's Basketball Team and the team—1174
- Representative Raecker presented to the House Lisa Bluder, coach of the University of Iowa Women's Basketball Team and the team—1175
- Representative Tymeson presented to the House five people from Argentina—1183
- Representative Ford presented to the House Lisa Stone, coach of the Drake Women's Basketball Team and the team—1210
- Representative Manternach presented to the House the Honorable Jerry Welter, former member of the House and his wife Ruth—1253
- Representative Myers presented to the House Christine Grant, former Women's Athletic Director at the University of Iowa—1255
- Representative Brauns presented to the House the Honorable Bill Trent, former member of the House—1259
- Representative Raecker presented to the House the Honorable Steve Churchill, former member of the House—1302
- Representative Greimann presented to the House Fred Hoiberg and Marcus Fizer, Iowa State University graduates and former basketball players—1423
- Representative Eichhorn presented to the House students from various high schools in Iowa and also Lydmila P. Pravikova from the Chernigiv Region of the Ukraine—1494
- Representative Smith presented to the House Jimmy Freeman—1858
- Representative Roberts presented to the House Christina Santos Cruz—1959
- Representative Jenkins and Alons presented to the House Major General Gennady Ivanovich Bakharev, Head of the Ministry of Emergency Management for the Rostov Region, Russia—1969
- Representative Wise presented to the House the Honorable Janet Adams, former state Representative from Webster County—1974

The Iowa Professional Firefighters Honor Guard presented the colors—1

SPONSOR—

Added:

- House Resolution 17—Representative Murphy—507
- House File 308—Representative Murphy—586
- House File 324, H-1157—Representative Brauns—587

ST. PATRICK'S DAY OBSERVANCE—732-733

STANDING COMMITTEES—

- Appointed—24-27
- Appropriations subcommittee—27-28
- Committee assignments—28-39

STATE APPEAL BOARD—

- (Richard D. Johnson, Chairman)
- Claims approved—161-210
- Claims disapproved—88-90, 1162-1163
- Communications from, stating claims filed with—88-90, 161-210, 1161-1163

STATE GOVERNMENT, COMMITTEE ON—

- Amendments filed—356, 491, 545, 741, 789, 790, 972, 1104, 1191
- Amendments offered—602, 765, 865, 900, 975, 1221, 1224

Amendment withdrawn—1220

Appointed—26

Bills introduced—294, 407, 430, 485, 527, 550, 685, 690, 742, 815, 816, 1641

Recommendations—272, 356, 404, 429, 476, 490, 514-515, 544, 683-684, 716, 740-741, 788, 972, 1071, 1107, 1645

Subcommittee assignments—116, 117, 124, 129, 146-147, 233-234, 255, 257, 301, 342, 367, 427, 446, 465, 540, 625, 671, 725, 856, 857, 883, 933, 934, 970, 982, 1099, 1102

Bill introduced—6

Recommendation—6

Bills introduced—17, 21

Recommendations—16, 22, 24

STATE OF THE STATE AND BUDGET MESSAGE—

Delivered by Governor Thomas Vilsack—55-62

Resolution relating to, House Concurrent Resolution 1—12 adopted & msgd. — S.J. — 52, 54 adopted & msgd. — H.J. 63

STEVENS, GREG—Representative Dickinson-Emmet-Palo Alto Counties

Amendments filed—516, 655, 658, 660, 789, 813, 852, 984, 996, 1166, 1273, 1422, 1479, 1480, 1715, 1846, 1855, 1933, 1934, 1939

Amendments offered—991, 996, 1280, 1498, 1750, 1933, 1934, 1939

Bills introduced—53, 119, 158, 214, 215, 240, 241, 242, 243, 252, 253, 265, 266, 296, 323, 358, 371, 431, 470, 480, 497, 498, 500, 517, 518, 744

Committee appointments—25

Explanation of vote—968, 1067, 1642

Leave of absence—920, 1613

Resolutions offered—90, 935, 1071, 1087, 1103, 1122, 1165, 1250

Subcommittee assignments—248, 427, 474, 510, 672, 970

Resolution offered—6

STUDY BILL COMMITTEE ASSIGNMENTS—

Administration & Rules—84, 212, 627

Agriculture—250, 270, 303, 304, 542, 698, 712

Appropriations—124, 355, 447, 590, 727, 787, 850, 1176, 1177, 1190, 1271, 1550, 1551, 1713

Commerce-Regulation—124, 156, 236, 302, 303, 402, 428, 512, 627, 698, 737

Economic Development—155, 259, 401, 511, 589, 590, 627, 628, 727

Education—79, 155, 271, 303, 419, 543, 558, 626, 674, 675, 682, 698, 736

Environmental Protection—155, 156, 303, 345, 511, 543

Ethics—132

Human Resources—98, 131, 156, 236, 304, 344, 418, 438, 447, 511, 512, 627

Judiciary—84, 217, 218, 235, 236, 237, 250, 258, 259, 263, 270, 344, 345, 438, 447, 448, 474, 512, 558, 626, 628, 674, 675, 698, 712, 713, 737, 857

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Natural Resources—66, 131, 303, 304, 511, 542

State Government—130, 132, 148, 236, 250, 251, 258, 304, 344, 511, 542, 682, 1551

Transportation—124, 132, 133, 149, 156, 258, 263, 344, 402, 698

Ways and Means—121, 132, 148, 271, 343, 344, 438, 447, 511, 542, 698, 712, 849, 883, 884, 934, 1069, 1478

State Government—5

State Government—4

STUDY BILL SUBCOMMITTEE ASSIGNMENTS—

79, 84, 98, 117, 121, 129, 147-148, 154-155, 211-212, 216, 234-235, 249-250, 257-258, 262-263, 293, 301-302, 342-343, 353-354, 401, 417-418, 427-428, 446-447, 465-466, 483, 511, 541-542, 557, 565, 589, 626, 673-674, 681-682, 688, 697, 711, 726, 736, 745, 787, 812, 857, 934, 971, 1085, 1271, 1550, 1603, 1644

STUDY COMMITTEES—

(See also LEGISLATIVE COUNCIL)

Resolutions relating to:

House Concurrent Resolution 6—149

House Concurrent Resolution 11—404

House Concurrent Resolution 15—450, 491, 2015

House Concurrent Resolution 20—591

House Concurrent Resolution 21—684

House Concurrent Resolution 22—717

House Concurrent Resolution 24—769, 1071, 1073 adopted, 1075 msgd. — S.J. — 973, 981, 1000, 1093

House Concurrent Resolution 25—789

House Concurrent Resolution 29—1087

House Concurrent Resolution 33—1479

House Concurrent Resolution 37—1887

House Concurrent Resolution 38—1957

SUBCOMMITTEE ASSIGNMENTS—

Assigned—66, 79, 84, 97-98, 111, 116-117, 124, 129, 146-147, 153-154, 233-234, 248-249, 255-257, 262, 269-270, 300-301, 342, 353, 367-368, 399-400, 417, 427, 438, 445-446, 465, 474, 482-483, 488, 540-541, 556-557, 589, 624-626, 671-672, 680-681, 697, 709-711, 725-726, 734-736, 786-787, 812, 849, 856, 857, 883, 933-934, 970, 981-982, 1057, 1068-1069, 1085, 1099, 1105, 1164-1165, 1176, 1304, 1419, 1478, 1549, 1603, 1712, 1854

Reassigned—233, 399, 465, 671, 681, 709, 933, 970, 981, 1068, 1271, 1304

SUKUP, STEVEN E.—Representative **Franklin-Hardin Counties, Speaker Pro Tempore**

Amendments filed—142, 1240, 1251, 1288, 1645, 1646, 1714, 1716, 1774, 1888

Amendments offered—138, 142, 1240, 1288, 1722, 1723, 1728

Appointed to the Legislative Council—144

Bills introduced—20, 86, 158, 239, 240, 241, 432, 453, 479, 594, 597

Bills passed on file (as acting Speaker)—980

Bills referred and rereferred (as acting Speaker)—540

Committee appointments—24, 25, 26

Leave of absence—891, 1605

Presentation of visitors (as acting Speaker)—540

Presided at sessions of the House—53, 54, 63, 214, 221, 239, 242, 243, 252, 348, 357, 412, 421, 486, 526, 547, 568, 577, 657, 770, 774, 821, 886, 905, 958, 973, 978, 999,

1111, 1125, 1279, 1512, 1572, 1635, 1636, 1650, 1653, 1680, 1732, 1755, 1827,
1927, 1941, 1970, 1974, 1978
Resolutions offered—150, 272, 545, 858, 884, 1071, 1103, 1250
Rulings made (as acting Speaker)—245, 585, 906, 919, 920, 1009
Subcommittee assignments—66, 116, 248, 269, 270, 400, 483, 541, 624, 625, 626,
673, 734, 735, 970
Took oath of office—13

Bill introduced—8

Resolution offered—6

SUPREME COURT OF IOWA—

(Chief Justice Louis A. Lavorato)
Communication from—95, 128
Delivered the Condition of the Judicial Department's Message—69-75
Resolutions relating to:
House Concurrent Resolution 2—12 adopted & msgd. — S.J. — 53 adopted & msgd.
— H.J. 63

TAYLOR, DICK—Representative Linn County

Amendments filed—658, 660, 852, 1422, 1480, 1774, 1855
Bills introduced—151, 214, 215, 221, 240, 241, 242, 266, 296, 306, 307, 308, 323, 358,
371, 423, 470, 489, 499, 500
Committee appointments—25, 26
Leave of absence—988
Resolutions offered—90, 150, 515, 935, 1103, 1165, 1250, 1420
Subcommittee assignments—256, 400, 672, 681, 734, 786, 849, 982, 1164

Resolution offered—6

TAYLOR, TODD—Representative Linn County

Amendments filed—213, 477, 516, 576, 582, 655, 658, 660, 851, 852, 885, 1144, 1145,
1191, 1216, 1251, 1297, 1299, 1307, 1422, 1480, 1553, 1631, 1774, 1855
Amendments offered—244, 576, 889, 890, 891, 910, 1204, 1216, 1225, 1226, 1229,
1299, 1458, 1459, 1791
Amendments withdrawn—911, 1234, 1490, 1815
Bills introduced—87, 119, 151, 158, 214, 215, 221, 241, 242, 243, 265, 266, 296, 306,
308, 323, 349, 358, 371, 423, 442, 470, 480, 486, 498, 499, 500, 518, 562, 598, 743,
744, 1642
Committee appointments—24, 26
Explanation of vote—1118
Leave of absence—1873
Petitions presented—261, 718
Resolutions offered—90, 150, 212, 515, 935, 1071, 1087, 1103, 1122, 1165, 1250,
1420, 1479, 1552
Subcommittee assignments—84, 117, 256, 257, 300, 301, 400, 427, 541, 673, 856,
970, 1099

Resolution offered—6

TEIG, RUSSELL W.—Representative Franklin-Hamilton-Hardin-Wright Counties,
Assistant Majority Leader

Amendments filed—936, 1452, 1774

Amendments offered—965, 1452

Appointed to Commission on Interstate Cooperation—44

Bills introduced—86, 127, 369, 433, 453, 471, 479, 486, 519, 594, 596, 597, 632, 886

Committee appointments—11, 24, 25, 26

Explanation of vote—508, 1952

Leave of absence—492, 517, 1893

Resolutions offered—150, 272, 545, 1071, 1103, 1122

Subcommittee assignments—489, 509, 510, 672, 673, 734, 735, 786, 812, 1057, 1069,
1304, 1549, 1712

Bill introduced—8

Resolution offered—6

TEMPORARY OFFICERS—

Elected—1

Took oath of office—1

TEMPORARY RULES—

Adopted—16

TRANSPORTATION, COMMITTEE ON—

Amendment filed—1104

Amendment offered—1483

Appointed—26

Bills introduced—412, 433, 443, 455, 500, 678, 721, 744

Recommendations—419-420, 439, 490, 515, 684, 716, 741, 1086-1087, 1102, 1122

Resolution offered—450

Subcommittee assignments—84, 111, 146, 154, 233, 262, 301, 417, 438, 445, 446,
483, 509, 510, 557, 672, 676, 680, 933, 970, 981

TREMMELE, MARK—Representative Wapello County

Amendments filed—157, 368, 467, 484, 515, 559, 591, 630, 658, 705, 717, 789, 790,
852, 1058, 1221, 1236, 1250, 1422, 1480, 1597, 1604, 1646, 1680, 1717, 1756, 1855,
1936

Amendments offered—579, 599, 609, 705, 909, 1095, 1156, 1221, 1488, 1489, 1612,
1680, 1936

Amendment withdrawn—579

Appointed to the Iowa Law Enforcement Academy Council—114

Bills introduced—126, 151, 158, 214, 215, 241, 242, 243, 252, 266, 308, 431, 453, 486,
560, 562, 731

Committee appointments—25, 26, 69, 1407

Reports—1808-1810

Resolutions offered—90, 935, 1103, 1165, 1250

Subcommittee assignments—97, 98, 116, 342, 482, 625, 626, 673, 813, 982, 1069

Resolution offered—6

TYMESON, JODI—Representative Dallas-Madison Counties

Amendments filed—1058, 1166, 1646, 1717
Amendment offered—1275
Amendment withdrawn—1747
Bills introduced—20, 21, 65, 86, 240, 307, 433, 479, 486
Committee appointments—25, 26, 55
Explanation of vote—846
Presented to the House five people from Argentina—1183
Resolutions offered—150, 272, 305, 491, 515, 545, 1071, 1087, 1103, 1122, 1165, 1250
Subcommittee assignments—79, 84, 98, 129, 270, 446, 474, 557, 626, 680, 710, 711, 735, 970, 1068, 1164

Bill introduced—8

Resolution offered—6

TYRRELL, PHIL—Representative Benton-Iowa Counties

Amendments filed—1646, 1715, 1716, 1774
Bills introduced—20, 21, 22, 64, 86, 136, 221, 252, 265, 308, 433, 453, 471, 479, 486, 492, 597
Committee appointments—26
Leave of absence—1857
Resolutions offered—150, 515, 545, 1071, 1103, 1122, 1165, 1250

Resolution offered—6

UNANIMOUS CONSENT—11, 12, 15, 16, 18, 297, 549, 551, 1291, 1607, 1732, 1816, 1943, 1971, 1978

6, 8

UNFINISHED BUSINESS CALENDAR—1139, 1171, 1197, 1203, 1213, 1217, 1259, 1434, 1439, 1570, 1610, 1686, 1736, 1816, 1909
Bills placed on—1097

VAN ENGELENHOVEN, JIM—Representative Mahaska-Marion Counties

Amendments filed—1715, 1716, 1774
Appointed to Communications Review Committee—45
Bills introduced—86, 433, 453, 479, 486, 564, 596, 597
Committee appointments—26
Explanation of vote—1546
Leave of absence—1462
Resolutions offered—150, 272, 545, 1071, 1103, 1122, 1165, 1250
Subcommittee assignments—116, 146, 147, 249, 301, 367, 400, 417, 427, 445, 489, 556, 672, 681, 849, 856, 883, 970, 1085

Bill introduced—8

Resolution offered—6

VAN FOSSEN, JAMES—Representative Scott County

Amendments filed—851, 935, 1888
Bills introduced—20, 21, 252, 433, 453, 479, 486, 518, 561, 564

Committee appointments—25, 26

Explanation of vote—146

Leave of absence—126

Resolutions offered—150, 545, 884, 935, 1103

Subcommittee assignments—154, 256, 269, 270, 509, 709, 812, 933, 981, 982, 1105, 1164

Bill introduced—8

Resolution offered—52

Resolution offered—6

VISITORS—

Presentation of—65-66, 152, 299, 463, 540, 554-555, 811, 847-848, 880, 931, 969, 1067-1068, 1083, 1097-1098, 1176, 1246-1247, 1270, 1304, 1416-1417, 1474, 1547, 1602, 1643, 1772, 1886, 1955, 2011

Presentation of—51

VOTES—

Non-record—107, 142, 570, 577, 585, 613, 615, 619, 621, 705, 721, 879, 891, 903, 909, 910, 991, 1024, 1046, 1065, 1067, 1237, 1240, 1285, 1299, 1430, 1439, 1460, 1487, 1490, 1503, 1612, 1638, 1677, 1687, 1724, 1748, 1755, 1788, 1860, 1881, 1894, 1928, 1929, 1933, 1936, 1937, 1941, 1951, 1978

Record—140, 223, 224, 245-246, 574-575, 576-577, 578-579, 649-650, 651-652, 652-653, 654, 656-657, 657-658, 659, 665, 667-668, 801, 842, 878, 890, 904-905, 905-906, 911-912, 924-925, 990, 1009, 1017-1018, 1024-1025, 1027, 1032-1033, 1033-1034, 1035, 1036, 1038, 1048-1049, 1061-1062, 1128-1129, 1205-1206, 1208-1209, 1239, 1241, 1282-1283, 1283-1284, 1293-1294, 1295-1296, 1297, 1298-1299, 1455-1456, 1459-1460, 1461-1462, 1463-1464, 1466, 1469, 1470-1471, 1497-1498, 1499, 1508, 1510, 1515, 1527, 1558-1559, 1559-1560, 1608-1609, 1674, 1681, 1682, 1683, 1694, 1720-1721, 1748-1749, 1753-1754, 1756-1757, 1757-1758, 1759, 1864, 1866, 1867-1868, 1869, 1870, 1872-1873, 1972-1973, 1981-1982, 1982-1983

Quorum call—137, 222, 243, 296, 323, 359, 412, 497, 526, 569, 578, 598, 636, 639, 693, 901, 943, 998, 999, 1063, 1113, 1125, 1168, 1255, 1280, 1436, 1443, 1464, 1494, 1506, 1607, 1633, 1638, 1659, 1680, 1719, 1732, 1744, 1820, 1822, 1885, 1896, 1897, 1898, 1927, 1971, 1986

Non-record—8

Record—10-11

WARNSTADT, STEVE—Representative Woodbury County, Assistant Minority Leader

Amendments filed—238, 450, 591, 619, 658, 660, 789, 813, 852, 885, 936, 1071, 1191, 1422, 1480, 1524, 1553, 1597, 1646, 1660, 1675, 1677, 1715, 1775, 1854, 1855

Amendments offered—619, 908, 912, 919, 1524, 1660, 1677, 1871

Amendments withdrawn—604, 1049, 1658, 1675, 1677, 1724, 1729, 1871

Bills introduced—53, 119, 151, 159, 239, 269, 307, 371, 431, 454, 470, 499, 549, 563, 594, 595, 631, 632, 719, 732, 743

Committee appointments—16, 24, 26, 27

Explanation of vote—1546

Leave of absence—1896

Resolutions offered—90, 150, 305, 515, 591, 789, 935, 1071, 1103, 1122, 1165, 1250, 1479, 1714

Subcommittee assignments—79, 233, 249, 256, 400, 417, 483, 557, 672, 711, 883, 1419

Bill introduced—8

Leave of absence—6

Committee appointments—6

Resolution offered—6

WAYS AND MEANS, COMMITTEE ON—

Amendments filed—112, 1273, 1306, 1774

Amendments offered—138, 1494

Appointed—26

Bills introduced—493, 886, 986, 987, 1148, 1173-1174, 1181, 1254-1255, 1290, 1301, 1414, 1492, 1554, 1625, 1637, 1731

Recommendations—111-112, 490, 884, 983-984, 1165, 1177-1178, 1181, 1272-1273, 1305-1306, 1551-1552, 1630-1631, 1645, 1713-1714, 1773, 1971

Subcommittee assignments—66, 116, 146, 269, 270, 489, 709, 710, 734, 735, 786, 812, 849, 970, 981, 1057, 1164, 1304, 1478, 1549, 1603

Recommendations—8-9

WEIDMAN, DICK—Representative Cass-Montgomery-Pottawattamie Counties

Amendment filed—467

Appointed to Commission on Interstate Cooperation—44

Bills introduced—86, 136, 479, 486, 597, 635

Committee appointments—16, 26

Leave of absence—692

Resolutions offered—150, 272, 491, 515, 545, 1071, 1103, 1122, 1165, 1250

Subcommittee assignments—84, 154, 233, 248, 262, 400, 474, 483, 489, 541, 672, 680, 883, 981, 982, 1085

Bill introduced—8

Resolution offered—6

WILDERDYKE, PAUL—Representative Harrison-Pottawattamie Counties

Resolution offered—6

Took oath of office—5

WINCKLER, CINDY—Representative Scott County

Amendments filed—591, 658, 660, 852, 984, 1179, 1190, 1293, 1296, 1299, 1422, 1480, 1597, 1646, 1715, 1717, 1846, 1854, 1855, 1856, 1933

Amendments offered—613, 616, 993, 1390, 1751, 1865, 1933

Bills introduced—119, 120, 126, 151, 214, 221, 241, 252, 266, 296, 323, 358, 423, 480, 498, 500, 517, 562, 744, 1642

Committee appointments—11, 25, 26, 27

Leave of absence—1168

Resolutions offered—212, 491, 717, 1071, 1087, 1103, 1122, 1165, 1250, 1420

Subcommittee assignments—256, 446, 557, 725, 735, 786, 1164

Resolution offered—6**WISE, PHILIP—Representative Henry-Lee Counties**

Amendments filed—516, 546, 559, 591, 653, 655, 658, 660, 741, 789, 851, 852, 1310, 1421, 1422, 1480, 1509, 1645, 1646, 1846, 1855, 1888, 1906, 1929, 2008

Amendments offered—618, 653, 842, 1060, 1460, 1509, 1750, 1760, 1846, 1864

Amendments withdrawn—658, 1049, 2008

Bills introduced—23, 53, 64, 67, 151, 158, 221, 222, 241, 265, 266, 275, 296, 422, 469, 744

Committee appointments—24, 25, 1636

Petitions presented—369

Presented to the House the Honorable Janet Adams, former member of the House—1974

Reports—1705-1707

Resolutions offered—212, 717, 1071, 1103, 1122, 1165, 1250

Subcommittee assignments—79, 342, 556, 709, 970, 1057, 1105, 1271

Resolution offered—6**WITT, WILLIAM G.—Representative Black Hawk County**

Amendments filed—516, 545, 655, 658, 660, 741, 789, 813, 851, 1191, 1480, 1714, 1715, 1716, 1773, 1774, 1855

Amendments offered—1018, 1023, 1035, 1046, 1050, 1748,

Bills introduced—53, 119, 151, 221, 240, 241, 242, 252, 253, 261, 265, 266, 295, 306, 358, 421, 423, 431, 470, 472, 480, 550, 562, 563, 744, 1642

Committee appointments—25

Explanation of vote—1473

Leave of absence—348, 1193, 1275, 1311, 1718

Presented to the House Peace Corps volunteers—549

Presented to the House Dr. Robert Koob, President and faculty and staff from the University of Northern Iowa—750

Presented to the House Whitney Bauer and Bryan Slauson from Southeast Polk who sang "Unforgettable" to Jean and Kermit Tannatt honor of their 50th wedding anniversary—859

Resolutions offered—90, 150, 747, 935, 1071, 1103, 1122, 1165, 1479

Subcommittee assignments—84, 97, 353, 446, 509, 556, 672

*Amendment filed—9*Resolution offered—6